

NAGPRA and the Penn Museum: Reconciling Science and the Sacred

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On November 16, 1990, Congress passed the Native American Graves Protection and Repatriation Act (NAGPRA). Its goal was to reunite artifacts classified as “cultural items” with their respective people, along with placing limits on their trade and ways by which they may be acquired. These items are defined as even as they watch the others, human remains and associated funerary objects, “unassociated funerary objects,” “sacred objects,” and “objects of cultural patrimony.”¹ Museums receiving federal funding were required to return cultural items in their collections to Native tribes, sometimes leading to debate over whether or not said items fell into the categories set forth by the act. One such controversy arose between the University of Pennsylvania Museum of Archaeology and Anthropology (Penn Museum) and the Tlingit people of southeast Alaska (Figure 1). The disagreement raised questions regarding the rights of ownership to artifacts acquired by museums and drew attention to the importance of establishing provenance and ethical acquisition. It also highlighted the problems caused by the frequent lack of communication between museums and Native communities. The passing of NAGPRA was a turning point in museum practices and in the empowerment of Native peoples.

¹ *Native American Graves Protection and Repatriation Act*, Pub. L. No. 101-601, 101st Cong., 2nd Sess. (1990).

² “About Us,” Central Council Tlingit & Haida Indian Tribes of Alaska, accessed Oct. 28, 2013, <http://www.ccthita.org/about/overview/index.html>.

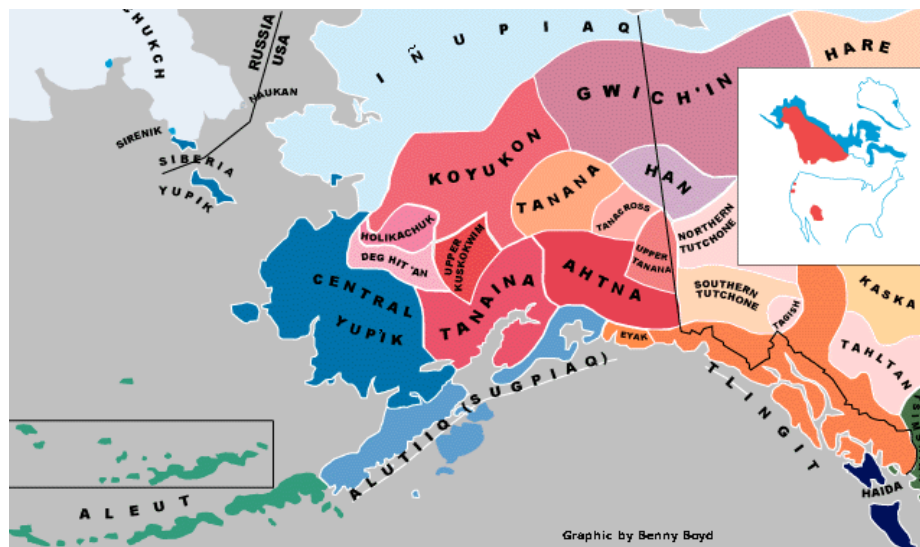


Figure 1. Locations of Alaskan Native groups. Benny Boyd. Alaska Native Knowledge Network, University of Alaska Fairbanks.
<http://www.ankn.uaf.edu/Curriculum/NativeGames/resource.html> (accessed Oct. 28, 2013).

This study will examine the conflicting perspectives in response to the following questions: Is ownership of artifacts determined by bill of sale or by cultural affiliation? When are objects and human remains considered sacred, and when do they become science? Which should take priority, religious observance or scientific discovery? Is housing artifacts away from the hands of their people the solution to preserving their respective heritages? How has the implementation of NAGPRA affected museum practices over the past two decades? What are some alternative options for museums and Native cultures when issues over the ownership of artifacts arise?

There are a number of challenges associated with this study. Perhaps the greatest hurdle is that the Penn Museum's acquisition of the Tlingit artifacts occurred in the early twentieth century, meaning that participants involved on either side of the exchange are no longer available for comment. The implementation of NAGPRA has been difficult as well, with the strained relationship between the American government and Native peoples complicating this custodial battle. The rights to the land upon which the United States has been built have been the subject of contention for centuries, as has the ensuing diminishment of indigenous culture. An excerpt from the Central Council of the Tlingit and Haida Indian Tribes of Alaska's website illustrates the continuation of these tensions to the present:

The Central Council...evolved out of the struggle of our people to retain a way of life strongly based on subsistence. That struggle included the rights

of our people to claim lands we had used from time immemorial, lands we were given no claim to under the Western concept of land ownership.²

