

# More Than One Mask: The Context of NAGPRA for Museums and Tribes

**EDWARD M. LUBY AND MELISSA K. NELSON**

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## INTRODUCTION

The Native American Graves Protection and Repatriation Act (NAGPRA) has fundamentally changed the relationship between museums and tribal peoples. Since 1990, thousands of human remains and funerary objects and hundreds of sacred objects and objects of cultural patrimony have been repatriated to tribes. Human remains and funerary objects have been reburied, and sacred objects and objects of cultural patrimony have been returned to tribal centers and/or reincorporated into traditional ceremonies. Tribes and museums have also made significant organizational and cultural adjustments in order to incorporate the repatriation law into their activities, including integrating extensive consultation efforts and comprehensive reviews of documentation into their operations. After seventeen years of NAGPRA, many in the museum and tribal worlds have become proficient in the “nuts and bolts” of the law and embraced the positive changes it has brought about. Many museum and tribal staff have learned to live with the law’s ambiguities, inadequacies, or as yet undeveloped sections; although others, mainly in the tribal world, are more critical of NAGPRA’s ambiguities and frustrated with the length of the repatriation process.

In many ways, the tribal and museum experience of implementing NAGPRA has also highlighted an often unrecognized commonality between these two communities: tribes and museums are constantly changing in terms of leadership, membership, funding, and institutional and programmatic

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Edward M. Luby is associate professor in the Museum Studies Program at San Francisco State University. He was formerly associate director of the Berkeley Natural History Museums, at the University of California, Berkeley, and prior to this, director of the NAGPRA Unit for the Phoebe Hearst Museum of Anthropology at Berkeley. Melissa K. Nelson is associate professor of American Indian Studies at San Francisco State University. She is Anishinaabe/Métis, an enrolled member of the Turtle Mountain Band of Chippewa Indians. Nelson just completed her first book, *Original Instructions: Indigenous Teachings for a Sustainable Future*, an anthology of more than twenty Native American leaders.

priorities. Furthermore, NAGPRA has forced the issue of a transformation in terms of ethics and collaborations in both tribal and museum communities. For museums, what is the right thing to do with a Native American sacred object that is not associated with a particular tribe? Who should be consulted? For tribes, how is it possible to access and work with an institution that holds ancestral remains and sacred objects? Who at the museum should these issues be discussed with? Museum board and staff and tribal councils and staff are now asking these types of questions across the nation on a daily basis.

Although claims for human remains, sacred objects, funerary objects, and objects of cultural patrimony under NAGPRA continue, relationships between museums and tribal communities are often not as productive and mutually beneficial as they might otherwise be. Cultural items may be repatriated, for example, but a variety of issues relevant to NAGPRA may not be addressed in NAGPRA consultations, including the use and access of sensitive audiotapes and videotapes; the culturally appropriate management of “unclaimed” objects and human remains and objects belonging to tribes that are not federally recognized; the creation of Web sites and CD-ROMs with images sacred to tribes; the transcription of archival material associated with ritually significant information; pesticide treatment of collections; and the use of photographic images. Left unexplored, we believe that these wider issues can impede the implementation of NAGPRA and block well-intentioned attempts to improve relationships between museums and tribal communities. For too long, these different cultures have been fixed in particular roles, as if wearing one mask each—museums as symbols of the triumphant but detached victor of power and resources, and tribes as the helpless minority and tragic victim of power. NAGPRA makes museums and tribes question these harmful stereotypes and reflect on their and each others’ new roles and identities. For example, some museums are excited to be consulting with tribal leaders, returning sacred objects, and co-managing important collections. At the same time, many tribes have developed NAGPRA training programs where traditional religious leaders and Indian attorneys educate tribal members about how to begin and complete successful repatriations with museums. These important changes are necessary for greater communication and understanding and perhaps can be symbolized by the ornate and beautiful transformer masks of the Pacific Northwest Indian Nations. Rather than being stuck with one mask (one role or identity), tribes and museums are transforming themselves in exciting, innovative ways. Just as these masks tell profound and sacred stories about the transformation and emergence of new worlds, museums and tribes have come to realize that they are also experiencing an important period of transformation, where active listening, mutual respect, and multiple pathways to understanding lead away from fixed positions and assumptions based on limited or superficial interactions.

Much has been written about the history of the development and implementation of NAGPRA as well as the direct impact of the law on tribes and museums.<sup>1</sup> The significance of NAGPRA within Anglo-American and Native legal frameworks continues to be explored, and the view that NAGPRA is an important “cultural property” issue is increasingly a topic for discussion.<sup>2</sup>

There are also several detailed descriptions and analyses of NAGPRA consultations, from both tribal and museum perspectives.<sup>3</sup> In addition, a number of authors have analyzed the impact of repatriation on the museum's day-to-day care for collections or examined early museum collecting practices and the link of these practices to contemporary discussions of repatriation.<sup>4</sup> Media cases concerning NAGPRA are common, and policy statements from a wide range of individual museums and tribes are increasingly available in publications and on the Internet.<sup>5</sup> In sum, although it is a relatively new law, analyses from a diversity of perspectives about the development, direct impact on tribes and museums, and legal importance of NAGPRA are now common, yielding important insights into the significance, philosophical meanings, and practice of "on the ground" repatriation.

However, despite the rapidly growing literature on NAGPRA, less has been written about the fact that NAGPRA raises important issues for tribes and museums that are not addressed by the law. For example, how are objects that do not meet NAGPRA definitions, but are acknowledged by all to be sacred, displayed and exhibited? Why can it take so long for museums to make decisions on topics that may fall strictly "outside" of NAGPRA, such as loaning objects to tribes, care and feeding of objects, or the development of relevant policy? Why is it essential for museum personnel to understand tribal sovereignty issues? Furthermore, not all museum personnel are aware of the historical framework within which many tribes place NAGPRA, nor are all tribes familiar with the legal "trust" issues that the return of objects that do not meet NAGPRA definitions pose for museums. This may be a consequence of the fact that those who might benefit from this information have been too busy "doing" the demanding day-to-day work of NAGPRA for museums and tribes. It may also be a consequence of the profoundly different worldviews and values that Euro-American museums and Native American tribes hold.

