Entrusting Collections:
Exploring a Process for
Held-In-Trust Collections

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ABSTRACT

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This study focused on the process of returning held-in-trust collections to their affiliated tribes. This is a topic that has yet to be written about but is crucial to the museum field as it incorporates the importance of non-NAGPRA repatriation and has impacts on both the stewardship of collections and on museum and tribal relationships. Literature on Native American Graves Protection and Repatriation Act (NAGPRA), stewardship and ethics, and Native interpretation was reviewed to explore the history of repatriation, a process model for repatriation, how museums can be ethical stewards of collections, and how the trend towards the opening of Native repositories can be beneficial. The goal of this study was to describe the held-in-trust process from various perspectives of individuals involved.

Information for this research was collected in semi-structured interviews with museum, agency, and tribal professionals. The individuals were selected based on their experience with this process. The data received from these interviews demonstrated that each held-in-trust case is different and should be approached and treated to fit the situation, and that processes involving multiple institutions do not come without their challenges. It also illustrated the importance of communication and dialog, as well as the importance of building relationships over time, which aided in the fluidity of the process.

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GLOSSARY

Held-In-Trust Collections:

Refers to a category of museum collection that is curated by an institution for another institution; the curating institution does not own the collection but holds it for the benefit of the lending institution.

Native American Graves Protection and Repatriation Act (NAGPRA):

Federal law passed in 1990. NAGPRA provides a process for museums and Federal agencies to return certain Native American cultural items -- human remains, funerary objects, sacred objects, or objects of cultural patrimony -- to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations.[1]

Repatriation:

The process by which museums and other institutions transfer possession and control of Native American, Alaska Native and Native Hawaiian human remains, funerary objects, objects of cultural patrimony and sacred objects back to the tribes of origin.[2]

Federally Recognized Tribe:

"An American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs…. [They] are recognized as possessing certain inherent rights of self-government (i.e., tribal sovereignty) and are entitled to receive certain federal benefits, services, and protections because of their special relationship with the United States.[3]

Interpretation:

"Everything we do that helps visitors make sense of our collection."[4]

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[1] "National NAGPRA FAQ." National NAGPRA. National Park Service Department of the Interior, n.d. Web. March. 2015. http://anthropology.si.edu/repatriation/whatis/index.htm

[2] "What Is Repatriation?" Smithsonian National Museum of the American Indian. Accessed May 2015.

[3](Department of the Interior. "Indian Affairs | FAQ." Indian Affairs. Accessed February 2015. http://www.bia.gov/FAQs/index.htm.

[4] "Small Objects Telling Big Stories" British Museum. Accessed March 2015. http://blog.britishmuseum.org/tag/interpretation/

CHAPTER ONE: INTRODUCTION

There is a unique process occurring at museums to house collections for other institutions. The museum curates these collections but does not own them; instead, they hold the in-trust for other institutions including tribes and state agencies. These museums are able to act as neutral repositories that care for collections while the owner decides to transfer the collection or while the tribe builds a facility. This process has yet to be written about but is crucial to the field as an opportunity to not only allow museums to serve as ideal stewards of collections, but also to impact museum and tribal relationships.[5] The goal of this research was to describe the process of returning non-NAGPRA collections to their affiliated tribe. The data was collected from five different perspectives, illustrating all aspects of the process.

This research will benefit the field by introducing a previously undocumented procedure and hopes to inspire institutions to implement a similar process. By describing this process, an accessible tool will be created for other institutions to consider in order to hold collections in trust for others. In addition to the opportunity to join the pool of museums implementing this process, holding collections in trust for other agencies or tribes will allow for more collaboration and stronger relationships between tribes and museums.[6] The benefit of this impact will not only strengthen the museums as fair and ethical institutions, it also has the potential to create innovative dialog around the collections. When tribal and museum relationships have the opportunity to deepen, so does the knowledge surrounding museum collections.[7]

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[5] Museum Representative A. Interviewed by Kelly Matson. March 19, 2015

[6] W. Richard West, "A New Idea of Ourselves: The Changing Presentation of the American Indian", In *The Changing Presentation of the American Indian.* (Seattle and London: University of Washington Press, 2000) 6-8

[7] Museum Representative A. Interviewed by Kelly Matson. March 19, 2015

CHAPTER TWO: LITERATURE REVIEW

Three categories of literature were crucial in informing this study; information on the Native American Grave Protection and Repatriation Act (NAGPRA), ethics and stewardship and Native interpretation and collaboration in museums. Information on NAGPRA was reviewed to understand the beginnings of the idea of repatriation and transfer, ethics and stewardship helped to conclude ethical conduct for museums and archaeologists as stewards, and Native interpretations in Museums addressed the importance of collaboration in cultural museums as well as the trend towards Native tribes opening their own museums.[8] This literature review was designed to supplement interviews and gather information on why this movement to return collections came to be, how to cement a straightforward process, and how to create stronger relationships between Native groups and museums. By reviewing these areas of research, the literature provides background information on the process being studied.

NAGPRA

LEADING UP TO NAGPRA

In his essay titled *The Politics of Archaeology,* Joe Watkins states, "The history of the relationship between American Indians and archaeologists is one of strife and mistrust…"[9] Since the 1990 passing of the Native American Grave Protection and Repatriation Act, debates surrounding the ethics of archaeology and repatriation have been at the forefront of the field.[10]

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[8] Josephine Lee "Tribal Cultural Centers" Planning for Today and Tomorrow" (Masters Dissertation, University of Washington, 2013

[9] Joe Watkins, "Politics of Archaeology" in *Negotiating Culture* (Amherst and Boston, University of Massachusetts, 2013) 21

[10] Chris and Geoffrey Scarre*, Ethics of Archaeology: Philosophical Perspectives on Archaeological Practice.* (New York, Cambridge University Press, 2006) 1

In her story of the ongoing struggle of Native Americans trying to repatriate the culture of their ancestors, Kathryn Fine-Dare begins her book, *Grave Injustice* with a critique of collecting throughout history and of the museums that house these ancestral objects. She quotes art historian Edward F. Fry who critiques museum collecting, stating that museum collections have become "…physical embodiments of a nation's history"[11] Fine-Dare herself agrees with this opinion of collecting practices being a way to physically illustrate history by stating, "The story of the relationship of the United States of America to the continents first peoples can perhaps be summarized in one phrase: Manifest Destiny."[12]

In his essay *The Representations of Indian Bodies in Nineteenth-Century American Anthropology,* Robert E. Beider continues with this theme of settlement by introducing the concept of the desire to discover and potential reasons behind collection through a different perspective, "…Indians were also associated with nature…nature has been presented… as different, as threatening, or powerful, and by those very tokens, as an object of intense curiosity."[13] Curtis M. Hinsley Jr. continues on this concept of discovery and curiosity in his essay, *Digging for Identity: Reflections of the Cultural Background of Collecting,* by discussing why people began collecting in the first place. His premise can be garnered in the following quote, "Collecting and the dynamics of settlement were, it seems, intimately entwined"[14]

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[11] Kathleen Fine-Dare, *Grave Injustice*: *The American Indian Repatriation Movement and NAGPRA,* (Lincoln and London, University of Nebraska Press, 2002)14
[12] Fine-Dare, *Grave injustice,* 13
[13] Robert E. Bieder, "The representation of Indian Bodies in 19th Century American Anthropology" in *Repatriation Reader: Who Owns American Indian Remains?* (Lincoln and London, University of Nebraska Press, 2000) 21
[14]Curtis M Hinsley Jr. " Digging for Identity: Reflections on the Cultural Background of Collecting" in *Repatriation Reader: Who Owns American Indian Remains?* (Lincoln and London, University of Nebraska Press, 2000) 49

Combined with a quote from Kathleen Fine-Dare, collecting stemmed from settlement and the want of, "…ethnographic remnants of dying and disappearing cultures."[15]

Fine-Dare illustrates that Native Americans have been fighting for their rights since settlers moved into their lands and hundreds of years later, they are still fighting, but have finally begun to have small victories in the recent past, "Native struggle to regain land and culture continued through history with the first repatriation victory occurring in 1938."[16] She alludes to the fact that after the Second World War the idea of change became a reality, "It wasn't until after World War Two that Native groups who had returned to the reservations from fighting that they began to really advocate for their rights."[17] Fine-Dare discusses a convention held 40 years later that finally addressed some of the issues Native American had been discussing for centuries; "some of these issues include who should be in charge of displays, why Indians should be employed in museums, who the appropriate persons should be to design educational programs centered around Native American cultures, and how a tribe can set up its own museum and gain title to the objects in it."[18]

It would be another 20 years before change occurred but as Fine-Dare uncovers the reason why that change was inevitable, "Sadness and regret for unintentional disrespect given by the expedition…it is right, just and fitting to return with the greatest reverence and care the remains of the ancestors and burial and sacred objects into the hands of their descendants."[19]

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[15] Fine-Dare*, Grave injustice,* 30
[16]Fine-Dare, *Grave Injustice,* 68
[17] Fine-Dare, *Grave Injustice*, 68
[18] Fine-Dare, *Grave injustice,* 77
[19] Fine-Dare, *Grave injustice*, 2

NAGPRA, THE ACT ITSELF

The Native American Graves Protection and Repatriation Act was passed on November 16, 1990 establishing legal standards and procedures for repatriation.[20] The act supports repatriation of human remains, funerary objects and sacred objects to federally recognized Native American and Native Hawaiian tribes by federal agencies and federally funded museums.[21]