However, the past few decades have seen an increased awareness regarding the need to preserve Native culture. Sven Haakanson, Jr., an Alutiiq and the former director of the Alutiiq Museum and Archaeological Repository in Kodiak, Alaska, shares his unique perspective as a scientist and an Alaska Native:

For the past two centuries our traditional ways have been systematically erased and replaced by a system that is foreign and is incapable of sustaining groups of people who choose to continue to live traditionally. These people are marginalized because of who they are and how they live. Today, we are challenging these foreign ideas and trying to stop the loss of traditional knowledge From the loss of traditional beliefs to shifts in material culture and, finally language, Natives across Alaska have felt the impact of assimilative practices However, over the past two decades this has dramatically changed People, Native and non-Native alike, have become aware of the importance of traditional culture....through the conscious efforts of Elders, Native leaders, and anthropologists who have worked to reverse the loss of what was once a rich cultural heritage. Now we are faced with piecing together what was lost.³

NAGPRA is part of an overall movement toward the empowerment of Native Americans that began with the foundation of the National Museum of the American Indian (NMAI) in 1989.⁴ Part of the legislation establishing the museum included a groundbreaking repatriation policy requiring the Smithsonian Institution to return human remains and sacred objects in their collections to Native peoples.⁵ The NMAI Act set a precedent for a government-mandated repatriation policy directed at a federally-funded institution, paving the way for the passage of NAGPRA legislation on a larger scale one year later.⁶

² “About Us,” Central Council Tlingit & Haida Indian Tribes of Alaska, accessed Oct. 28, 2013, <http://www.ccthita.org/about/overview/index.html>.

³ Sven Haakanson, Jr., “Understanding Sacredness: Facing the Challenges of Cultural Change,” in *Stewards of the Sacred*, ed. Lawrence E. Sullivan and Alison Edwards. (Washington, DC: American Association of Museums in cooperation with the Center for the Study of World Religions, Harvard University, 2004), 124.

⁴ *National Museum of the American Indian Act*, Pub. L. No. 101-185, 101st Cong., 2nd Sess. (1989).

⁵ W. Richard West, Jr., “The National Museum of the American Indian: Steward of the Sacred,” in *Stewards of the Sacred*, 12-13.

⁶ James Pepper Henry, “Challenges in Managing Culturally Sensitive Collections at the National Museum of the American Indian,” in *Stewards of the Sacred*, 106.

The contention over the Tlingit artifacts in Penn's collections can be traced back to a discrepancy over their manner of acquisition. Louis Shotridge, Native Tlingit and Assistant Curator of the Penn Museum from 1915 to 1932, purchased a collection of artifacts in 1924 for \$500 from Archie White in the Alaska Native village of Hoonah (Figure 2). White was head of the Snail House, a subdivision within the T'akdeintaan clan of the Huna group of Tlingit.⁷ The acquisition included ceremonial masks, hats, robes, drums, and dance ornaments. From 1995 to 2006, the Hoonah Indian Association and Huna Totem Corporation collectively petitioned for the return of thirty-nine of these items that they identified as being "sacred" or "object[s] of cultural patrimony."⁸ The Penn Museum argued that the artifacts were purchased from White fairly, whereas the Tlingit countered that White did not have the right to sell them without the consent of the entire clan. To complicate things further, a fire ravaged the community in 1944, destroying eighty percent of the Hoonah Village, along with many artifacts and traditional objects. Those that survived in the Penn Museum became that much more valuable to the Tlingit people.⁹ T'akdeintaan elder and chairwoman of the nonprofit Huna Heritage Foundation Marlene Johnson explained, "As Tlingit Indians, we believe that our ancestors' spirits stay within any objects they owned. That makes those objects very precious to us; they're an important part of our cultural functions, and they belong with [our] clan."¹⁰

⁷ Kyle Hopkins, "Pennsylvania Museum Told to Return Alaska Tlingit Artifacts." *Anchorage Daily News*, Nov. 28, 2010, <http://www.adn.com/2010/11/28/1577430/museum-told-to-return-tlingit.html> (accessed Sep. 13, 2013).

⁸ Mervin Wright, Jr., "Native American Graves Protection and Repatriation Act Committee Findings Related to the Identity and Return of Cultural Items in the Possession of the University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA," *Federal Register* Vol. 77, No. 243 (2012), 74875.