Based on these considerations, the Museum Studies (MS) Program and the Department of American Indian Studies (AIS) at San Francisco State University (SFSU) conducted the training workshop "NAGPRA in Context: A Training Workshop for Tribes and Museums."<sup>6</sup> We developed three principal aims for the workshop and outlined them for all participants in letters of invitation and again during the workshop's first, introductory session. The aims were (1) to create a truly "open" and safe educational environment where no party has a stake in a particular claim under NAGPRA; (2) to broaden the framework within which NAGPRA is viewed by museums and tribal communities; and (3) to train all participants in basic issues that can have a major impact on the implementation of NAGPRA.

In this article, we outline the rationale for holding the "NAGPRA in Context" workshop, review the steps involved in mounting it, and describe the workshop's format and the major issues discussed. We next examine reaction to the workshop and then offer some conclusions and recommendations for future work. It should be noted that many people attending the workshop, including tribal government officials, museum staff, and federal and state agency representatives, urged us to write an article outlining the workshop's development and results so that future attempts to improve communication

between museums and tribes could benefit from our experiences. A post-conference survey of participants indicated that the approach taken at the workshop—providing a setting where open and honest dialogue on some difficult, and often controversial, issues could take place—was successful. Participants left the workshop with a deeper understanding of the broader issues NAGPRA raises for tribes and museums.

#### DEVELOPMENT OF THE WORKSHOP

The authors originally conceived the workshop in the fall of 2002 after each invited the other to present a lecture on the topic of repatriation in courses they taught that semester. Specifically, AIS students listened to a lecture from Professor Luby on the basics of NAGPRA from a museum perspective. This lecture included an outline of the broader issues that the law raises for museums, such as the museum's stewardship obligations toward its collections and the need for museums to know as much as possible about the objects they hold. MS students then listened to Professor Nelson discuss some of the issues NAGPRA raises for tribes, including sovereignty, concepts of sacredness, the context for the original acquisition of museum collections, and the link of the law to broader cultural efforts of tribes, especially those concerning language.

In these lectures, we sought to set a tone of mutual respect and open dialogue and to avoid shying away from any difficult questions or issues in discussions. Up to the point in the semester that we presented the lectures, students had already been exposed to the basics of NAGPRA. During the class sessions, it was implicit that dialogue on repatriation was a fixed and natural feature of our worlds. Students later commented that it was a powerful learning experience to observe two professors respectfully exchange views on some difficult topics and to watch as they learned from each other in front of their students. It was also clear that each group of students had learned much about the broader context for repatriation for museums and tribes, and that this had greatly enhanced their understanding of issues and their ability to communicate their questions and points.

Shortly after these class sessions, we discussed the possibility of creating a small workshop with an approach similar to the one we had developed in class sessions—one that involved students at its core but also focused on educating the museum and tribal communities. One author approached Paula Molloy, a National Park Service representative from the national NAGPRA program, and presented the idea of an educational and training workshop concerned with what we decided to call “the context” of NAGPRA. Molloy encouraged us to submit a proposal. We submitted a draft proposal, received helpful comments, and submitted a final proposal early in 2003. The grant was approved for funding with planning set to begin in the fall of 2003 and early 2004.

For four important reasons, we decided early on in the planning process to work with the Kumeyaay people of San Diego County. First, the San Francisco-based Cultural Conservancy, with coauthor Nelson as its

executive director, had been involved in the project “Tribal Digital Village.” This collaborative project involved the eighteen tribes of San Diego County in a media technology training and cultural restoration program and was part of the tribes’ larger efforts to secure access to wireless high-speed Internet for improved intertribal communication and collaboration. We thought that it would not only be important for us to have a defined geographic area to supply a focus to our efforts, but also that it would be important to build on any preexisting relationships that either of us might have. Second, San Diego–area tribes have been active in NAGPRA on national and state levels for many years. For example, state legislators traveled to the Barona Reservation in 2000 for state-assembly repatriation hearings that involved tribal members and museum staff; these hearings were an important part of the process involved in the passage of California’s 2001 repatriation law. Third, if possible, we were eager to work with a tribal museum on this project because it could supply a common reference point for both museum and tribal communities. One of the best-known tribal museums in southern California is the Barona Cultural Center and Museum, so as we began planning we consulted closely with the museum’s director, Cheryl Hinton. Finally, we were aware that the Kumeyaay collaborated with museums in San Diego, an area rich with such institutions and historical societies. In particular, tribes had begun to work closely with the San Diego Museum of Man, and so it seemed likely that both museum and tribal communities in the area experienced some of the issues we hoped to explore in the workshop.

We also believed that it was important to supply an appropriate level of funding for participants so that they could concentrate on the topics to be discussed. As a consequence, one important feature of the grant was that it supplied stipends for all invited attendees. Specifically, small stipends were given to approximately twenty SFSU students (ten from MS and ten from AIS), and funds were supplied to cover their food, lodging, and transportation to and from San Diego by bus. Stipends were also available for two tribal representatives from each of the eighteen San Diego–area tribes and for fourteen tribal and museum participants that we carefully selected from around the state based on what they could contribute to the workshop. The fourteen museum and tribal representatives included Native artists, museum staff, traditional religious leaders, academics, tribal representatives, archaeologists, and cultural practitioners. Rooms at the Barona Resort were made available to all invited participants, and all food costs were covered during the two-day workshop. Once all invited participants were confirmed, we opened the workshop to the wider San Diego tribal and museum community. Although there were no funds for stipends for the wider community, there was no charge to attend the workshop, and many local museum and tribal representatives attended.