Fine-Dare describes the underlying definition of NAGPRA, "To repatriate - in other words, to bring home—objects and human remains that do not properly belong to their current owners is concerned with private collections as well as public ones….public museums, which can, in a way, be thought of as display cases in our national living room. Although on the surface it may seem that the collection and display of objects in public places may provide easier moral and practical answers than dealing with their counterpart in private hand, they do not."[22]

In the preface of *Mending the Circle, A Native American Repatriation Guide,* Walter Echo-Hawk, ESQ. describes the relationship of Native and Non-Native people being a "pattern of one-way transfers"[23] He continues to say that the passing by Congress NAGPRA as a small gesture to reverse this pattern. He alludes to the fact that implementing NAGPRA will take years to reach its full potential due to the "sheer magnitude of American museum collections…"[24]

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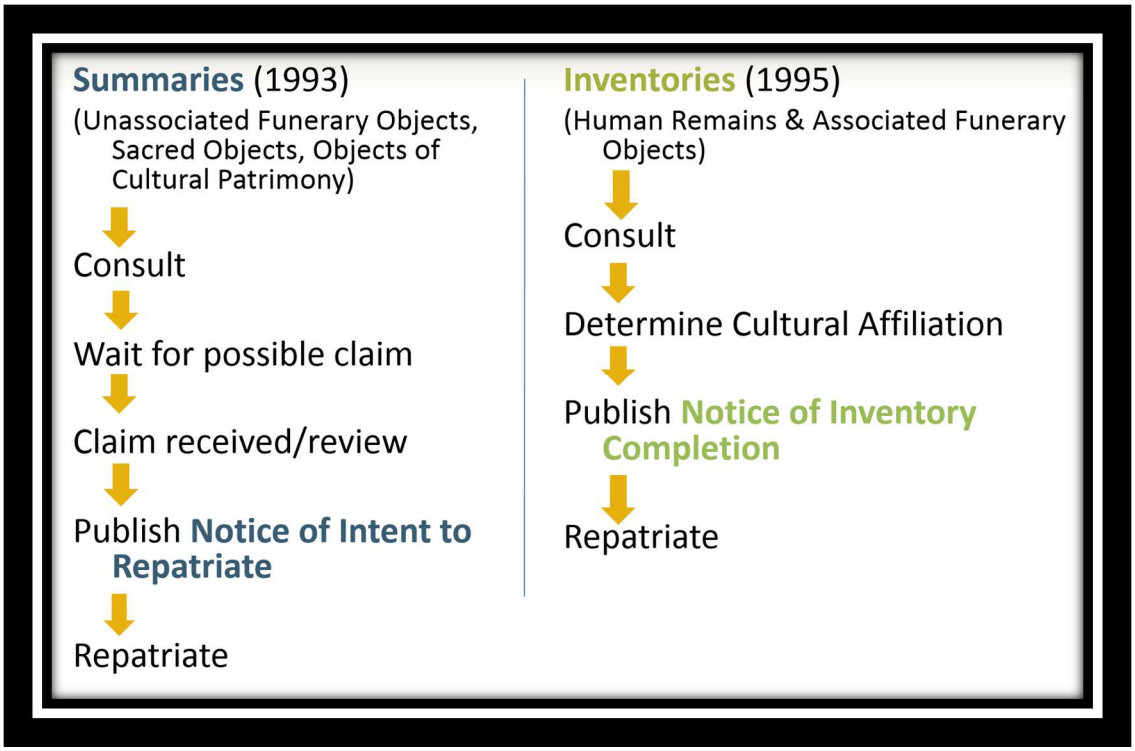
[20] Jack Trope, "The Native American Graves Protection and Repatriation Act" in *Mending the Circle.* (New York, American Indian Ritual Object Repatriation Foundation, 1997) 9
[21] Jack Trope, *Mending the Circle,* 9
[22] Fine-Dare, *Grave Injustice,* xiv
[23]Walter Echo-Hawk. "Preface" in *Mending the Circle.* (New York, American Indian Ritual Object Repatriation Foundation, 1997) 1
[24] Walter Echo-Hawk. "Preface" in *Mending the Circle.* (New York, American Indian Ritual Object Repatriation Foundation, 1997) 1

In both their guide to Native American Repatriation, *Mending the Cirlce,* and their paper titled, *The Native American Graves Protection and Repatriation Act: Background and Legislative History,* Jack Trope and Walter Echo-Hawk lay out the process involved with repatriation of NAGPRA remains and objects. NAGPRA requires federally funded agencies to return Native American human remains and funerary objects upon request to a lineal descendant, a federally recognized Native American tribe, or a Native Hawaiian organization. For unassociated funerary objects or objects of cultural patrimony, a tribe may lay claim to them if it can be proven that it is a sacred object, that there is cultural affiliation, and proof that the museum does not have the to right of possession.[25]

Museums and federal agencies were required to create summaries and inventories of objects falling under the previously mentioned categories.[26] The image below is a chart of the procedure from the museums perspective presented by Jess Milhausen during her lecture to the collections course on NAGPRA:

[25] Jack Trope, *Mending the Circle,* 13
[26] Jack Trope, *Mending the Circle,* 10



(Figure 1: Shows the process of creating inventories and summaries)

Trope and Echo-Hawk describe the importance of consultation throughout this process, "The inventory is to be conducted in consultation with Native American governmental and traditional leaders and the Review Committee." It was during this consultation process that decisions were made in regards to claims and returns.[27]

But NAGPRA is more than just the procedures involved as noted by multiple authorities on the subject. Fine-Dare comments on the act saying, "NAGPRA is not just about taking careful inventory of Native American cultural property and human remains so that repatriation of them may take place. Perhaps just as important, the law has opened new dialogues concerning the maintenance and further creation of just practices, attitudes, and laws vis-à-vis aboriginal human

[27] Jack Trope and Walter Echo-Hawk, "The Native American Graves Protection and Repatriation Act: Background and Legislative History" in *Repatriation Reader: Who Owns American Indian Remains?* (Lincoln and London, University of Nebraska Press, 2000)

remains, cultural property and knowledge."[28] Joe Watkins continues this theme in *The Politics of Archaeology*, "Repatriation is by all means a political action, but so too is the retention of the items…"[29] Jack Trope and Walter Echo-Hawk discuss the legal background of NAGPRA in their essay, *The Native American Graves Protection and Repatriation Act Background and Legislative History.* They determine the intent of this act, "NAGPRA is first and foremost, human rights legislation, it is designed to address the flagrant violation of the civil rights of America's first citizens"[30] and remind us how the true message in this law passing gives hope for a brighter future, "Most importantly, NAGPRA was intended to 'establish a process that provides the dignity and respect that our Nation's first citizens deserve'…[and] would 'encourage a continuing dialog between museums and Indian tribes…'"[31]

ETHICS AND STEWARDSHIP

Goldstein and Kintigh define ethics, "In general terms, ethics can be seen as a coherent system of values that specify a code of conduct."[32] In their article, *Ethics and the Reburial Controversy,* Lynne Goldstein and Keith Kintigh describe the ethical debate between anthologists and Native tribes surrounding repatriation as breaking down into "dominance" and "tolerance". They continue illuminating aspects of the debate, trying to define what makes an ethical archaeologist. "To claim that archaeologists have no right to excavate or examine an

[28] Fine-Dare*, Grave Injustice,* 140
[29] Joe Watkins, "Politics of Archaeology" in *Negotiating Culture* (Amherst and Boston, University of Massachusetts, 2013) 25
[30] Jack Trope and Walter Echo-Hawk, "The Native American Graves Protection and Repatriation Act: Background and Legislative History" in *Repatriation Reader: Who Owns American Indian Remains?* (Lincoln and London, University of Nebraska Press, 2000) 139
[31] Jack Trope and Walter Echo-Hawk, "The Native American Graves Protection and Repatriation Act: Background and Legislative History" in *Repatriation Reader: Who Owns American Indian Remains?* (Lincoln and London, University of Nebraska Press, 2000) 140
[32] Lynne Goldstein and Keith Kintigh, "Ethics and the Reburial Controversy" in *Repatriation Reader: Who Owns American Indian Remains?* (Lincoln and London, University of Nebraska Press, 2000)181

entire class of information is to deny our background…"[33]On the other hand, the authors argue for the side of tolerance posing the question of how to best balance the ethical concerns of archaeologists for knowledge with the belief of cultural relativism. Their answer "is that we attempt to achieve this balance through compromise and mutual respect."[34]

Many scientists, Ales Hrdlicka included, have argued that repatriation and reburial is an infringement on academic freedom,[35] but it must be remembered that; "academic freedom involves the freedom to think, to inquire, and to espouse diverse philosophies…it does not and should not include the freedom to act as one pleases."[36] Museum professionals and anthropologists must remember that they serve a community and not just science, "Curators of these objects and human remains decry with passion the unreflective removal…of these objects before they can yield information that will be of benefit …"[37] Fine-Dare concludes that objects that have been excavated and are in museums belong to the public, "These objects should therefore not be viewed as "stolen" but instead as being in the safekeeping of those who would provide controlled access to all of it, for all of us, you and me and him and her, all over the world."[38] Fine-Dare also states that advocates of return feel that, "For them the claims of science have been nothing more than justifications theft and stalling tactics to keep museums filled with

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[33] Joe Watkins, "Politics of Archaeology" in *Negotiating Culture* (Amherst and Boston, University of Massachusetts, 2013) 183

[34] Joe Watkins, "Politics of Archaeology" in *Negotiating Culture* (Amherst and Boston, University of Massachusetts, 2013) 184

[35] Chris and Geoffrey Scarre*, Ethics of Archaeology: Philosophical Perspectives on Archaeological Practice.* (New York, Cambridge University Press, 2006) 3

[36] Anthony Klesert and Shirley Powell "A perspective on Ethics and the Reburial Controversy" in *Repatriation Reader: Who Owns American Indian Remains?* (Lincoln and London, University of Nebraska Press, 2000) 202

[37]Fine-Dare, *Grave Injustice,* 42

[38]Fine-Dare, *Grave Injustice*, 44

the spoils of war."[39] She describes that these varying sides allude to just one of the many facets of the debate on the return of objects and the worry of care of these objects.