⁹ Molly Petrilla, "Tlingit Claim on Museum Objects Triggers Federal Scrutiny." *The Pennsylvania Gazette*, Feb. 24, 2011, <http://www.upenn.edu/gazette/0311/gaz06.html> (accessed Sep. 12, 2013).

¹⁰ *Anchorage Daily News*, Nov. 28, 2010.



Figure 2. Louis Shotridge with Tlingit artifacts in Penn's collection. 1928, black and white photographic print. Temple Urban Archives, Temple University, Philadelphia. http://seattletimes.com/html/localnews/2013672794_artifacts14.html (accessed Oct 28, 2013).

Shotridge set out to acquire the artifacts in the 1920s with the purpose of protecting and sharing his people's heritage. His efforts culminated in the Penn Museum's Louis Shotridge Digital Archive,¹¹ developed from 2007 to 2010 and containing 569 artifacts, over 2500 pages of Shotridge's letters and field notes, 500 black-and-white photographs, and audio recordings of traditional songs on a series of eight wax cylinders ([Error! Reference source not found,3](#)). The Penn Museum used Shotridge's intent to safeguard Tlingit culture to support their claim to the collection; the artifacts would have been lost in the 1944 fire, if they had not been housed in the museum at the time. Penn/s supporters questioned where to draw the line in repatriating items in museum collections, as well as the wider ramifications of NAGPRA with regard to cultural preservation.¹²

¹¹ "The Louis Shotridge Collection," University of Pennsylvania Museum of Archaeology and Anthropology, http://penn.museum/collections/shotridge/collection_at_penn.html (accessed Sep. 12, 2013).

¹² *Anchorage Daily News*, Nov. 28, 2010.



Figure 3. A Guide to Pronunciation. Louis Shotridge, Louis Shotridge Collection, Penn Museum, Philadelphia. <http://penn.museum/collections/shotridge/display.php?type=documents> (accessed Oct. 28, 2013).

Federally-funded museums that do not uphold the requirements of NAGPRA receive penalties and fines. Any person is free to alert the Secretary of the Interior to a museum's failure to comply, defined as selling, transferring, or refusing to repatriate items subject to NAGPRA; not completing inventories of their collections; repatriating objects or human remains without publishing a notice in the Federal Register; not consulting with Native representatives as required; and withholding information about artifacts treated with hazardous chemicals.¹³ There is no statute of limitations for descendent peoples to make a claim for repatriation, and it is not yet clear if there will be any foreign implications resulting from NAGPRA; for example, if the Egyptian government decided to request the repatriation of the mummies, funerary tools, temple wall reliefs, and other items in Penn's collections. All of these items are crucial to the Penn Museum's identity, yet fall into the categories of sacred objects, funerary objects, or human remains.

From a scientific perspective, the manipulation of NAGPRA's original intentions has had a damaging effect on anthropological research. In October 2007, the Department of the Interior proposed replacing cultural affiliation with the ambiguous term "cultural relationship." A tribe requesting the repatriation of heritage objects or human remains would then only need to demonstrate a

¹³ *Code of Federal Regulations*, Native American Graves Protection and Repatriation Regulations, title 43, sec. 10.12.

relationship with the originating people or the land on which they had lived, rather than having to establish linear descendancy. The rewording of the act would allow artifacts and human remains categorized as being culturally unidentifiable or as belonging to an extinct tribe to be requisitioned by any existing Native community that could claim such an association, not just the tribe's descendants. Dean Snow, then president of the Society for American Archaeology, opposed the change, arguing that:

The Department's proposed regulations have no basis in law or science and reflect an attempt to impermissibly legislate in a manner not prescribed by Congress This ill-advised rule would irreparably diminish the archaeological record of the entire U.S. The damage to some of our most cherished institutions and the cost to science and the public is incalculable Over the last 17 years, tribes, museums, and federal agencies have developed relationships of trust and mutual understanding of the law. The proposed rule effectively dismisses those hard-earned accomplishments.¹⁴

Repatriating items to Native communities often results in a permanent loss of information; this is especially true regarding the reburial of human remains, as was nearly the case with the Kennewick Man. On July 28, 1996, remains were discovered along the Columbia River near Kennewick, Washington, that were later radiocarbon-dated to 8000-8500BP (7500-6900 BCE). Several local tribes tried to claim the Kennewick Man under NAGPRA; the U.S. Army Corps of Engineers, as managers of the federal land on which the remains were found, refused to allow additional scientific study and intended to repatriate the remains to Native tribes for reburial. In a highly publicized case, a group of anthropologists sued the U.S. government for the right to conduct research on the remains.¹⁵ In August 2002 the Oregon District Court ruled in favor of the anthropologists, stating that "NAGPRA's impact on scientific study rights need not be addressed. "In other words, NAGPRA did not apply to the case, as "remains of archaeological interest found on federal or tribal land are governed by the Archaeological Resources Protection Act."¹⁶ Therefore, the anthropologists had a right to study the remains.¹⁷