One important component of the workshop was identifying a conference coordinator who could help organize efforts on the ground, could assist with arrangements for food and lodging, and was knowledgeable about San Diego–area Native groups. While waiting to hear if the workshop would be funded, we approached SFSU graduate student Julie Holder, a San Diego–area

Kumeyaay person who had taken many MS classes with Professor Luby and who had been working on a master's thesis involving museum photographs of the Native peoples of San Diego. Holder agreed to assist us. As we grew to know her better, and to hear more about her own experiences with museums as a Native person and as a student, we also asked her if she would participate as a presenter for one session, as outlined later in this article. Holder made an important contribution to our efforts to organize the workshop, bringing her knowledge of the local community into planning, and was instrumental in coordinating activities during the workshop.

### STRUCTURE OF THE WORKSHOP AND INTRODUCTORY SESSION CONTENT

Each day consisted of a morning and an afternoon session held at the conference center in the same room, and there were no concurrent sessions. There were several breaks throughout the day, both planned and unplanned, depending on audience needs, which left much time for informal conversation and dialogue. All meals were presented in the conference center in a room adjacent to the one where sessions took place. Approximately one hundred people attended each day.

Sessions were composed of a series of subsessions, each exploring a different theme and moderated by one of the authors. Subsessions began with a brief lecture or comments by an individual designated as a presenter, an expert in a particular area to be discussed. A panelist's comments generally followed the presenter's comments. Panelists were asked not to prepare any comments in advance in order to facilitate discussion and to minimize the stress of being seated in front of an audience. Once presenters and panelists finished speaking, the moderator would open the discussion for questions or comments from the audience. Should the discussion halt, the moderator was always on hand to introduce new points or ask questions of the panelists. Students were assigned to each session to assist those making comments and to take notes on or to photograph sessions. All presenters and moderators were briefed on format and broad issues of content well ahead of time.

At the end of the first day, all participants toured the Barona Cultural Center and Museum for a behind-the-scenes tour with Hinton and her staff. Everyone then returned to the conference center for what was billed as a "networking dinner," free of charge to anyone attending the conference. This dinner was cosponsored by the Barona Band of Mission Indians and was designed to allow participants to meet and talk with each other informally. At the end of the second day, participants could travel by bus for an evening at the San Diego Zoo for a small fee. On the morning after all session workshops ended, workshop participants could travel to the San Diego Museum of Man for a complimentary breakfast and a behind-the-scenes tour with Javier Guerrero, curator of North American Collections and the curatorial liaison at the museum.

The workshop opened with a blessing of Bird Songs and welcome from H. Paul Cuero Jr., chair of the Campo Band of Mission Indians, and Steve

Benegas, chair of the Kumeyaay Cultural Repatriation Committee (KCRC) and council member for the Barona Band of Mission Indians. We were presenters for the workshop's first subsession, "Introduction to the 'NAGPRA in Context' Workshop," and this subsession was critically important in setting the appropriate tone for discussions. We began by emphasizing that although much repatriation has taken place and much repatriation work remains to be done, NAGPRA raises important issues for tribes and museums that are not addressed by the law. If these issues are not addressed, we argued, implementation of the law may be impeded and attempts to improve relationships between tribes and museums undermined. We then outlined several examples that museums and tribes face in this area, including if and how objects not considered to be sacred under the law should be exhibited by museums; the culturally appropriate care of collections that are not repatriated; why museums can take so long to make decisions concerning issues of great interest to tribes; and the absence of space to house repatriated or loaned cultural objects in some tribes.

We also stressed that an explicit bias of ours in presenting this workshop was the need for the museum and tribal community to work together in order to improve their relationship with one another. We emphasized the need to build, develop, and sustain relationships in a way that stresses understanding of the context of each community. We mentioned that although this might seem naïve or overly optimistic to some, we viewed an improved relationship as imperative for five reasons: (1) Native people are the direct descendants of the ancestral remains held in museums as well as relatives of the original makers of many of the Indian objects displayed in museums; (2) Native people are also a key part of many museum audiences; (3) museums will continue to hold objects of great interest to tribes that may not be repatriated for a variety of reasons; (4) tribes are important stakeholders in how museums care for their objects; and (5) because we do not have all the answers yet, and need to work together productively, we must attempt to communicate with each other as clearly as possible. We also emphasized that to do this requires mutual respect, an emphasis on active listening, the ability to articulate one's view in an open way, and a willingness to suspend one's opinion.

We realized that opening up a free-form dialogue on sensitive issues regarding ownership, control, and representation of cultural property could be a risky and disruptive process. We invited people who we knew were committed to improving relationships between these groups. For both tribes and museums, the cost of not cooperating is much greater than the risk of compromise, even though productive collaboration means that we take personal and professional risks, and we will not always agree on issues. We acknowledged that workshop presenters, panelists, and participants would probably disagree on some points. But that's why dialogue is so important. To increase productive collaboration we need to have dialogue as opposed to discussion—the word *discussion* sharing the same linguistic root as the words *percussion* and *concussion*, meaning to break things up, to fragment. The word *dialogue* implies a process of sharing, meaning to deepen understanding through creative disagreement rather than polarization and fragmentation.

We knew that we all had valuable ideas and experiences to share and that through listening and dialogue, we could gain much from the workshop.

We then asked, “What do we all need to know in order to work together, and what information would help us understand each other better? What do we need to do together to improve and deepen our relationship?” We suggested that one step among many was to present this workshop, with its carefully selected topics, and to bring people together in a setting where they could talk openly and where no particular NAGPRA claims were being made. For example, we sought to avoid a situation where a tribal member might not mention an issue of concern while in a museum because the tribal member might be concerned that it could have an impact on the tribe’s NAGPRA claim for an object held by that museum. We also sought to avoid a situation where a museum staff member might not ask a tribal person an important question concerning the care or the history of an object rather than raise a topic that they perceive is too sensitive to discuss.

We also indicated that we designed the workshop to create an open, safe, and educational setting for all participants, so that we could address these and other issues, and so that the museum and tribal community could broaden their respective frames of reference within which NAGPRA is viewed. From a museum perspective, for example, we indicated the need to explore the importance of museum operations on repatriation claims and for requests for access, loans, or co-management of objects that do not meet NAGPRA definitions. We suggested that many museum professionals do not understand museum operations well enough, so it is difficult to contemplate how tribes could. From a tribal perspective, we stressed that cultural revitalization efforts are a key part of understanding repatriation and efforts to manage objects held by museums. We pointed out that indigenous intellectuals and artists are retelling America what it means to be Native in the twenty-first century, and that museums and their exhibits are critical sites for this retelling.