The Society for American Archaeology (SAA) defines stewardship in the following quote, "principle of stewardship maintains that the archaeological record should be stewarded for the benefit of all and that the corresponding 'principle of accountability' requires an 'acknowledgement of public accountability and a commitment to make every reasonable effort, in good faith, to consult actively with affected group(s), with the goal of establishing a working relationship that can be beneficial to all parties involved."[40]

The authors of the essay, *Repatriation and the Study of Human Remains,* synthesize the issue of stewardship amongst the debate of ethics, "While we acknowledge that museum collections were often excavated without consideration of the descendants, the current generation of professional anthropologists was not responsible for these excavations. We are however responsible for these collections, no matter how they were obtained."[41]

In an essay discussing ethics in archaeology, philosopher Douglas Lackey discusses a meeting of the NAGPRA review committee. He describes a statement made by Mike Smith of Berkley who was there as the representative voice of museums. Smith was asked to describe the museum's interest in repatriation…"the museum, he says, is holding the remains in trust for the public. But which public?"[42] In their paper titled, *Stewardship Gone Astray? Ethics and the SAA,*

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[39] Fine-Dare*, Grave Injustice*, 43
[40] Leo Groarke and Gary Warrick, "Stewardship Gone Astray? Ethics and the SAA" in *Ethics of Archaeology: Philosophical Perspectives on Archaeological Practice.* (New York, Cambridge University Press, 2006) 165
[41] Brenda Baker, et al. "Repatriation and the Study of Human Remains", in *The Future of the Past: Archaeologists, Native Americans, and Repatriation* (New York and London, Garland Publishing, 2001) 78
[42] Douglas Lackey "Ethics and Native American Reburials: A Philosopher's View of Two Decades of NAGPRA" in *Ethics of Archaeology: Philosophical Perspectives on Archaeological Practice.* (New York, Cambridge University Press, 2006) 150

Leo Groarke and Gary Warrick question what implications the principles of the leading archaeological institution, the Society for American Archaeology (SAA), might have on the treatment of archaeological artifacts. They determined that the idea of stewardship is at once too vague and too integral to collections management, "The notion that archaeologists are stewards is grounded in the conviction that they do not own the archaeological record, and are obligated to care for it in a manner that serves others' interests."[43]

There is beginning to be a shift to the idea of globalization and gaining multiple perspectives as described by Mille Gabriel in the introduction of *Utimut; Past Heritage – Future Partnerships*:

> "In brief, globalization is transforming the way in which we interact and think about ourselves and others. It is not only giving rise to new knowledge and communications technologies that enable people to interact on a global scale, it is also – in many places – causing an increased place of change that is challenging traditional ways and local identities. While globalization is a uniting factor, it thus also creates a need among the world's peoples to explore and celebrate their own cultural identity and distinctiveness, and cultural heritage is one important way in which identity can be negotiated."[44]

NATIVE MUSEUMS AND NATIVE INTERPRETATION

Thomas Killion illustrates a brighter future in his paper, *On the Course of Repatriation,* "This heightened level of interaction with Native communities facilitated by the repatriation effort is an opportunity for museum anthropology to renew its commitment to understanding and

[43] Leo Groarke and Gary Warrick, "Stewardship Gone Astray? Ethics and the SAA" in *Ethics of Archaeology: Philosophical Perspectives on Archaeological Practice.* (New York, Cambridge University Press, 2006) 164
[44] Mille Gabriel, "From Conflict to Partnership" in *Utimut: Past Heritage, Future Partnerships.* (Copenhagen, Eks-Skolens Trykkeri, 2007) 12

presenting the cultures of Native America and their diverse histories and origins."[45] Tom Hill remarks in a task force report on museums and First Peoples …. That museums "play a very significant role in long-term community, regional or global arenas; he goes on to describe that museums are traditionally responsible for preserving and exhibiting, but they also have "assumed obligations towards society at large".[46]

Anthony Klesert and Shirley Powell quote Larry Zimmerman in their paper on the reburial controversy, '"The rights and wishes of the people we study supersede our own research needs."'[47] This topic of changing archaeological practices by promoting equality is mirrored in Goldstein and Kingtigh paper of the same name, "[this change hopefully means] that archaeologists will be somewhat less stupid in approaching this issues…the institution or individual at the institution acted hastily without consideration of the consequences."[48]

Watkins describes how Native American voices are becoming more prevalent in the world of archaeology as this idea of equality becomes a standard of practice, "American Indian [groups] are more actively seeking to become equal partners in the construction of information about the past."[49] Devon A. Mehesuah reiterates this concept in an essay titled, *American Indians, Anthropologists, Pothunters, and Repatriation; Ethical, Religious, and Political Differences.* "Indians are curious about their histories, and they do not believe all scientific and

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[45] Thomas Killion, On the Course of Repatriation: Process, Practice, and Progress at the National Museum of Natural History" in "Repatriation and the Study of Human Remains", in *The Future of the Past: Archaeologists, Native Americans, and Repatriation* (New York and London, Garland Publishing, 2001) 164

[46] Mille Gabriel, "From Conflict to Partnership" in *Utimut: Past Heritage, Future Partnerships.* (Copenhagen, Eks-Skolens Trykkeri, 2007) 20

[47] Anthony Klesert and Shirley Powell "A perspective on Ethics and the Reburial Controversy" in *Repatriation Reader: Who Owns American Indian Remains?* (Lincoln and London, University of Nebraska Press, 2000) 203

[48] Lynne Goldstein and Keith Kintigh, "Ethics and the Reburial Controversy" in *Repatriation Reader: Who Owns American Indian Remains?* (Lincoln and London, University of Nebraska Press, 2000) 187

[49] Joe Watkins, "Politics of Archaeology" in *Negotiating Culture* (Amherst and Boston, University of Massachusetts, 2013) 33

social science studies are worthless. Indians are often treated as if they have no comprehension of science or are too ignorant to understand the need for continuing research. On the contrary, Indians are aware that gaps in tribal histories have been filled by the investigations of anthropologist, archaeologists, and historians."[50] Focusing on the strength Native American groups are gaining, Watkins continues with this idea stating, "As American Indian groups garner more political power, archaeologists will need to recognize the extent to which negotiation will be in their best interest."[51]

Mihesuah brings up a potential roadblock in the new relationships between archaeologists and Native tribes, "This is also a monetary issue. American Indian remains, their cultural objects, in addition to their images, serve as the focal points of many anthropologists' career, the fact that Indians exist allows these people—as well as historians—to secure jobs, tenure, promotion, merit increases, fellowships, notoriety, and scholarly identity—all without giving anything back to Indian communities."[52] This prestige garnered by archaeologists is feared to be lost if and when items are returned, however Watkins counters that with the legal path that repatriation is following, "Recognition of the political aspects of the issues should, if anything, prepare archaeologists for the need to renegotiate with American Indian groups about access to the material culture of the past."[53] Edmund Ladd in his paper, *Zuni Perspectives,* alludes that perhaps this access would be granted if relationships were forged now, "The key to a smooth

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[50] Devon A. Mihesuah, "American Indians, Anthropologists, Pothunters, and Repatriation: Ethical, Religious, and Political Differences" in *Repatriation Reader: Who Owns American Indian Remains?* Ed. Devon Mihesuah, *(*Lincoln, University of Nebraska Press, 2000) 98

[51] Joe Watkins, "Politics of Archaeology" in *Negotiating Culture* (Amherst and Boston, University of Massachusetts, 2013) 31

[52] Devon A. Mihesuah, "American Indians, Anthropologists, Pothunters, and Repatriation: Ethical, Religious, and Political Differences" in *Repatriation Reader: Who Owns American Indian Remains?* Ed. Devon Mihesuah, *(*Lincoln, University of Nebraska Press, 2000) 97

[53] Joe Watkins, "Politics of Archaeology" in *Negotiating Culture* (Amherst and Boston, University of Massachusetts, 2013) 33

collaborative relations during the repatriation process is honesty and frequent personal contacts."[54] Larry Zimmerman in his paper, *A New and Different Archaeology* demonstrates that archaeologists are recognizing that their profession is changing, "A meeting of the World Archaeologist Council was held in September of 1990, two months before NAGPRA would pass. At this meeting a consensus on a shared goal was found, 'indigenous control over indigenous heritage'"[55]