¹⁴ "Proposed Federal Rule Threatens Two Decades of Established Law: Department of Interior Proposes Upending 17 Year Policy," *Society for American Archaeology News Release*, Dec. 3, 2007, <http://rla.unc.edu/saa/repatriation/Regs/SAA.CUHRrelease.2007-12-03.pdf>, accessed Dec. 11, 2013.

¹⁵ *Bonnichsen et al. v. United States et al.*, 217 F. Supp. 2d 1116 [Dist. Or.] [2002]: 1121

¹⁶ ARPA; Public Law 96-95, October 31, 1979, 16 U.S. Code Sec. 470aa et seq.

¹⁷ Susan Bruning, "Complex Legal Legacies: The Native American Graves Protection and Repatriation Act, Scientific Study, and Kennewick Man," *American Antiquity* Vol. 71, No. 3, (2006): 502-503.

In March 2010, Congress added an amendment to NAGPRA allowing culturally unidentifiable human remains to be repatriated to tribes currently or previously living on the land from which those remains were recovered. This addition has received backlash from the scientific community, opening the door for an anthropological melee. Fred H. Smith, Anthropology Department Chair at Illinois State University explains:

I and many of my colleagues believe the new additions to the law go far beyond the spirit of compromise that defined the original NAGPRA law...The new law allows virtually any group to claim unaffiliated remains with essentially no proof that they are closely related. There are a number of problems with this, but not to be lost among them is that it severely limits scientific research on human remains...I have little hope that the interests of science and knowledge will win out against the emotionalism of the other side. It's a shame, and no one knows the ramifications of this for the future.¹⁸

NAGPRA raises the question of when human remains are considered sacred, and at what point they become science. The notion that the ownership of remains belongs to the next of kin does not apply to remains of Natives in museum collections. The treatment of fallen American soldiers provides an interesting point; the repatriation of remains of soldiers killed abroad is an expected part of post-war treaty negotiations, and their bodies are transported home with reverential ceremony. In the case of soldiers killed during the Korean War, modern advancements in DNA analysis have allowed the identification of bodies over half a century later.¹⁹ Funded by the U.S. government, this cooperation suggests that the same partnering of technology and government grants could be applied to affiliate culturally unidentifiable Native remains with descendant tribes, since artifacts and human remains designated as culturally unidentifiable are not eligible for repatriation under NAGPRA. Rubie Watson, director of the Peabody Museum of Archaeology and Ethnology from 1997-2003, reveals that "reasons for the designation of culturally unidentifiable include: no descendent tribe exists, or the museum has insufficient information to make an affiliation, or the preponderance of available evidence does not support affiliation."²⁰ Veronica Pasfield, a

¹⁸ Rob Capriccioso, "Scientists Ponder NAGPRA Lawsuit," *Indian Country Today Media Network*, Apr. 14, 2010, accessed Dec. 11, 2013, <http://indiancountrytodaymedianetwork.com/article/scientists-ponder-nagpra-lawsuit-22494>.

¹⁹ Judith Keene, "Bodily Matters Above and Below Ground: The Treatment of American Remains from the Korean War," *The Public Historian* Vol. 32, No.1, (2010), 77-78.

²⁰ Rubie Watson, "Culturally Sensitive Collections: A Museum Perspective," in *Stewards of the Sacred*, 120.

repatriation officer for the Bay Mills Indian Community, estimates that eighty percent of remains deemed as such could be affiliated with living tribes.²¹ However, the same priority given to the identification of fallen soldiers is not given to that of Native remains subject to anthropological study. Museum consultant and advisor Elaine Heumann Gurian acknowledges the delicate balance that must be struck between the opposing agendas of science and the sacred:

Take the issue of human remains. It is true that when skeletal remains are reburied, bones will decay and forensic scientists will permanently lose access to more scientific information. But the issue of reburial is really one of balancing sets of priorities, and those priorities involve more than science. The proponents of reburial almost always cite a belief in the spirit and the afterlife – notoriously nonscientific issues. And indeed, for almost everyone, the deciding argument (regardless of whose bones are in question) becomes, in the end, a spiritual one: we want our loved ones to repose in peace.²²

Science and the sacred need not be mutually exclusive; the utilization of DNA analysis to identify and repatriate remains would be a significant step in balancing Native concerns for religious observance with the utility of knowledge gained through scientific research.