We then emphasized that the workshop’s success depended on its participants because we had left so much of the workshop format open for audience discussion and comment. In view of this, we then encouraged everyone to participate, listen actively, engage, and ask questions in formal or informal settings. As the workshop’s organizers, we stated that this was a risky format for us because it was loosely structured at times, and discussions could take place on quite sensitive issues. We argued, however, that this was the kind of format and setting that we believed would encourage honest dialogue and open discussion and would best help us meet our goal of understanding each other better.

With this approach, we hoped to foster communication and to prevent participants from “talking past each other,” as can be the case when the issue of repatriation is discussed in some museum-tribal settings. We sought real understanding and substantive discussions on topics, and believed from the outset that the presence of so many students from both the AIS and MS programs would encourage all participants to take a long-term view of the museum-tribal relationship. We hoped that participants would want to help us instruct the next generation of their communities, and that, in the process,

museums and tribes would speak to each other clearly and openly. In this regard, we had spent much time with our students in preparing for the workshop. In addition to intensive coursework in both programs, for example, we sponsored a series of extra meetings focused on student's issues and questions concerning NAGPRA and its broader context, and students from the two programs came to know each other for the first time in the history of the programs at the university.

## OUTLINE AND CONTENT OF MAIN SESSIONS

Space constraints preclude a detailed discussion of each sub-session. However, the content of each sub-session is summarized below in order to supply a sense of the major points covered and the tone of the subsequent discussion.

After the completion of the introduction to the workshop the next sub-session, "NAGPRA in a Historical, Museum, and Cultural Context," commenced. There were three presenters: Professor Amy Lonetree, then from the AIS Department at SFSU (2003–2005), discussed the historical context of NAGPRA, Edward Luby covered the museum context, and Melissa Nelson discussed the cultural context.

In the "Historical Context of NAGPRA," Lonetree discussed the many challenges that faced tribes during the late nineteenth and early twentieth centuries. She argued that this time period, when most of the collecting from large research museums took place, was a historical "low point" for Native peoples. She suggested that the activities of collectors must be examined from a viewpoint that recognizes the extreme cultural stress experienced by Native people reeling from the assimilation-era policies enacted during this time. Lonetree also outlined some notorious examples of grave robbing and the collecting of human remains from massacre sites, and was especially critical of the activities of early physical anthropologists who desecrated Indian burial sites. Lonetree's presentation poignantly reminded us all why NAGPRA is seen as such a critical human-rights issue.

In the "Museum Context of NAGPRA," Luby outlined several recent changes in the museum world that he argued were relevant to understanding NAGPRA better. These changes include the museum's increasing appreciation of its audience, the need for museums to be relevant to their communities, the central role of education in today's museum, and the emergence of the museum profession as a distinct field. He also outlined concerns over accountability and transparency in nonprofit organizations, the pressures of fundraising, and the increased concern with legal considerations in areas such as cultural property and cultural heritage. Finally, he argued that an appeal to museum ethical codes, as well as continued communication between tribes and museums, could help navigate the issues raised by NAGPRA that are not directly addressed by the law.

Nelson outlined cultural history and revitalization efforts among tribes today as the presenter for the "Cultural Context of NAGPRA." In particular, she focused on the importance of understanding the diversity of tribes in California. She emphasized that despite the fact that in 1776 California had

the highest Indian population north of Mexico City, today more than half of the tribes in California are without federal recognition, meaning they have no land base, no sovereign rights as the original inhabitants of this land, and no legal standing when it comes to NAGPRA, religious freedom, and other federal laws concerning federally recognized American Indians. This means that in California, museums hold hundreds of thousands of human remains, funerary objects, sacred objects, and objects of cultural patrimony that are considered “unidentifiable” because they belong to a known tribal community that is without federal recognition. Nelson also emphasized that, philosophically, Native cultures have a spiritual perspective rather than a materialistic perspective of “objects”; therefore the issue of ownership can get complex. Additionally, museums need to understand how some of their language, attitudes, and care management can be seen as problematic for Indian leaders who see objects as “relatives” and see repatriation as akin to having stolen property returned or having a long-lost family member finally return home. In this sense, NAGPRA is definitely a matter of religious rights and freedom and indicates the strong emotional nature of repatriation for Native peoples.

Nelson also discussed that as physical and spiritual objects, the cultural items that can be claimed under NAGPRA, as well as many other museum-held objects that are outside of the legal definitions of NAGPRA, are often essential for cultural revitalization efforts by today’s Native Americans. Therefore, tribal scholars need to (1) have special access to museum collections that contain objects from their tribe; (2) be able to touch, hold, photograph, and conduct ceremonies with certain objects; and (3) be involved, as tribal consultants, in the process of repatriating objects both under and beyond NAGPRA requirements. For many tribal people, non-NAGPRA museum items—photographs, audiocassettes of ancestor’s voices, or films containing moving images of deceased relatives—are considered sacred and need to be returned to the descendant families and tribes.

Nelson reminded everyone that a holocaust happened in the Americas and that Native American culture was not “lost” nor did it passively “vanish”—it was systematically taken away from Native peoples through force, genocide, federal and state laws of removal, relocation and reservation, and numerous other government policies and practices. Despite the destructiveness of colonization, Native American cultures have survived, persisted, adapted, and continued to practice traditional ways, often in private. Museums have helped and harmed in this effort of cultural continuance and today, through NAGPRA and new ethical standards, have a great opportunity to work with tribes to revitalize cultural practices. Nelson emphasized that it is important to recognize, however, that many non-Native people and institutions already have an interest in “helping save Indian ways.” This is a good intention, but these “good intentions” were what fueled missionaries efforts in Indian country, with devastating consequences. As a result of this colonial legacy, some Native peoples would rather see their objects destroyed, their languages go dormant, or have their cultural practices disappear for a while rather than have them misused, abused, or commodified by outsiders. Nelson concluded by stating

that there is a delicate line between the old charity, missionary approach of helping Indians and the collaborative partnership approach of working with Indians in a reciprocal manner. Nelson emphasized that ultimately this dialogue between tribes and museums is an effort to begin important healing and truth and reconciliation work. This healing and reconciliation process does not only have to happen between tribes and museums but also within each tribe and each individual museum.