In their book, *Utimut: Past Heritage – Future Partnerships,* Mille Gabriel and Jens Dahl discuss the role they see in the future for museums, "Rather than just being places enabling national audiences to conserve, research and display, they [museums] are increasingly becoming active players in sustainable development, and centres for public ethical debate - a safe place for unsafe ideas."[56] They continue to illustrate that museums are recognizing that they have the opportunity to make changes, "Today they [museums] are playing leading roles in encouraging dialog, civic development and economic regeneration, responding to changing in society around them but also representing those changes."[57] Gabriel and Dahl go on to demonstrate how museums are finding how they fit into the changing world, "Museums… as societal institutions, have not been spared the challenges, which come from being part of the globalizing world. We, too, are being challenged to redefine who we are, what our role and purpose is and how we

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[54] Edmund Ladd, "Zuni Perspectives on Repatriation" in *The Future of the Past: Archaeologists, Native Americans, and Repatriation,* ed. Tamara L. Bray (New York and London, Garland Publishing, 2001) 114

[55]Larry Zimmerman, "A New and Different Arhcaeology?" in *Repatriation Reader: Who Owns American Indian Remains?* Ed. Devon Mihesuah, *(*Lincoln, University of Nebraska Press, 2000) 299

[56] Mille Gabriel, "From Conflict to Partnership" in *Utimut: Past Heritage, Future Partnerships.* (Copenhagen, Eks-Skolens Trykkeri, 2007) 12

[57] Jack Lohmn, "Repatriation in the Service of Society and its Development: in *Utimut: Past Heritage, Future Partnerships.* (Copenhagen, Eks-Skolens Trykkeri, 2007) 24

understand ourselves and others."[58] Finally, Evan M. Maurer in his paper, *Presenting the American Indian: From Europe to America,* discusses how museums are changing both their attitudes, "What has changed…is the attitude of museum professionals, who have developed a growing sense of responsibility and respect for American Indian communities, and the involvement of these communities in the process of their own cultural representation."[59] The authors of *Repatriation and the Study of Human Remains* describe how training of professionals should be, "Future students should be trained to be aware of others' needs and others' voices, and strive to work cooperatively with Native peoples in a way that is productive and satisfactory to all."[60]

James Nason, former director of Anthropology at the Burke Museum, describes the challenges museum face exhibiting artifacts with meaning, "I was confronted with the problem of conveying some sense of richness of …culture, past and present, in a two case museum display, I quickly realized how impossible this was, how little I could actually convey that seemed important, and how many constraints impacted even the little I could do."[61] Fine-Dare reminds us that, "These institutions [museums] both as places and as processes wherein history is not only "presented" through its displayed objects but is revised and even forgotten, as objects can never convey the complexity of 'what really happened'"[62]

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[58] Jack Lohmn, "Repatriation in the Service of Society and its Development: in *Utimut: Past Heritage, Future Partnerships.* (Copenhagen, Eks-Skolens Trykkeri, 2007) 22

[59] Evan Maurer "Presenting the American Indian: From Europe to America" In *The Changing Presentation of the American Indian.* (Seattle and London: University of Washington Press, 2000) 15

[60] Brenda Baker, et al. "Repatriation and the Study of Human Remains", in *The Future of the Past: Archaeologists, Native Americans, and Repatriation* (New York and London, Garland Publishing, 2001) 78

[61] James Nason, "Our Indians: the Unidimensional Indian in the Disembodied Local Past" In *The Changing Presentation of the American Indian.* (Seattle and London: University of Washington Press, 2000)30

[62] Fine-Dare, *Grave Injustice,* 21

Fine-Dare brings up this concept of repatriation leading to empty museum twice in her work as a major barrier in strengthening the relationship between tribes and the people that study their culture, "The idea that any museums might be 'emptied' of their holdings through repatriation seems like blasphemy to many because of the ways these objects had gained a symbolic status 'similar in function to that of the relics of Christian martyrs'"[63] and, "There are several arguments raised in opposition to repatriation. First, it is claimed that the return of these objects starts a slide down a slippery slope where no request can be refused, and museums will cease to exist."[64]

In Amy Lonetree's *Decolonizing Museums*, she focuses on representation of Native Americans in exhibitions at three museums; Mille Lacs Museum in Minnesota, Smithsonian National Museum of the American Indian (NMAI), and the Ziibiwing Center of the Anishinabe in Minnesota. The opening of the Ziibiwing Center was described as a "a monument to the triumph of the people"[65] She illustrates how impactful these exhibits are for Native people through the exhibit in the NMAI "[this exhibit] is for people to realize that Native American philosophies are complex and they form the basis of how Native people see that world…this is an essential place to start, because Native philosophies and spiritualties have been the most misrepresented aspects of indigenous life."[66] She continues to demonstrate this through her experience at the Ziibiwing museum. She feels that she has had the opportunity to witness collaboration and its benefit of empowering indigenous voices. "While there is a great deal of

[63] Fine-Dare, *Grave Injustice,* 19
[64]Fine-Dare, *Grave Injustice,* 44
[65]Amy Lonetree, *Decolonizing Museums: Representing Native America in National and Tribal Museums.* (Chapel Hill, University of North Carolina Press, 2012) 64
[66] Lonetree, *Decolonizing Museums,* 95

work that remains, I believe museums have the potential—through both heir exhibits and their programming—to promote healing, revitalization and nation building for indigenous peoples."[67]

Lonetree continues to describe the importance of Native interpretation in exhibits both in regards to the fact that Native Americans have a voice in the present and a community that they need to serve. She quotes Bruce Bernstein, former assistant director for cultural resources at NMAI. "…so you have individuals talking about their own tribes—their own cultures and backgrounds and objects. And you have other people picking things out because they think it is a beautiful object. Although it is not related to their traditional culture…it is related to what they see. I think we've learned from that, and hopefully we developed out of a continual learning experience."[68] She goes on to quote Richard West, director of the NMAI, who says that the Mille Lacs exhibit was, "very successful in making the critical point that Native peoples are as much a part of the present and should not be relegated to some static and often romanticized past."[69]

Lonetree also discusses the importance of building relationships through the experience of Gerald Conaty, the curator of the Glenbow Museum in Alberta, Canada. The Glenbow museum developed a permanent First Nation's gallery focusing on Blackfoot history. He stated that "the museum's decision to focus on Blackfoot history…stemmed from wanting to build on already-established relationships."[70] Conaty has been quoted in Lonetree's book as stating, "by then, we had a strong relationship, and if you're going to do something collaboratively,, you have to have that relationship, and it takes years to develop."[71]

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[67] Lonetree, *Decolonizing Museums,* 171
[68] Lonetree, *Decolonizing Museums,* 91
[69] Lonetree, *Decolonizing Museums,* 66
[70] Lonetree, *Decolonizing Museums, 42*
[71] Lonetree, *Decolonizing Museums,* 42

The authors of the paper, *Repatriation and the Study of Human Remains* state "Our histories are as diverse as the peoples who participated in them, and it is of benefit to all people to preserve as much of the past as possible for future generations."[72]

Coupled with the conclusions of Amy Lone-Tree's *Decolonizing Museums* and one of the final papers in *The Future of the Past*; the authors reviewed have hope for the future.

To quote Lone-tree's conclusion:

> My hope is that what I have written based on my research and experiences can help us all understand how to make museums more Indigenous based and transformative for our communities. To advance our museum work in these directions, we must embrace the role of museums in helping Native peoples confront the hard truths of our history and continue our efforts to move toward decolonization and community empowerment.[73]

This feeling is mirrored in Phillip E. Cash Cash's paper titled, *Medicine Bundles: An Indigenous Approach to Curation,* who best describes what the future relationship might look like between museums and indigenous peoples:

> The postmodern challenge that calls for the inclusion of indigenous curation practice in the museum world obviously strikes at the very core of the museum discipline and its curational enterprise. It cannot be emphasized enough however that the collaborative intent of this inclusion rests upon the ability of Native communities and museums to take a proactive stance in recognizing their shared responsibilities in the preservation of material culture. To a certain extent, these shared responsibilities also include negotiation and compromise. Experience is beginning to show that the mutual benefits of cross-cultural collaboration greatly enhance the working relationship between the indigenous community and museums.[74]

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[72] Brenda Baker, et al. "Repatriation and the Study of Human Remains", in Brenda Baker, et al. "Repatriation and the Study of Human Remains", in *The Future of the Past: Archaeologists, Native Americans, and Repatriation* (New York and London, Garland Publishing, 2001) 78

[73] Lonetree, *Decolonizing Museums,* 175

[74] Phillip Cash Cash, "Medicine Bundles: An Indigenous Approach to Curation", in "Repatriation and the Study of Human Remains", in *The Future of the Past: Archaeologists, Native Americans, and Repatriation* (New York and London, Garland Publishing, 2001) 144

In addition to these three bodies of literature, a law regarding the curation of federally owned and administered archaeological collections: 36 CFR part 79, was reviewed. This law lays out guidelines for institutions that want to house federally owned collections including standards of care that are to be checked by a federal officer. Repositories, whether they are Federal, State, local, or tribal, must be able to provide professional, systematic, and accountable curatorial services on a long-term basis.[75]

[75] "Archaeology Program" National Parks Service. Accessed May 2015

CHAPTER THREE: METHODS

The goal of this research was to describe the process of returning non-NAGPRA collections to their affiliated tribe. Semi-structured interviews were the primary method of data collection within a case study structure. The case study institution was a public nonprofit state museum that acts as the neutral repository for state acquired cultural materials and this study focused on five held-in-trust collections. Semi-structured interviews provided insight, encouraged casual conversations and allowed for follow-up questions to obtain more detailed and focused information.