Ownership of sacred objects is another sensitive subject; for a museum, these items represent important advances in scientific knowledge regarding indigenous cultures. For Natives who believe in animism, objects “are, undeniably, the chief cultural and spiritual currency of the Native peoples who made them and whose descendants are still among us . . . [they] embody, indeed often personify, the very cultural and spiritual essences of Native peoples.”²³ Jacki Rand, a professor of history at the University of Iowa, and Choctaw Native, explains that “[t]he Native...[values] the creation [of the object] . . . over the final product. Process speaks to historical or cultural significance because it is testimony to cultural continuity and change. It is the evidence of lost traditions, innovations, preserved cultural knowledge, historic perspective and vision of the future.”²⁴ These conflicting views on the spiritual versus scientific nature of cultural objects often find museums and Native communities at odds with one another. The debate between the Tlingit people and the Penn Museum raised the question of whether to protect an object or its people’s way of life. Should museums statically preserve artifacts in time, or does utilization by a culture ensure their survival? Johnson addressed the concerns of both parties by suggesting that some of the artifacts be

²¹ Capriccioso, “Scientists Ponder NAGPRA Lawsuit.”

²² Elaine Heumann Gurian, “Singing and Dancing at Night,” in *Stewards of the Sacred*, 93.

²³ West, “National Museum of the American Indian,” 8.

²⁴ Ibid.

housed at a local museum pending the construction of a new one dedicated to Huna Tlingit culture, allowing these objects to be accessible to the public while remaining with their people. Sacred objects could again become part of religious ceremonies, rather than remaining behind glass.²⁵ Reintegration of heritage objects into Native communities can be complicated due to early twentieth century museum preservation methods. These often involved components we know today to be toxic, such as using arsenic to protect feathers and fur, or mercury for baskets (Error! Reference source not found,4). Such treatments could have deadly consequences were the items reintroduced into use by their native people, and it is expensive to test which artifacts are affected.²⁶



Figure 4. Tlto-Aw tanned animal hide robe memorializing those killed in the Lituya Bay tsunami, *Anchorage Daily News*, Nov. 28, 2010. Photo courtesy of Huna Heritage Foundation. <http://www.adn.com/2010/11/28/1577431/museum-told-to-return-tingit.html> (accessed Oct. 28, 2013).

Museums and tribes are usually able to reconcile the repatriation of cultural items, but this case proved to be more complex. On June 19, 2009, the Penn Museum offered to return eight artifacts to the Tlingit: one sacred object that is also an object of cultural patrimony, six sacred objects that are not objects of cultural patrimony, and one object that is an object of cultural patrimony, but not a sacred object. The remaining thirty-one items in question “[did] not meet the specific NAGPRA definitions for cultural patrimony or sacred objects.”²⁷ NAGPRA defines sacred objects as “ceremonial objects which are needed by

²⁵ *Pennsylvania Gazette*, Feb. 24, 2011.

²⁶ Robert W. Preucel et al., “Out of Heaviness, Enlightenment: NAGPRA and the University of Pennsylvania Museum of Archaeology and Anthropology,” *Expedition* Vol. 45, No. 3 (2003), 25-26.

²⁷ *Federal Register*, Dec. 18, 2012.

traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents,” and cultural patrimony as “having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American.”²⁸ When White sold the collection to Shotridge, it implied individual ownership rather than ownership by the T’akdeintaan clan as a whole. The museum offered to name several Hoonah as co-curators of the thirty-one items that would remain in its possession. Dissatisfied with this proposal, the Hoonah Indian Association and the Huna Totem Corporation brought the conflict before a NAGPRA Review Committee in 2010 to decide if the artifacts met the federal criteria for repatriation, and to determine which party could establish its right of possession. On November 19, the committee ruled unanimously that the entire collection consisted of items that were either sacred or objects of cultural patrimony, and that the Penn Museum must return all thirty-nine to the Tlingit people (Figure 5).²⁹



Figure 5. Andrew Gamble, Jr. (Kaagwaantaan clan leader), Herman Davis (L’ooknax. ádi clan leader), and Tom Young (Kaagwaantaan Box House leader) in Tlingit clan regalia; hats from Penn’s collections. Jan. 2008, photo by Robert W. Preucel. Penn Museum, Philadelphia. <http://www.penn.museum/blog/museum/cultural-heritage-preservation/penn-museums-nagpra-repatriation-program> (accessed Oct. 28, 2013).