Session 1 continued with the subsession “Tribes Are Nations,” with presenter Joanne Barker, also a professor and chair of the AIS Department at SFSU. This presentation was designed to help museums understand tribal nationhood, the concept of sovereignty, and government-to-government relations. After defining tribal sovereignty as conceived in the US context, she examined the controversies surrounding sovereignty and the link of sovereignty to concepts of nationhood in an international context. Barker next discussed the history of treaties, their relevance to the US Constitution, and the unique “nation-within-nation” status of tribes. Barker noted that there is sometimes tension between tribal governments and traditional leaders regarding tribal goals and how well repatriation efforts are supported. She concluded by emphasizing the need for museums to appreciate the great diversity among tribes in the way that sovereignty is viewed, and further suggested that knowledge of the history of this issue would be helpful for museums as they consult and build relationships with tribes. Panelist Otis Parrish of the Kashaya Pomo, and then cultural attaché at the Phoebe Hearst Museum of Anthropology at the University of California, Berkeley, responded by emphasizing the need for tribes to know more about this history. Subsequent discussion from the audience focused on the challenges of building relationships when tribal governments change.

Session 1 ended with detailed presentations by National NAGPRA staff members Martha Graham and Paula Molloy on recent developments in NAGPRA. Graham began by announcing the appointment of the latest review committee members and the schedule for their next two meetings, and followed this with the latest information on the number of repatriations and associated notices. She then presented an update on the status of drafts for various sections of the implementing regulations and outlined the current count of the minimum number of “culturally unidentifiable” human remains held by museums and agencies (approximately 111,000 human remains and 750,000 associated funerary objects).<sup>7</sup> Molloy then discussed the training efforts and grants program of National NAGPRA and directed participants to several resources she included in the workshop binder. She concluded by outlining the latest information on Kennewick Man, or “the Ancient One.” Many Native participants were shocked and outraged at the number of human remains considered “culturally unidentifiable” and therefore still held by museums and agencies.

Session 2 opened with presenter Luby’s discussion of museum organization, governing authorities, and the trust responsibility of boards toward their collections in the subsession “Museums: Organization, Operations, Boards and Governance.” He suggested that tribal communities understand that the

governing body of a museum (such as its board) should be making important policy decisions in a museum, including those involving repatriation and the issues that repatriation raises, rather than the museum's staff. He also emphasized that there are a diversity of museums, some with well-functioning boards who have a deep sense of responsibility toward their collections, and others where this is not the case. He suggested that tribal communities would benefit from recognizing this diversity, even though this may be asking a great deal, and that anyone interested in understanding why museums sometimes take so long to make important decisions should examine the governance situation of museum. Finally, he argued that inattention to trust responsibilities, such as a museum not knowing as much as possible about its collections, could be considered a direct reflection of board priorities. Panelists for this session included Otis Parrish and Victoria Bradshaw, the head of collections at the Phoebe Hearst Museum.

The next subsession in session 2, "Tribal Consultation and Visits to Museums: Expectations and Realities," began with Parrish outlining his role as cultural attaché at the Phoebe Hearst Museum. He discussed the background work that museum staff completes prior to a tribal visit, issues he has encountered and helped to resolve when a tribe visits a museum, and how he has approached educating museum staff about tribal issues. Julia Parker, cultural curator at the Yosemite Museum, then outlined how she initially became involved with museums and what her experiences visiting several museums had been. Cheryl Hinton next discussed her interactions with tribal representatives and museum staff at several institutions concerning repatriation and collections care, followed by Shirley Ramirez of the Table Mountain Rancheria, who focused her comments on the several visits her group has made to the Phoebe Hearst Museum.

The first day's final sessions revolved around the experiences of the Kumeyaay people. First, in a subsession led by Steve Benegas of the KCRC and attended by several of its members, the mission, organization, and recent activities of this committee were outlined. This was followed by individual members describing their activities and concerns, which ranged from examples of recent repatriations to the status of nonfederally recognized groups under NAGPRA and the KCRC's response to this. The first day ended with a comprehensive tour of the Barona Museum and Cultural Center, including a wide-ranging discussion of its exhibits, history, public education efforts, and its recent interactions with San Diego-area museums.

The workshop's second day began with session 3, which consisted of subsessions regarding collections management in museums, issues concerning pesticides, and exhibits and curation in museums. In the first subsession, "Museum Collections: How Are They Managed?" presenter Bradshaw discussed collections care by focusing on the challenges of improving collections care for baskets housed at the Phoebe Hearst Museum. She also outlined the struggle to balance access and preservation, the realities of continually seeking funds to upgrade collections storage, and newly emerging issues concerning the use of photographs, film, and audiotapes. She also differentiated the kind of indiscriminant collecting done during the late nineteenth century, where few

records were kept, from later, well-documented, comprehensive collecting activities. This presentation was followed by the comments of Professor Lynn Gamble, director of Collections Management at San Diego State University, who described more recent kinds of compliance-driven collecting. Professor Gamble also described how essential it had been for her to work closely with tribal communities in her own museum-based research, and discussed the challenges of collections care and her experiences working on repatriation as an archaeologist. Subsequent discussion focused on the board's role in making collections care a priority, how tribes should approach museums if they have questions on collections, and research in the museum setting.

The next subsession, "Collections Care: Issues with Pesticides," began with a ten-minute presentation by Paulette Hennung of California State Parks. She discussed a new resource guide about pesticide treatment of museum collections that is now available on their Web page.<sup>8</sup> She outlined how the Web page had been created, described its basic features, and encouraged commentary and use. This was followed by a presentation by tribal scholar and cultural practitioner Kathy Wallace (Hoopa Valley Tribe/Karuk/Yurok/Mohawk), who outlined how she became involved with the issue of pesticide treatment, the changing response by museums to this issue over time, and her current concerns. Bradshaw then commented on how the Phoebe Hearst Museum currently approaches the issue, discussed the challenges of working with older collections that are poorly documented, and presented examples of working with tribes cooperatively to address concerns.