Participants were chosen based on their experience with the process. Five individuals were interviewed. Two work for a state museum, P-A and P-B, which acts as the neutral repository for state acquired cultural materials, , one representative from a state agency, P-C, one who directs cultural resource management (CRM) at a research firm, P-D, and a curator at a tribal repository P-E. Interviews were conducted primarily in person with one over the phone instance. Interviews lasted between 15 and 45 minutes and served as a comfortable platform to discuss the process and any other opinions they had.

The interview instrument included 23 questions. The first twelve questions were about the interviewees' positions, description of the process, and involvement in the process. The remaining eleven questions were broken into three groups of institution-specific questions about the claiming process, transferring title, and curating collections. Questions regarding attitudes surrounding the process were also discussed to address personal experience with the process. (See Appendix A for the instrument.)

Three underlying research questions emerged during the interviews. First, how does the held-in-trust collections process affect the museum/tribal relationships? Second, what are the negative/positive experiences of the process participants? Finally, what are the roadblocks to the process? Qualitative analyses, including coding and categorization of data, were conducted to find patterns in the data, and the patterns were fit into the previously mentioned research questions.

CHAPTER FOUR: FINDINGS AND ANALYSIS

The goal of this research was to describe the process of returning non-NAGPRA collections to their affiliated tribe. The questions asked of the five participants revolved around the process, funding, and level of communication involved. Initial coding was broken into two parts. First looking for similarities and differences within the process from various perspectives and second, looking for positive and negative attitudes surrounding this process. The three questions that emerged from the analysis, how does the held-in-trust collections process affect the museum/tribal relationships? Second, what are the negative/positive experiences of the process participants? And, what are the roadblocks to the process did so due to the fact that each aspect of the process is because this process is divided equally between the groups involved. It became apparent that while the process itself is vital to document, it cannot be done without exploring the impacts. The first group of questions revolved around the procedure itself and whether participants had a positive or negative experience. Each individual had a distinct perspective and a separate element of the procedure to discuss.

Interview Questions: All Groups

1. Name and position at the company

Participant A (P-A) is a held-in-trust collections coordinator with the public nonprofit state museum. This participant was hired in early 2000 to process held-in-trust collections, which had been at the institution for many years. Representative A worked primarily with the processing and management of held-in-trust collections.

Participant B (P-B) is a collections manager with the public nonprofit state museum. Representative B was interviewed for their involvement in helping train individuals.

Participant C (P-C) is a representative of a state agency that that has collections held-in-trust.

Participant D (P-D) is a representative of a cultural resource management firm that is involved with this process in terms of excavating and transferring a collection to a neutral institution.

Participant E (P-E) is a curator at a tribal repository and a tribal representative. The tribe in question was described as having NAGPRA collections held-in-trust, but was not experienced in non-NAGPRA collections.

The following questions had significant overlap and were integrated into one response.

2. Briefly describe your involvement in this process.
3. Describe the steps of the process

According to P-A, their involvement included working with held-in-trust collections that had been in the museum for decades. Their process was contacting the owning agency, reassessing contracts, and discussing what would be best for the collection with the collection's owner. After deciding what was best for the collection, P-A was responsible for overseeing curation of the collection and managing the budget.

According to P-B, there are many ways they have been involved in this process. They have had experience training interested parties in curation, they have been consulted about holding collections, they have worked with both agencies and tribes, and with both NAGPRA and non-NAGPRA collections. They described the process as variable but that on paper it is the same as a loan.

According to P-C, as a state agency, their involvement has been as the owner of a collection looking to transfer the collection as quickly as possible. They tend to receive funding for a project and work with the entity to which the collection will be transferred from the beginning. They described having no involvement in curation.

According to P-D, their involvement was as an excavating firm responsible for the collection of artifacts. They have been present in discussions surrounding curation and how to find the best place for the collection after it has been processed. They work closely with the agencies who have hired them and with the museum that will hold the collection.

According to P-E, they have never been involved in receiving a collection that has continual collection needs. They only have experience with NAGPRA held-in-trust collections. The process for those collections ends in reburial and therefore has a much different process and emotion associated with it.

DUWAMISH NO. 1 CASE-STUDY

The first collection was a collection from the Duwamish No.1 site. This collection had been at the Burke since the late 1980's-early 1990's and it was being held for the Port of Seattle.

P-A connected with the Port of Seattle to draft concrete paperwork on this collection. They agreed that they were the entity that owned this collection but didn't have the funds to sustain continual curation by the Burke Museum. The Port of Seattle determined that although this collection came from historically Duwamish land, the Duwamish tribe was not federally recognized and therefore the collection could not be given to them. The Duwamish were relocated to both Muckleshoot and Suquamish reservations in the historic past, and the Port contacted both of these tribal groups to see if they had interest in claiming the collection. The

Suquamish felt that it was too far out of their ancestral land boundaries but the Muckleshoot had an interest in this collection so the tribes agreed that the collection would be transferred to the Muckleshoot, who have a tribal museum and storage facility and were able to easily accommodate the collection. The Port transferred title while the museum worked on rehousing the collection.

World Trade Center

At the same time the Port was evaluating the Duwamish No.1 collection, they determined that museum was holding another collection for them. The museum discussed with the Port what they wished to do with this collection. The Port discussed once again with the Muckleshoot and the Suquamish and the tribes decided that since the Muckleshoot were claiming the Duwamish collection, the Suquamish would claim the World trade center collection.

West Point

P- B described the West Point collection as having a great deal of thought in regards to the surrounding curation process. This collection is owned by King County and has the potential to be claimed by three tribes, and has a tribal oversight committee that will decide where the collection will go in the end. P-B described how this process differed from other held-in-trust collections because of its extended timeline and its funding. This collection has an endowment associated with it from King County that ensures care of the collection, that the committee meets on a regular basis, and that collections care training is available. Replications of the collection were created in the form of education kits so that the tribal oversight committee can have access and so that aspects of the collection were available for research. These kits were made from the same materials as the original artifacts and the committee was the forerunner on ways to learn

from the collection. They encouraged research and a list was created of types of food eaten as seen through the collection to garner more information on resource procurement. The endowment also enabled an exhibit. This endowment follows the collection and makes this case a unique example. Usually the owning entity pays for curation and once title is transferred, the new owning institution pays for any continual collections care if they cannot take the collection right away, although the representative mentioned that they are not privy to any agreements made during the transfer. During the time the this collection has been held, the three tribes that could claim it have been able to build repositories demonstrating that sometimes it's in everyone's benefit to slow the process down.

Tze-Whit-Zen

Tze-Whit-zen is the only collection held at the museum for Washington State Department of Transportation. The collection has always intended on returning to its affiliated tribe, the Lower Elwha. While the owner of this collection is WSDOT until the tribe is able to create a museum that meets 36 CFR part 79 standards, the museum communicates with the tribe to answer questions about the collection.

Old Man House

This collection is an example of collections that have been held-in-trust for a very long time. The Old Man House site was excavated between 1950 and 1960 during three different field seasons. One of the groups was a University of Washington team. The site was on Washington State Parks land and was held by the museum for the agency. In the 1990's the land was transferred to the Suquamish tribe. Washington State Parks felt that the collection should follow the land and the collection was held-in-trust for the Suquamish as they finished building their

museum. This collection was returned to the tribe and the ferry taking the artifacts over was met by a group of orca whales.[76]

They described their process as completing a state project which results in a collection and communicating with the entity to which they want the collection to go throughout the project. The agency prefers to transfer the collection as quickly as possible since their project funding doesn't usually cover continued care of the collection. This agency does have one exception to this. They have a collection held-in-trust that is intended to return to a specific tribe. This tribe is in the process of created their own museum and the agency feels so strongly that this collection is needs to return to this tribe that they are funding curation by a neutral repository. For this collection, the representative described that they yield collections question to the tribe.

They described a large scale collection that is still being held-in-trust and illustrated that this collection was very thoughtful in the way information gathered was continually added to the collection records. They also described the importance of the law, 36 CFR part 79 when transferring collections to a repository. This statute lays out strict requirements for curation of federally-owned and administered archaeological collections. They noted that the collections they have had held-in-trust have always been cared for and returned promptly and respectfully.

When asked to describe the procedure, the museum representatives stated that held-in-trust collections were loans, but they also insure that the collection is properly curated. They have an associated loan agreement, which includes information on access, insurance, and transfer. They described five collections that have been held over the past 20 years. Three of the collections were held-in-trust and transferred to their affiliated tribe, and two are still being held.

[76] http://www.king5.com/story/news/local/2014/08/05/13342094/

4. On the following scale, how satisfied were you of the process as a whole

Very Dissatisfied Dissatisfied No feeling Satisfied Very Satisfied

Each participant answered "Satisfied" with the process overall.

The following questions had significant overlap and they were integrated into one response.

5. What aspects would you change?
6. What aspects were most successful?

According to P-A, the process works really well overall and there is good dialog which makes for a successful process, but it varies case by case.

According to P-B, the process is good because it assures proper curation of collection; for them, success was measured by the collection being cared for. Moreover, it needs to be remembered that each collection is different and should be treated as such.

According to P-C, the process is beneficial for everyone involved and feels the only thing that could be expanded upon to make it more successful is sharing the aspects of the process in which each person is involved.