The conflict that escalated over the Tlingit artifacts was rare; efforts to repatriate items in museum collections are usually carried out without incident. In a press release, Penn stated that “as of 2011, 42 formal repatriation claims seeking the return of collections have been received and 25 repatriations have been completed resulting in the transfer of 232 sets of human remains, 750 funerary

²⁸ Native American Graves Protection and Repatriation Act, 1990.

²⁹ *Federal Register*, Dec. 18, 2012.

objects, 14 unassociated funerary objects, 20 objects of cultural patrimony, 22 sacred objects and 2 object claimed as both cultural patrimony and sacred.”³⁰ Specific inventories are unavailable, but the museum has returned objects to a number of tribes across U.S. since the passing of NAGPRA in 1990 ([Table 1](#)).³¹

2011	Tlingít T’akdeintaan Clan of Hoonah, Alaska
2008	Hui Mālama I Nā Kūpuna O Hawai’i Nei, the Hawai’i Island Burial Council, and the Office of Hawai’i Affairs jointly
2007	Pawnee Nation of Oklahoma
2006	Sisseton Wapeton Oyate Tribe, South Dakota
2005	Sac & Fox Tribe of Mississippi in Iowa
2003	Miami Tribe of Oklahoma
2002	Native Village of Kotzebue
2002	Comanche Tribe of Oklahoma
2002	White Mountain Apache Tribe
2002	Organized Village of Grayling
2000	Klamath Indian Tribe of Oregon
2000	Sac & Fox Tribe of Oklahoma
2000	Jamestown S’Klallam Tribe
1999	Winnebago Tribe of Nebraska
1998	Oneida Nation of New York & Oneida Tribe of Indians of Wisconsin
1998 & 2000	Cayuga Nation of New York
1994 & 2000	Chugach Alaska Corporation
1991, 1996, 1997, 1999	Hui Mālama I Nā Kūpuna O Hawai’i Nei
1990	Zuni Pueblo

Table 1. Repatriations by the Penn Museum in Compliance with NAGPRA from 1990-2011. Penn Museum, Philadelphia.

The act has had a marked impact on museum practices throughout the country. In the case of the Penn Museum, Lucy Fowler Williams, Associate

³⁰ “Press Releases,” Penn Museum, accessed Dec. 11, 2013, <http://www.penn.museum/press-releases/11-collections.html>.

³¹ “NAGPRA,” Penn Museum, accessed Dec. 11, 2013, <http://www.penn.museum/nagpra.html>.

Curator and Senior Jeremy Sabloff Keeper of the American Collections, reports that:

We do not collect human remains, though museums generally no longer acquire human remains today as they did in the first half of the twentieth century. We have always been careful about what we acquire. Today most of our acquisitions come through donation and we assess them carefully. In regard to NAGPRA, we do not acquire anything we feel may be a sacred object or an object of cultural patrimony.³²

NAGPRA is not without its benefits for the scientific world. In the two decades since its passing, many institutions have reevaluated their communications with Native communities. This has led to the creation of new dialogues that otherwise never would have occurred. Consultations have led to collaborations on new exhibits, and an increased understanding of Native cultures. These new insights have influenced the manner in which museums display items that remain in their collections. Williams describes the process at Penn:

There are some general guidelines we do follow out of respect for Native American cultural sensitivities. The American Section does not exhibit North American human remains. It also does not exhibit items we know are of a highly sensitive nature. Examples include Ghost Dance regalia, Mide bags, Kachina masks, and prayer feathers. We do not exhibit pipe bowls and pipe stems joined, but rather side by side. We do not exhibit associated funerary objects. In addition, if an object is on display and a tribe makes a repatriation claim for it and the claim is found to be valid, we would likely take the object off of exhibition as that claim is processed.³³

Native peoples now have a say in the manner in which they are represented in cultural institutions, which is arguably “the most important aspect of NAGPRA . . . the establishment of the rights of indigenous people to control their cultural property.”³⁴ In many cases, Native representatives choose to allow objects to remain in museum collections or commission Native artists to create replacements for artifacts being repatriated. T.J. Sullivan goes on to predict that in the coming years, museums will need to “embrace the cultural goals of indigenous people within the museum’s corporate goals,” learning to work together with Native communities to form more accurate portrayals of their cultures and better educate

³² Lucy Fowler Williams, interview with the author, Nov. 2, 2013.

³³ Ibid.