Due to interest in the topic and the need for workshop participants to continue discussion, the final subsession, "Exhibits and Curation," was extended past its original ending time. Presenter Lonetree began the session with a comprehensive assessment of the representation of Indian peoples in museums and the current movement within the profession to develop community-collaborated exhibitions with tribal nations. Her discussion focused on her experiences working with the Minnesota Historical Society on the Mille Lacs Indian Museum and the community-collaborative exhibitions developed there that focused on issues such as sovereignty, the importance of family and elders, economic development, making a living, contemporary survival, and language. She also described the challenges of working with the British Museum in London, which has not followed the same type of collaboration model that several museums in the United States and Canada have followed in recent years. Lonetree concluded by outlining the opportunities and challenges this new form of collaboration can take, as well as the more positive aspects of this new working relationship as reflected in the community-collaborative exhibitions developed at the Mille Lacs Indian Museum by Mille Lacs tribal members and the Minnesota Historical Society. Presenter Wallace then spoke about how her experiences with curation and exhibits at several museums had changed for the positive during the years, outlining some memorable examples of museums that at first did not even offer to pay her expenses but over time came to realize that she was indispensable to their efforts and hired her as a professional consultant. She also described the challenges and benefits of working with museums as an Indian artist and scholar.

The subsession continued with comments by L. Frank Manriquez (Tongva/Ajachemem), artist and tribal scholar, who offered a highly personal and compelling account of her interactions with several museums, including her experiences visiting French museums. She also described her ambivalence about museums as places that preserve tribal heritage but at the same time as places that have traditionally restricted access to collections and have not allowed tribal peoples a role in collections care. Manriquez embodied the common love/hate relationship many Native peoples feel about museums: they love to see aspects of their culture and history represented to the public and have the opportunity to learn and see objects themselves, but at the same time they hate to see their culture and history misrepresented, exposed, or damaged by false interpretations and treatment (that is, incorrect tribal identification and poisoning of artifacts by pesticides). The subsession ended with the comments of curator Guerrero, who described recent efforts by the museum to work with the Kumeyaay, the essential nature of these activities, and the need for museums to be community-based institutions that work in collaboration with tribal peoples.

Session 4 consisted of two presentations, the first by Melissa Nelson and Phil Klasky of the Cultural Conservancy and the second by Julie Holder. Through a series of images and the playing of sample audio recordings, Nelson and Klasky conveyed the importance of tribal recordings for the maintenance and/or revitalization of language and cultural practices in their presentation "Protecting and Repatriating Legacy Recordings." They outlined several projects conducted through the Cultural Conservancy in which state-of-the-art recordings of tribal languages had been made, with the full participation and leadership of the relevant tribes, and then described how the tapes were created, controlled, and used by the tribes. They also discussed efforts to "clean up" and digitally edit and remaster "legacy recordings," which are recordings made in the late nineteenth and early twentieth centuries that have been collecting dust in archives or in the closets of tribal leaders without ever being used. Today these aging recordings can be transferred to computer hard drives, archived, and duplicated on compact discs and cassettes for use in Native language programs and by tribal members. Nelson and Klasky described the differences between the ethnographers and "songcatchers" of one hundred years ago and the cultural revitalization advocates of today who respect the intellectual and cultural property rights of Native American tribes, bands, families, and individual culture bearers.<sup>9</sup>

Session 4, and the workshop's formal portion, ended with an unforgettable presentation by Holder, who first outlined her discovery that photographic images of San Diego-area tribal people that had been taken by anthropologist E. Davis at the turn of the century likely included members of her family. She then recounted her struggle to identify who was pictured in the images. Although the images were stored in museums in San Diego, the documents describing who was pictured in these images were housed in the Huntington Free Library in Bronx, New York, now the Huntington Free Library's Native American Collection in Cornell University's Carl A. Kroch Library, Division of Rare and Manuscript Collections. In the end, she was able to reassociate the

photographic images with their original descriptions and identify and name scores of individuals depicted in the photographs. Accompanied by haunting Native American and Tibetan music, Holder presented these images in an uninterrupted sequence, accompanied by the original written descriptions of the anthropologist. Although many images were heartbreaking, many demonstrated the survival of cherished cultural practices through the most difficult of times. It is fair to say that workshop participants were deeply moved, and, in time, a lively discussion resumed. Points mentioned in the discussion included the ambivalence some tribal people feel about the fact that museums preserved these images in the first place, the appropriateness of showing these images in this setting or to any outsiders without family permission, and the differences among tribal people living on and off reservation with respect to cultural privacy.

The next day, workshop participants were able to travel to the San Diego Museum of Man and attend a brunch sponsored by the museum and a behind-the-scenes tour of the facilities. Museum staff welcomed participants, including the museum's director of one day, Dr. Mari-Lyn Salvador. Curator Guerrero led an in-depth tour, punctuated by discussions concerning repatriation, collections care, and the role of community at the museum, with assistance from Phil Hoag.

#### REACTION TO THE WORKSHOP

We sent surveys to approximately seventy individuals, all but ten electronically. Several electronic surveys were sent to representatives of tribes or museums who were requested to forward it to others from their group who attended the workshop. Surveys were distributed approximately ten days after the workshop's end. Respondents were given the opportunity to answer the survey anonymously, though everyone who responded identified themselves. We estimate that approximately eighty-five people received the survey. Responses were received from twenty-six individuals, a relatively high response rate of roughly 31 percent.