According to P-D, the process for current projects is great. Agencies are good about contacting entities before they began a project but there needs to be a better process for collections that have been held for 20 years.

According to P-E, the process has been completely successful and the process has worked very well.

These questions were answered similarly, but could not be fully answered because each case is unique and should be addressed based on the needs of the collection and the timeline of the

entities. P-D stressed that having strong relationships made the process more successful. The museum representatives noted that this process has sections contained to individual institutions. Each institution involved had a set of procedures for their section of the overall process. For example, the museum is responsible for holding and curating the collection, but they have no control or involvement in the negotiations between the tribes and the agencies. Because of this, each participant could only speak to their section of the process and if they had success with it over the years.

7. What advice would you give someone beginning the process?

According to P-A, it is necessary to be able to look at big picture and realize each case will be different.

According to P-B communication is important, as is remembering that it is about what's best for the collection and that each collection is different.

According to P-C, communication and transparency is crucial and that every case needs to be evaluated differently.

According to P-D, sometimes the process can take longer than one had initially thought but this can work in the collections favor at times and that every case varies from the previous. In addition to advising to have patience, P-D also discussed reviewing the laws at hand before beginning involvement in this process, specifically CRF 36 part 79.

According to P-E, it is important to reach out to colleagues and do not be afraid to ask questions.

Once again the idea that there is no one right way to do this process was reiterated, but the museum representatives agreed that utilizing references and asking questions of similar institutions is a great place to start. The tribal representative reiterated this idea of looking to colleagues and like institutions with questions and concerns before beginning this process. They felt that those involved previously in the process are happy to talk about their experience.

8. How much training was involved for this process? (either personal training or the training of others)

According to P-A, it varies case by case and it depends on the staff on hand, but in general, not much excess training is needed.

According to P-B, it depends on the collection or the project. They have trained students and tribal members, but it doesn't happen in every instance. They described workshops that they have held for tribal members interested in learning museum practices. There are certificate programs in which members can enroll, and they have had numerous tribal interns that can work with the collections first-hand. In addition to training tribal members, the museum representatives also described the benefit of having student volunteers learn how to process collections through this process. The students are able to learn proper collection and cataloging while helping ensure proper collections care.

According to P-C, there was very little to none.

According to P-D there was very little to none, but it varies and depends on the staff at the time.

According to P-E, there was very little to none, but they haven't accepted collections that need curation.

9. What expectations did you have before beginning the process?

According to P-A, each case varies so much that they don't go in with expectations but wish to find the best solution for everyone involved.

According to P-B, they expected to meet the needs of each collection, which they do with any collection in their care.

According to P-C, the only expectations they had were to transfer the collection in a timely manner.

According to P-D, expectations should vary with each case, but the process should always end with the collection being safe and the process being thoughtful.

According P-E, they expected to have the collections cared for until they were ready to have them transferred.

10. How did it feel personally to be a part of this process?

According to P-A, they were excited by the amount of information they have been able to glean from the tribes associated with the collection. There is so much knowledge beyond the items themselves and the museum representatives are excited to see how the tribal members interpret the collection.

According to P-B, tribes did not ask for these collections to be removed from their land and holding collections in-trust is an opportunity for museums to share some of this burden of stewardship. Having this process and opening the museum to be used as a repository not only supports the mission statements of most museums, but it also creates a method for museums to live up to the best practices of collection stewardship.

According to P-C, it is important to be part of this process and it is important to be transparent and open. They stated that by being involved in this process, the collections they excavate will always have a safe home.

According to P-D, this process is important for building relationships which could benefit other aspects of the museum to tribe to agency relationship. They also discussed that the process creates a platform where everyone involved is an equal and everyone's voice can be heard.

According P-E, every time they went through this process, it was a positive experience and each time their relationship with the other institutions became stronger.

11. Did you feel there was open dialog and good communication between everyone involved throughout the process?

According to P-A, being sensitive to the needs of others involved and being available to serve the situation as needed is pertinent to this process.

According to P-B, communicating and training members of the tribal community was important and that sharing skills and ideas allow for a higher level of communication in all aspects of museum/tribal relationship.

According to P-C, their voice was heard and there was a high level of communication, but they recognized that there were aspects of the process that they didn't need to be involved such as the claiming process. They mentioned that one collection they owned, but was actively trying to transfer, could be claimed by two tribes. One had a facility and one did not. They tribes came to an agreement that every five years the collection would be transferred back and forth between tribes. They recognized that while there were always opportunities for discussion, but some discussions were better served between certain parties.

According to P-D, communication and dialog are a method to be thoughtful in regards to these collections. This allowed for innovative ideas to be presented, one example being the West

Point education kits. The idea was expressed by a tribal oversight committee member and with the help of archaeologists and museum staff, this idea was realized.

According to P-E, there was a large amount of communication and there was always the opportunity to reach out to others involved in the process. They felt that their voice was respected and that their opinions were heard

12. Thoughts on the non-federally recognized tribal issue?

It became apparent that this question was irrelevant to the research and was removed from the instrument.

Interview Questions: Tribal Specific

The tribal specific questions fell outside the scope of this research because the P-E and the tribal repository had no experience with non-NAGPRA collections and therefore these questions were not asked

1. What was the funding process like?
2. How much time was spent on the process overall?
3. How much interaction did you have with the federal agencies and museum staff?
4. How much curatorial training was there and what sort of training was it?
5. What are your plans for the future of this collection? Display? Research? Reburial?

Interview Questions: Museum Specific

1. How much funding was spent on this process by the museum?

According to P-A, the funding to process a held-in-trust collection is generally paid by the owning entity. The only expense the museum pays was time spent on curating the collection. It is an expensive process and costs roughly $1,500 to curate one box of artifacts.

According to P-B, funding varies case by case but generally the holding museum is not in charge of funding the curation costs of the collection.

The entity that owns the collection is responsible for the cost to curate. The largest cost to the museum is time and staff involved. On the other hand, the cost to have the museum curate the collections has a higher price point than other institutions, which can result in being consulted to hold a collection in-trust, but be passed over for a different institution.

2. How do you feel this reflects on the museum?

According to P-A, it reflects on the museum incredibly well. It shows that they are willing to go above and beyond not only to support their mission, but also their community.

According to P-B, it reflects well on the museum, but the concern should be with caring for the collection. They also discussed that a potential deterrent to museums holding collections in-trust is the chance that the collections will leave. They described having numerous collections they were holding for a large agency who could no longer meet the cost to curate the collection at this particular museum, and they were transferred to a similar institution. P-B felt that some museums would be upset if collections that they had been curating for 20 years were moved so suddenly, but the representatives stated that they should be recognize their obligation is to care for collections, not hoard history. The collection would be safe at a like institution. The most difficult aspect of this process was that the holding institution became the face for the collection. If there were groups that had concerns or wished to speak about the collection, they would go to

the museum and not the owning institution. This could be very difficult and could end in damage to relationships.

3. Who took on the most leadership responsibility throughout the process?

According to P-A, no one person was the leader. They felt that perhaps the museum was the catalyst for change because they are the ones that process the collection.

According to P-B, it is entirely a team effort.

The museum representatives reiterated the previously discussed idea that this is a multi-group process and there is no one party responsible for the whole procedure. Each entity has a section of the process for which they are responsible and everyone is an equal in this process.

4. How did you help prepare the tribes for care of collection?

According to P-A, their position did include training others, although it did occur in their museum.

According to P-B, they were involved in many aspects of training tribal members. They have had success with internships and certificate programs.

The museum representatives agreed that this varies case by case and the levels of training were discussed previously.

5. What are the procedural and emotional differences between this held-in-trust process and the repatriation process?

According to P-A, the biggest difference is the fact that the objects are either their actual ancestors or representations of their spirituality. This makes the return much more emotional. In addition to this, the objects are also returned to be reburied.

According to P-B, there is a huge difference. The non-NAGPRA held-in-trust collections are intended to be curated in perpetuity. This is a somewhat a burden of time and resources and involves facility space, materials, training, etc. NAGPRA repatriated items are reburied and have much more emotion associated.

6. Do you have concerns about access to the collection after it is returned?

According to P-A, they did, but felt this process could strengthen the relationship between tribes and museums that might help lesson accessibility issues.

According to P-B, it is simply up to the owning institution and most have some sort of access application.

After going through the instrument with the museum representatives, they were asked if there was any additional information they felt pertinent to this research. They stated that they felt the role of the non-tribal museum was changing, but that the underlying need was that collections needed to be cared for because they were the link to our past. In addition, they also stated that sometimes this process took longer than the involved entities wished, but it created a more thoughtful process, which could be a really good thing.

After reviewing the interviews, positive or negative association with this process were coded. The most common words associated with positivity were good, strong, beneficial, successful, supportive and positive. The most common words associated with negativity were

bad, hard, rocky, and angry. Responses from the museum representatives included twelve positive and three negative words during the interviews. Responses from the state agency representative included two positive and zero negative words during the interview. Responses from the CRM representative included four positive and two negative words during the interview. Responses from the tribal representative included six positive and zero negative words during the interview. Responses from all of the participants included twenty-four positive and five negative responses during the interviews.

As noted earlier, three questions emerged from the responses of the participants. These questions were: How does the held-in-trust collections process affect the museum/tribal relationships? What are the negative/positive experiences of the process participants? What are the roadblocks to the process?