³⁴ T.J. Sullivan, M. Abraham, and D.J.G. Griffin, “NAGPRA: Effective Repatriation Programs and Cultural Change in Museums,” *Curator* Vol. 43, No. 3 (2000): 233.

the public.³⁵ An open dialogue is an exercise in reciprocity; in addition to giving Native peoples a voice, it also forges relationships that provide anthropologists with new primary sources of information for their research. NAGPRA has spurred a new level of cooperation between Native groups and cultural institutions that serves as a model for broader interactions between the U.S. government and tribal communities. Mike Wallace argues that museums are meant for this very purpose, as instruments of social change:

History, and history museums, are inescapably political, and always have been. In the old days . . . the museological giants and house museum pioneers all presented narratives linking the past with present-day concerns and prescriptions for the future. Usually museums were handmaidens of power, and they set the present in a continuum in such a way as to ratify present arrangements.³⁶

Indeed, the NMAI's founding legislation set the wheels in motion for a new era of shared authority of exhibits, and the idea of stewardship rather than ownership of artifacts, "becoming partners with [Native] communities in effecting change."³⁷ Additional benefits of NAGPRA include the administrative changes that have taken place in museums as a result; Watson cites "improved management, documentation, and storage of collections; improved communication with Native Americans; and ongoing relationships with descendant communities of all kinds" at the Peabody Museum.³⁸

One exhibit stemming from this increase in communication is *Native American Voices*, opening at the Penn Museum in the spring of 2014. Composed jointly with members of several Native American Nations, most notably Hopi journalist and filmmaker Patty Talahongva, it will provide inside interpretations of these cultures ([Figure 6](#)).³⁹ As Lead Curator of the exhibit, Williams reveals that the intent of *Native American Voices* is to express "that Native people are alive and relevant today, to convey issues of importance in the Native American community, and to teach people about what is going on today in Indian Country from the perspective of some of today's Native American leaders."⁴⁰ The exhibit gives Native peoples authority over their own history; it allows them to elect to name the

³⁵ Ibid., 250.

³⁶ Mike Wallace, "Museums and Controversy," in *Mickey Mouse History and Other Essays on American Memory*, ed. Susan Porter Benson et al. (Philadelphia: Temple University Press, 1996), 122-23.

³⁷ Ibid., 128

³⁸ Watson, "Culturally Sensitive Collections," 120.

³⁹ Penn Museum, "Special Exhibition: Native American Voices," *Trip Planner* (2013-2014): 4.

⁴⁰ Williams, interview

museum as custodian of their cultural artifacts, and sheds light on peoples that have been swept aside because they represent a chapter of American history that many would rather forget. Wallace condemns a selective view of the past that “render[s] the majority of the population invisible as shapers of history,” claiming that museums that operate under such pretenses have “falsified reality,” and become “instruments of class dominance.”⁴¹



Figure 6. Artist Rendition of *Native American Voices* Exhibit, Penn Museum, Philadelphia. Penn Museum, “Special Exhibition: Native American Voices,” *Trip Planner* (2013-2014): 4.

In addition to collaboration on museum exhibits, there are a number of innovative solutions being utilized in museum collections subject to NAGPRA. In 2002, the Peabody Museum created an online forum for Alutiiq, Aleut, and Tlingit peoples to comment on their cultural items in the museum’s collection using a password-protected site. This project allowed for Native peoples to have greater access to heritage objects housed in a museum on the opposite side of the country and facilitated the museum’s open communication with tribal elders and representatives.⁴² This modern approach to anthropology invoking the spirit of shared authority and participatory culture is quickly becoming a crucial component of museum practices.

The digitization of collections, like the Louis Shotridge Digital Archive, offers greater access to artifacts for both Native and non-Native audiences. Three-

⁴¹ Mike Wallace, “Visiting the Past: History Museums in the United States,” in *Mickey Mouse History*, 24-25.

⁴² Patricia Capone and Diana D. Loren, “Stewardship of Sensitive Collections: Policies, Procedures, and the Process of Their Development on the Peabody Museum,” in *Stewards of the Sacred*, 175.

dimensional digital models, such as the Smithsonian X 3D project, create realistic and accurate representations of objects that can be manipulated in ways that would be impossible with authentic artifacts. Two of the project's 3D digitization coordinators, Adam Metallo and Vince Rossi, explain that

3D capture gives you the most complete documentation possible of a physical, three-dimensional object... those museum objects that we have allowed to lie dead on the shelves for so many decades can now be reinfused into day-to-day life and culture in a way never before possible.⁴³

The Smithsonian reports that only one percent of its holdings are on display; therefore, digitizing the collection provides visitors access to the remaining ninety-nine percent.⁴⁴ Furthermore, the advent of 3D printers allows the manufacturing of replicas of these objects, an innovation which could be used to reconcile repatriation disputes. In 2005, the National Museum of Natural History received permission from the Tlingit people to create a 3D model of the Dakl'weidi (Killer Whale) Hat in their collection, designated as both a sacred object and an object of cultural patrimony ([Figure 7](#)).