Sample questions included "Was this a safe, open, educational environment where you felt free to express your views, given time constraints?" "Of the panels and presentations that you attended, which ones did you find the most helpful/interesting?" "Do you have any recommendations for particular topics or speakers for the next conference?" and "What was the most important thing you learned at the workshop?" In general, workshop participants who responded to the survey viewed the workshop favorably, and virtually all respondents reported that the workshop supplied a "safe, open, educational environment." Several individuals commented that substantial dialogue and increased understanding had taken place, that panelists were well chosen, and that topics were relevant and helpful.

Of the many comments made, four are presented below that answer the question "What did you learn the most?" because we think they are typical of other written comments and are also representative of the many comments we heard in person or later on voice-mail messages:

1. Museum Employee: “[I learned most about the] use of museum collections to re-create the artistic traditions of . . . lost ancestry. This helped me to better understand the importance of opening museum collections for Tribal representatives.”
2. Tribal Scholar: “Attitudes are changing, but education, collaboration, and consultation are all needed to promote understanding. More work is needed to make nontribal people understand that tribal people see the ‘artifacts’ and ‘Cultural items’ as more than objects. To make them understand that these things are in their ‘care’ and the tribal people do care about them, so feelings need to be considered when dealing with these things. . . . I learned a great deal from all of the workshops. You chose them well. All were interesting.”
3. Museum Employee: “[I learned that] museums continue to fall short of tribe’s expectations and how important it is for both tribes and museum staff to maintain relationships even when there is no particular event going on (repatriations, visits).”
4. Tribal Scholar: “[I learned] that there is a community of folk in the museum world ready to hear what we as Native people have to say.”

What follows is one comment made by a representative of an agency, in answer to the question “was this a safe, open, educational environment?”: “Absolutely. I was particularly impressed by participants’ willingness to engage difficult and controversial subjects, express their thoughts honestly, listen respectfully, find common ground where possible, and agree to keep the dialog open when agreement couldn’t otherwise be reached.”

Virtually all comments made on surveys were constructive. Several respondents thought that more time for discussion should have been made available. One commenter stated that he was “nervous about saying the wrong thing,” and another hoped for “healing and understanding” and that the “words of museum staff would not be hollow.” Another respondent was concerned about the perceived tendency for tribes at the workshop to generalize about all museums based on a bad experience with one museum. Another suggested that the tribal perspective was second to the museum perspective at the workshop, and that some contemporary ideas in the field of anthropology should have been incorporated into the workshop.

Support was also high for a follow-up workshop. Respondents suggested that additional sessions include such topics as state repatriation legislation and presentations by museum and tribal participants involved in an actual repatriation. One respondent suggested that a session pairing speakers from the conservation profession with traditional elders to talk about the care and handling of Native artifacts in museum collections would be helpful. Another wrote that NAGPRA raises many issues for tribes and agencies working in development-related projects, and a session on this topic involving archaeologists would help everyone involved. A few respondents suggested repeating the workshop in other areas of the state.

Respondents had uniformly favorable opinions of the workshop’s format, location, meals, and accommodations. Meals were viewed as a good time to

connect with others, and the workshop's relatively small size was perceived to be conducive for networking and discussion. Suggestions for improvement ranged from tailoring the workshop for smaller tribes to lengthening sessions and creating more roundtable settings. One respondent thought that a broader geographic representation of tribes from within California would have been helpful, and another thought that a discussion at the end of the workshop concerning "where do we go from here?" would have been interesting. These suggestions were all offered in a positive manner and in the spirit of improving communication between tribes and museums.

We also asked what challenges participants faced, and many museum personnel responded by stating that funding, the extent of work to be done, understaffing, and difficulties with boards were important issues. Those with ties to tribes mentioned the need to develop tribal resource management organizations and the need to educate tribes more about tribal legal history. Many respondents wrote that continued educational efforts that brought everyone together were necessary.

## CONCLUSIONS

We believe that the workshop met its stated, primary aims: (1) to create a truly "open" and safe educational environment; (2) to broaden the framework within which NAGPRA is viewed by museums and tribal communities; and (3) to train all participants in basic issues that can have a major impact on the implementation of NAGPRA. By acknowledging that important cultural objects continue to be housed in museums, even with NAGPRA in place, and that museums and tribes need to work together to ensure that these objects are given the appropriate care and treatment, workshop participants were able to discuss many difficult issues in a setting of mutual respect and open-mindedness.

Various ethical difficulties and cross-cultural challenges were raised in the workshop. These ranged from frustration and annoyance with the NAGPRA law and process; concern and outrage by tribes over the term *culturally unidentifiable* and the number of ancestors still stored in museums, universities, and agencies; the foundational clash in paradigms regarding the materialistic and spiritual views of ancestral remains ("bones") and artifacts; conflicting views of property and ownership; and control, access, and display of artifacts and ethnographic materials including photographs and sound recordings. Of these various challenges raised, perhaps the most contentious issues were intratribal, where some tribal members were offended that other tribal members controlled and displayed sensitive material without full consent of all family members. Even given these tensions, participants carefully articulated and listened to each other's different viewpoints and positions. In some cases, these conflicting views were resolvable and greater understanding and opportunities for collaboration emerged. In other cases, issues were less resolvable and individuals respectfully agreed to disagree, with all participants witnessing the profound complexities of repatriation given intratribal, intertribal, intramuseum, and tribal/museum differences.

In designing and implementing the workshop, we also linked recent changes in the tribal-museum relationship directly to NAGPRA, supporting recent analyses of the altered relationship by several scholars.<sup>10</sup> Rather than focusing on case studies of individual NAGPRA consultations, or assessing the law, we addressed the many issues that have been raised by NAGPRA, including the use and management of photographs, audiotapes, and archives, and we explored how decisions concerning management of this material are made on a practical basis. As a consequence, discussions were neither entirely theoretical nor were they entirely practical.

Topics chosen for discussion in sessions resonated with tribal and museum participants, and so may serve as a snapshot of current concerns surrounding repatriation and as indicators of areas that require additional in-depth discussion. Interest was particularly high for topics such as tribal involvement in museum exhibits and collections care, the link between cultural revitalization efforts and repatriation, and governance in both museum and tribal organizations. Workshop participants also supported the broadened framework within which we suggested NAGPRA should be viewed, indicating that discussions of historical, cultural, and organizational changes are important in repatriation efforts.