CHAPTER FIVE: RESULTS AND DISCUSSION

The goal of this research was to describe the process of returning non-NAGPRA collections to their affiliated tribe. Three underlying research questions emerged during the interviews. How does the held-in-trust collections process affect the museum/tribal relationships? What are the negative/positive experiences of the process participants? What are the roadblocks to the process?

The general process of holding a collection in trust is as follows: a museum makes itself available as a neutral repository, an agency or tribe owning a collection that has either been previously excavated or is in the process of being excavated is send to the museum. Depending on funds, the holding museum will rehouse and store the collection until the agency either transfers title or a tribe constructs a facility. The collection is then transferred to that facility.

During the collections time at the holding institution, the owning entity has the power to make decisions regarding the collection.

What are the negative/positive experiences of the process participants?

Both of the museum representatives alluded to that fact that the process used for current collecting varies from the process of returning held-in-trust collections excavated 20 years ago. They discussed that today agencies planning to begin projects on lands that historically were tribal, consult with those tribes. The state agency representative confirmed that they work closely with the tribes when they begin a project.

The state agency representative also described the funding process for large scale projects. They receive funds for a project, which includes funds to initially process the collection. The state agency deeds over its collections as soon as possible to the tribe associated with the land where the project took place or if this is unclear, to a neutral repository like the Burke Museum where all involved tribes can have access to the collection. This process allowed greater interaction between the groups resulting in a positive experience overall.

P-D directs a project whose findings are held-in-trust by the Burke Museum. They have a similar process to the state agency by receiving substantial funding for the entirety of a project and allotting a certain amount to curation. They differ in the fact that they are a firm hired by an agency to excavate and do not own these collections either. This collection held by the Burke Museum is a large, ongoing project, and the representative stressed the need to update the holding institution on a continuing basis, including new documentation, site information, and scale of excavation. The collection that the Burke Museum holds-in-trust for this representative is owned by King County Wastewater Treatment Division and has a Tribal Oversight

Committee. P-D described that Washington State law states that the landowner is the owner of any artifacts collected and they are the ones to decide the future of this collection. The heightened amount of communication experienced in this process paves the way for greater communication between the involved groups creating positive relationships that can be utilized in other collaborations.

P-E has dealt primarily with NAGPRA transfers destined for reburial. They haven't claimed any collections that need to be curated, but have had NAGPRA remains held by state institutions. Overall, P-E illustrated that working with institutions such as the Burke Museum and Central Washington University has been a good experience and that there has been a large amount of open communication. They stated that if the repository did decide to take a curated collection, they would discuss steps internally and consult with the institution holding the collection in trust.

The experience of P-E falls slightly outside of the scope of this research because NAGPRA and non-NAGPRA held-in-trust collections differ in the fact that NAGPRA collections are federally required to be returned and are generally reburied. Non-NAGPRA collections are archaeological collections that have a large amount of research value associated. These are the collections that hold information about our region's past and need to be curated rather than reburied. However, when speaking about experience with NAGPRA collections and working with other entities and holding institutions, P-E stated that every experience has been positive and they will continue to work collaboratively with these groups in the future, signifying positive association with working with other entities.

What are the roadblocks to the process?

There were three major roadblocks to this process; funding, claiming and federal ownership guidelines and access.

P-A estimated that the Duwamish No.1 collection took about a year to rehouse adhering to proper curation standards and the cost for the rehousing materials, staff compensation, and digitizing efforts was roughly 158,000 dollars. The P-D was required to give estimates to the agencies that hired the firm and over time has calculated the cost to curate one box as roughly $1,500. This demonstrates the funding roadblock to tribes becoming the owners of their ancestral collections. If more collections came with endowments like the West Point collection, the collection could simply be cared for in the manner it needs without worry of money.

The P-C described another roadblock: the claiming process. If more than one tribe has the potential to claim a collection, the owning agency will let them discuss it and come to an agreement. The representative of the state agency had first-hand experience with tribes deciding where a collection was to be transferred. They recalled a tribe who wanted a collection but didn't yet have a museum or repository to accept and care for a collection and another tribe who had a location for the collection. The tribes eventually created a schedule where the collection would spend time with the tribe who had a museum while the other tribe constructed a museum, and then the collection would be transferred back and forth every five years or so. However, on a schedule like this, who makes decisions about access?

The third roadblock revolves around federal ownership guidelines and access. When a collection is excavated on federal public lands with federal public funds, the collection can only be transferred to other federal institutions. Some federal collections are loaned to state or tribal museums but have a different set of access guidelines, since they are public property. This might

deter some tribal repositories from trying to hold federal collections. As P-A alluded; access seems to be a potential roadblock in beginning this process. These guidelines are laid out in the 36 CFR part 79 law and may prevent institutions from participating in collaborative curating processes like held-in-trust.

Each representative agreed on the fact that every case was different and there was no standard way to conduct held-in-trust discussions and processes. Each agency, tribe, and museum was different and had a distinct opinion. On accessing collections once transferred, the approval for access was up to the discretion of the tribe. The museum representatives stated that since they work in a research heavy institution, they felt that access to the collections was crucial. They also felt that when collections are held-in-trust, all final decisions should be made by the owning institution. P-D reiterated the theme found in many of the pieces of literature review of the importance of building relationships over time. They stated that if a researcher or institution builds a positive relationship with a tribe, then there should be no problem accessing a collection and the relationship will be a benefit to all.

How does the held-in-trust collections process affect the museum/tribal relationships?

There were three results identified by this study that affect the museum/tribal relationship: communication, collaboration and patience, which result in a stronger relationship.

P-C mentioned that the Burke Museum was holding one collection in trust for them, which is unusual. This collection is massive and is destined to return to its tribe as soon as they have a facility to house it. P-C and the Burke negotiated a curation plan knowing that the collection needs care while the tribe gets ready to take it over. This demonstrates how positive

the relationship between agencies, museums, and tribes can be and how it is cultivated through communication.

P-E felt confident that receiving curated collections would be a good experience for the tribe based on past relations with state repositories. They also wish that if a collection couldn't go to its appropriate tribal museum, it should go to a neutral repository like the Burke Museum. They trust that the collection would be cared for and that all parties would be allowed access, demonstrating the importance of collaboration.

P-A also discussed that during their time at the museum they determined that what needs to happen for the benefit of the collections interpretation is a shift towards tribal groups claiming the artifacts and telling their stories. P-A pondered that if this Native interpretation became the standard, perhaps tribes would be less likely to deny access and might create more trusting relationships ad better rounded research in general. The Burke Museum has been a proponent in caring for these collections, and because of this support, the institution has not only a great reputation as a fair institution, it also has strong relationships with local tribal members.

In addition to building relationships with tribal museums, both the representatives from the museum and P-D have been involved with helping tribes open their own repositories. P-B has helped to train many tribal members in best practices of curation through workshops and practicum internships. P-D has been involved with facility checks and volunteer meetings working with other curation professionals.

The agencies that have collections held-in-trust agreed that they prefer utilizing a neutral repository for ease of access for any individual or group that want to see the collection while it is

being processed. They both had similar funding structures and positive feelings about collaborating with Native groups, and working with the Burke Museum.

The museum representatives, as the representatives of a holding institution, feel that this process is a crucial method to sharing the responsibility of collections management in this region. The feel passionate about building strong relationships with local tribes as not only a method to truly learn about these objects through tribal histories, but also as a way to make the past more relevant for the future. Overall, they both agree that this holding process has been successful and positive.

The process varies case by case but major themes were employed with every representative example; communication, collaboration, and patience. For ongoing archaeology, this process is much easier than for collections that have been held for decades. Today, agencies can begin making plans to transfer a collection before they even break ground. The agencies can also help alleviate the stress of funding by working it into their initial budget.

While reflecting on the information obtained from those involved in this process, it became clear that the goal of this process is not to just return it to its affiliated tribe, but to decide where these collections would receive their best care. The museum representatives alluded to the fact that these collections have a special meaning to the people from which they came. However, if the group is not ready to take on the responsibility of caring for their collections, not only should the collection be cared for by another institution, it should be accessible by anyone who wishes to view it.

CHAPTER SIX: CONCLUSIONS AND RECOMMENDATIONS

The goal of this research was to describe the process of returning non-NAGPRA collections to their affiliated tribe. The general process of holding a collection in trust is as follows: a museum makes itself available as a neutral repository, an agency or tribe owning a collection that has either been previously excavated or is in the process of being excavated is send sent to the a museum. Depending on funds, the holding museum will rehouse and store the collection until the agency either transfers title or a tribe constructs a facility. The collection is then transferred to that facility. During the collections time at the holding institution, the owning entity has the power to make decisions regarding the collection.

During the interview process, three research questions emerged; how does the held-in-trust collections process affect the museum/tribal relationships? What are the negative/positive experiences of the process participants? What are the roadblocks to the process?

Held-in-trust collections affected the museum/tribal relationship in a positive way by creating an environment of equality among all of the participants in the process and creating a strong bond between the entities involved. The case studies demonstrated a variety of scenarios and the discussion of the interviews illustrated how the collaboration and communication can lead to strengthening relationships.

The negative/positive experiences of the process included the worry of having an empty museum and placing added burdens on tribes, and how communication leads to more respect and collaboration, which in turn leads to success of the process.