Figure 7. Keet Render of Tlingit Dakl'weidi (Killer Whale) Hat, Smithsonian X 3D, Smithsonian Institution, Washington, D.C. <http://3d.si.edu/article/tlingit-dakl%E2%80%99weidi-killer-whale-hat> (accessed Dec. 11, 2013).

⁴³ Adam Metallo and Vince Rossi, "The Future of Three-Dimensional Imaging and Museum Applications," *Curator* Vol. 54, No. 1, (2011), 64-66.

⁴⁴ Günter Waibel, "About Smithsonian X 3D," Smithsonian X 3D, accessed Dec. 11, 2013, <http://3d.si.edu/about>.

The data was used to create an exact replica for the Smithsonian to display, and the original was repatriated.⁴⁵ Dialogue with the Tlingit community allowed educational and cultural concerns to be satisfied, and both parties were able to come to an acceptable agreement. This exchange provides a valuable example of an alternative solution that can be reached through increased communication and technological advances.

Technology can also be employed to ensure the appropriate cultural care of items that remain in museum collections. Training employees in these practices avoids possible conflicts, and demonstrates respect toward these objects and Native communities. In response to such concerns, the NMAI instituted a Culturally Sensitive Collections Care Program. The program created a central database known as the Collections Information System (CIS), where museum staff can note requests made by Native representatives regarding the handling and display of artifacts, as well as information not intended for public knowledge.⁴⁶ Previous requests have been for certain items to be arranged facing the same cardinal direction, for others to only be handled by men or non-menstruating women, and for offerings such as burnt sage and sweetgrass to be permitted during consultation visits. Information given to the museum that is not intended to be shared with the public has included religious rites and ceremonies and the location of reburial sites.⁴⁷ The sharing of cultural practices allows museums to place Native artifacts in proper context through their exhibitions and expresses to Native communities that their traditions are being respected.

The passing of NAGPRA in itself underscores the continuation of the conflicts between science and the sacred, as well as the complicated question as to who can lay claim to a culture's heritage. The unexpected benefits of the act – including increased communication between museums and Native communities, and innovative approaches to sharing authority – suggest that progress often has a snowball effect, once it is given a push. Indeed, attitudes and practices toward the preservation of Native American societies have changed dramatically since the Penn Museum's acquisition of the Tlingit artifacts in 1924. Recent years have seen concerted efforts to ensure the survival of Native tribes and their distinct heritages. NAGPRA is an important step toward this goal of empowering the cultural celebration and preservation of these peoples. Secretary of the Interior Sally Jewell summed this goal up eloquently: "While we cannot go back in time and undo many of the wrongs of history, we can in this case rectify the wrongs of removing the

⁴⁵ Eric Hollinger, "Tlingit Dakl'weidi (Killer Whale) Hat," Smithsonian X 3D, accessed Dec. 11, 2013, <http://3d.si.edu/article/tlingit-dakl%E2%80%99weidi-killer-whale-hat>.

⁴⁶ Henry, "Challenges," 109-11.

⁴⁷ Watson, "Culturally Sensitive Collections," p115-17.

remains of tribal ancestors and important cultural artifacts from native peoples.”⁴⁸ However, the act has resulted in a loss of valuable scientific information as cultural objects and human remains are removed from study. As an archaeological and anthropological institution, part of Penn Museum’s mission is to educate the public about other cultures through the exhibition of artifacts. If every cultural object was required to be returned to where it originated, the museum would lose its purpose, becoming nothing more than an empty shell. In an age of our ever-increasing dependency on technology, it has become crucial for the warring worlds of science and religion to find common ground. The cooperation between Native tribes and cultural institutions following the passing of NAGPRA proves that this reconciliation, while difficult, is indeed possible.

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⁴⁸ National Park Service, “National Park Service Grants to Help Native Americans Identify and Repatriate Human Remains and Cultural Objects,” *National Park Service Press Release*, Jun. 28, 2013, accessed Sept. 13, 2013, <http://www.nps.gov/news/release.htm?id=1498>.

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