For those involved in day-to-day repatriation activities, analysis of the workshop's results suggests several things. First, participants engaged in repatriation discussion should expect issues "outside" of NAGPRA to arise, such as the management and exhibit of sacred items that do not meet legal definitions. Broader areas of concern, including cultural revitalization, the Native voice in society, general and specific tribal histories, the museum's role in communities, expectations of stakeholders in museums, and the sheer diversity of museums, are also relevant to discussion of repatriations. Second, those involved in repatriation should allow sufficient time for these discussions, even if the topics to be discussed do not fall under "consultation" as defined in the law, and their governing bodies should support these activities. Finally, many tribal and museum communities want to learn from and teach each other, even on issues that are difficult, emotional, and in flux.

Reviewing the workshop's results also suggests what factors were important in contributing to its success. Communication among workshop participants, for example, was clearly enhanced by not focusing on any particular tribal collection held by a museum; this approach may have generated legal concerns regarding a specific claim and would likely have inhibited discussion. The involvement of students in the workshop was another key factor. The presence of so many students reinforced the workshop's educational approach and offered participants the opportunity to talk to each other indirectly by addressing student concerns in discussion sessions. In addition, the tone we set in the introductory session, during which we asked for audience participation, constructive dialogue, and honesty, helped generate meaningful discussion. Clearly the excellent speakers and presenters were a crucial factor. The presence of a moderator in all sessions also helped keep discussions relevant and interesting. Finally, a constellation of other factors—including the workshop's small size, financial support from several sources,

location, associated facilities, and support of the local tribal and museum community—undoubtedly contributed to the positive response elicited by tribal and museum participants.

In conclusion, we believe that it is important to emphasize that many museums and tribes only began to interact once NAGPRA consultation was mandated. As a consequence, for some museums and tribes, NAGPRA has truly been a transformative experience, though certainly not all of it has been positive. Although a vague sense of hopeful optimism is evident in many early articles that discussed the outcome of NAGPRA-related interactions between tribes and museums, it is clear today that discussion on a range of relevant issues is just beginning. This is not to say that this optimism was naïve, only that a sobering array of commitments is necessary to reach better understanding—commitments that range from questioning deeply held assumptions about ownership, property, and power to developing individually tailored organization-to-organization and museum-to-tribal nation agreements in order to broaden consultation efforts. Much discussion of history, culture, and organization still needs to take place and several Native scholars need to articulate significant critiques of NAGPRA, both as a law and the way it is implemented. In order to implement NAGPRA most effectively, and to advance understanding in a positive manner, we believe that the broader context of NAGPRA needs to be integrated into the perspectives of tribes and museums. NAGPRA has been extremely useful for raising important concerns and requiring tribes and museums to begin or deepen this dialogue and process. For the process of repatriation to be successful and for the relationship between tribes and museums to be improved, both groups must address deeper, ethical cross-cultural questions that are beyond the requirements of NAGPRA.

## NOTES

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3. Willard L. Boyd, “Museums as Places of Controversy,” *Daedalus* 128, no. 3 (1999): 185–228; Michael F. Brown, *Who Owns Native Culture?* (Cambridge, MA: Harvard University Press, 2003); Jo Carillo, “Editor’s Introduction to Chapter 4: The Repatriation of Cultural Property,” in *Readings in American Indian Law: Recalling the Rhythm of Survival*, ed. Jo Carillo (Philadelphia: Temple University Press, 1998), 153–63; Clayton Dumont, “The Politics of Scientific Objections to NAGPRA,” *Wicazo sa Review* 18, no. 1 (2003): 109–28; Sherry Hutt, “If Geronimo Was Jewish: Equal Protection and the Cultural Property Rights of Native Americans,” *The Northern Illinois University Law Review* 24 (2004): 527–60; James D. Nason, “Traditional Property and Modern Laws: The Need for Native American Community Intellectual Property Rights Legislation,” *Stanford Law and Policy Review* 12 (2001): 255–66; Moira G. Simpson, *Making Representations: Museums in the Post-Colonial Era* (New York: Routledge, 2001); Rebecca Tsosie, “Indigenous Peoples Claims to Cultural Property: A Legal Perspective,” *Museum Anthropology* 21, no. 3 (1998): 5–11.

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4. Gillian A. Flynn and Deborah Hull-Walski, “Merging Traditional Indigenous Curation Methods with Modern Museum Standards of Care,” *Museum Anthropologist*

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5. Adams, “Appendix F: Collections Policies Relating to Native American Graves Protections and Repatriation,” in Adams, *Implementing the Native American Graves Protection and Repatriation Act*, 175–91.

6. The workshop was sponsored by the SFSU departments of MS and AIS, and was hosted and cosponsored by the Barona Museum and Cultural Center, with support from the Cultural Conservancy, a not-for-profit group organization based in San Francisco and dedicated to preserving and revitalizing indigenous cultures. The National Park Service National NAGPRA Program primarily funded the workshop. The training workshop was held at the Barona Valley Ranch Resort and Casino, located on the reservation of the Barona Band of Mission Indians, part of the larger Kumeyaay Nation, in Lakeside, California, in eastern San Diego County, from July 14–16, 2004.

7. Nelson finds this term particularly troubling because it assumes these remains and objects will never be properly identified, even though many of them are linked to particular tribes currently without federal recognition status. Nelson also emphasized that the continued storage of this number of human remains, who most tribes consider sacred ancestors, is an egregious disregard for American Indian religious and human rights and a sad reminder of the history of genocide in North America.

8. California State Parks, [http://www.parks.ca.gov/?page\\_id=23183](http://www.parks.ca.gov/?page_id=23183) (accessed 27 October 2008).

9. Mickey Hart and K. M. Kostyal, *Songcatchers—In Search of the World’s Music* (Washington, DC: National Geographic Society, 2003).

10. Brown, *Who Owns Native Culture*; Kreps, *Liberating Culture*; Moira G. Simpson, *Making Representations*; Tweedie, *Drawing Back Culture*.