Finally, the major roadblocks to the process seem to be funding, claiming, and federal ownership guidelines and access. . It is very expensive to curate a collection and it is something that is continuous to maintain. Restrictions on access and claiming might deter some institutions

from practicing this process. Finally, the guidelines laid out in 36 CFR part 79 have the potential to deter tribes from opening their own repositories or lengthen the process of creating a repository.

Many museums are not acting as repositories and are not addressing how they might help share the burden of collections care. In Washington, agencies conducting large-scale land projects are working with the Tribes who own the land to figure out what is best for the collections and the tribes that own them.

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APPENDIX A

Held in Trust Collections Interview Questions
University of Washington
Kelly Matson
Wilson O'Donnell

The purpose of this thesis is to describe the process and attitudes of returning a held-in-trust collection to its affiliated tribe. Your participation is voluntary, refusal to participate will involve no penalty and you may discontinue use at any time. I may include comments or quotations from this interview in my final paper but you will only be identified by position and will not be identified by name. If you have any questions now or in the future, you can contact me at the following:

Kelly Matson
krpm@uw.edu
206.930.3863

Do you agree to participate?

YES NO

Interview Questions:

All groups

1. Name and position at the company (for personal and committee use only)
2. Briefly describe your involvement in this process.
3. Describe the steps of the process
4. On the following scale, how satisfied were you of the process as a whole

Very Dissatisfied Dissatisfied No feeling Satisfied Very Satisfied

5. What aspects would you change?
6. What aspects were most successful?
7. What advice would you give someone beginning the process?

8. How much training was involved for this process? (either personal training or the training of others)

9. What expectations did you have before beginning the process?

10. How did it feel personally to be a part of this process?

11. Did you feel there was open dialog and good communication between everyone involved throughout the process?

12. Thoughts on the non-federally recognized tribal issue?

Tribal specific:

6. What was the funding process like?

7. How much time was spent on the process overall?

8. How much interaction did you have with the federal agencies and museum staff?

9. How much curational training was there and what sort of training was it?

10. What are your plans for the future of this collection? Display? Research? Reburial?

Museum Specific:

7. How much funding was spent on this process by the museum?

8. How do you feel this reflects on the museum?

9. Who took on the most leadership responsibility throughout the process?

10. How did you help prepare the tribes for care of collection?

11. What are the procedural and emotional differences between this held-in-trust process and the repatriation process?

12. Do you have concerns about access the collection after it is returned?

APPENDIX B

Consent Form for Exemptions

Held-In-Trust Collection

University of Washington
Researcher's Name: Kelly Matson Phone: 206.930.3863. Email: krpm@uw.edu.
Thesis Advisor: Wilson O'Donnell, Associate Director of the Museology Graduate Program.
Phone: 206.543.4642. Email: wilsonod@uw.edu.

I am asking you to participate in an interview that is part of my Master's Thesis work at the University of Washington. The purpose of this research is to describe the process of returning held-in-trust collections to their affiliated tribe. Your participation is voluntary, refusal to participate will involve no penalty or loss of benefits, and you may discontinue participation at any time. This interview will be audio taped for my note taking only. I may use your title and name of your institution in my final paper. If I directly quote you, I will send the quote to you before publication. If you have any questions now or in the future, you may contact me through the information on this document. Do you have any questions? Do you agree to participate in this interview?

Signature:_____
Date:_____

On card or document left with interviewee:
Held-in-Trust Collections
University of Washington
Researcher's Name: Kelly Matson Phone: 206.930.3863. Email: krpm@uw.edu.
Thesis Advisor: Wilson O'Donnell, Associate Director of the Museology Graduate Program.
Phone: 206.543.4642. Email: wilsonod@uw.edu.

Interview Protocol

Researchers Statement:

I am asking you to participate in an interview that is part of my Master's Thesis work at the University of Washington. The purpose of this research is to describe the process of returning held-in-trust collections to their affiliated tribe. Your participation is voluntary, refusal to participate will involve no penalty or loss of benefits, and you may discontinue participation at any time. This interview will be audio taped for my note taking only. I may use your title and name of your institution in my final paper. If I directly quote you, I will send the quote to you before publication. If you have any questions now or in the future, you may contact me through the information on this document. Do you have any questions? Do you agree to participate in this interview?

Interview Procedures:

This interview will be between 15 and 30 minutes in length. The desired outcome is to learn about your personal experience and opinions surround the process of returning held-in-trust collections to their affiliated tribe. The questions asked refer to procedure and positive or negative experience with different aspects of the procedure.

Interview Instrument

(See attached)

Confidentiality and Research Information:

I want to thank you for taking the time to have this conversation with me. Do you have any questions? If you have any questions, please contact me through the information on this document. Thank you very much for your time.

National Park Service
U.S. Department of the Interior
National Center for Cultural Resources
National NAGPRA

36 CFR 79: Curation of Federally-Owned and Administered Archaeological Collections

Authorities

Antiquities Act (16 U.S.C. 431- 433), the Reservoir Salvage Act (16 U.S.C. 469-469c), section 110 of the National Historic Preservation Act (16 U.S.C. 470h-2), and the Archaeological Resources Protection Act (16 U.S.C. 470aa-mm).

What does 36 CFR 79 cover?

• Responsibility for Federal collections;
• Procedures and guidelines to manage and preserve collections;
• Terms and conditions for Federal agencies to include in contracts, memoranda, agreements or other written instruments with repositories for curatorial services;
• Standards to determine when a repository has the capability to provide long-term curatorial services; and
• Guidelines for collections access, loan, and use.

What is a "collection?"

A collection is *material remains* that are excavated or removed during a survey, excavation or other study of a prehistoric or historic resource, and associated records that are prepared or assembled in connection with the survey, excavation or other study. §79.4 provides detailed definitions of the kinds of material remains that fall under the regulation.

Who is responsible for ensuring that federally-owned and administered collections receive proper care?

The Federal Agency Official is responsible for ensuring proper care of federally owned and administered collections. The Federal Agency Official is "any officer, employee or agent officially representing the secretary of the department or the head of any other agency or instrumentality of the United States having primary management authority over a collection that is subject to this part." [36 CFR 79.4 (c)]

What constitutes proper care of federally-owned and administered collections?

Repositories, whether they are Federal, State, local, or tribal, must be able to provide professional, systematic, and accountable curatorial services on a long-term basis. Among their responsibilities, repositories must –

• Provide a catalog list of the collection contents to the responsible party (i.e., Federal Agency Official, Indian landowner, or Tribal official);
• Periodically inspect the physical plant to monitor physical security and environmental conditions;
• Periodically inspect the collection and associated records to monitor their condition;
• Periodically inventory the collection and associated records;
• Provide a written report of the results of inspections and inventories to the responsible party; and
• Make the collection available for inspection by the responsible party.

Are there special requirements for archaeological collections from Indian lands?

Yes. Because Indian tribes are sovereign nations, archaeological collections from Indian lands are treated differently under 36 CFR 79. The Indian landowner or Tribal official retains jurisdiction over the collections, including the right to determine access, use (including religious use), and disposition. Federal Agency and Repository Officials are encouraged to document their agreements with Indian landowners or Tribal official regarding the care and use of archaeological collections from Indian lands.

What kinds of uses are encouraged for federally-owned or administered collections?

36 CFR 79.10 addresses the scientific, educational, and religious use of such collections. Appropriate educational and scientific uses of collections include in-house and traveling exhibits, teaching, public interpretation, scientific analysis, and scholarly research. § 79.10 also describes the requirements that must be met when loaning a collection, and provides guidance for allowing destructive analysis under certain circumstances.

Are there special requirements for the use of religious remains in collections?
Yes. Religious remains are "material remains that the Federal Agency Official has determined are of traditional religious or sacred importance to an Indian tribe or other group because of customary use in religious rituals or spiritual activities. The Federal Agency Official makes this determination in consultation with appropriate Indian tribes or other groups." [36 CFR 79.4 (i)]
Note that the definition of "religious remains" is broader than the NAGPRA definition of "sacred object." Under § 79.10, religious remains in a collection must be made available to persons for use in religious rituals or spiritual activities. If the religious remains are from Indian lands, the Indian land owner or Tribal official must give consent prior to such use. Under § 79.11, religious leaders, Tribal officials, and official representatives of other groups for which the remains have religious or sacred importance have the right to periodically inspect the religious remains.
May a repository repatriate NAGPRA items that are part of a federally-owned or administered collection?
No. The Repository Official must "redirect any request for transfer or repatriation of a federally-owned collection (or any part thereof) to the Federal Agency Official, and redirect any request for transfer or repatriation of a federally administered collection (or any part thereof) to the Federal Agency Official and the owner." [36 CFR 79.8 (n)]
Further, "the Repository Official shall not transfer, repatriate or discard a federally-owned collection (or any part thereof) without the written permission of the Federal Agency Official, and not transfer, repatriate or discard a federally administered collection (or any part thereof) without the written permission of the Federal Agency Official and the owner." [36 CFR 79.8 (o)]
Are NAGPRA cultural items excavated or removed from Federal or tribal lands after November 16, 1990 considered to be "collections" under 36 CFR 79?
No. However, Federal agencies should adhere to the standards of 36 CFR 79 in providing care for such cultural items prior to their disposition.
Where can I learn more about 36 CFR 79?
• The complete text of the regulation is available online at http://www.cr.nps.gov/aad/tools/36cfr79.htm.
• Information about managing archeological collections, including the requirements of 36 CFR 79, is available online at http://www.cr.nps.gov/aad/collections/index.htm.