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of the Smithsonian Institution (SI), 1991-2012

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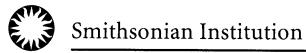
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Office of General Counsel

VIA US MAIL

September 30, 2014

RE: Your Request for Smithsonian Records (request number 42568)

This responds to your request dated and received in this Office on July 29, 2014 for copies of "the Repatriation Committee Reports Submitted to the Secretary of the Smithsonian." The Smithsonian responds to requests for records in accordance with Smithsonian Directive 807 – Requests for Smithsonian Institution Information (SD 807) and applies a presumption of disclosure when processing such requests. The policy is posted on our website at http://www.si.edu/About/Records-Requests.

Enclosed is a CD that contains sixty-nine documents totaling 1292 pages. Please be advised that a very small amount of information has been redacted from the enclosed documents. Certain predecisional and deliberative material has been redacted consistent with SD 807 under Exemption 5. In addition, personal information including the identifying details of unsuccessful job applicants has been redacted consistent with SD 807 under Exemption 6, where disclosure of such information would constitute a clearly unwarranted invasion of the personal privacy of a third party with no overriding public interest. None of the redacted material is appropriate for discretionary disclosure.

This concludes the Smithsonian's response to your request.

Sincerely,

Jessica Sanet

Assistant General Counsel

Enclosure

You have the right to appeal a partial or full denial of your request. Your appeal must be in writing, addressed to the Smithsonian Institution Office of General Counsel at the address below, and made within sixty days from the date of this response letter. Your letter must explain your reason(s) for the appeal. The Smithsonian Under Secretary for Finance and Administration will decide your appeal and will respond to you in writing.

NATIVE AMERICAN REPATRIATION REVIEW COMMITTEE Smithsonian Institution

May 24, 1993

Secretary Robert McC. Adams The Smithsonian Institution Washington, D.C. 20560

Dear Secretary Adams:

We are writing to report on the activities of the Repatriation Review Committee during the 1991-92 fiscal year. This initial year of the Committee's activities was characterized by the establishment of the procedures and guidelines whereby the Committee could most effectively function to achieve its mandate; however, important substantive activities also occurred.

The Committee had three full meetings during the year. These were in Washington, and were held in conjunction with Smithsonian staff (see minutes in Attachment "A"). The committee also met once in Phoenix (with one Smithsonian representative) to develop its operating procedures. A draft of the operating procedures developed by the Committee were combined with a draft of the Smithsonian's own rules of operation for the Committee to form a single set of finalized operating procedures (see Attachment "B"). This final document is a product of considerable effort by both Committee members and Smithsonian staff and is considered by both parties to be the final statement of not only the Committee's operating procedures but also the activity guidelines and decision-making criteria whereby the Committee will perform its charges.

Roger Anyon Zuni Archaeology Program

Lynne Goldstein University of Wisconsin-Milwaukee

Andrea A. Hunter Northern Arizona University

Russell Thornton Dartmouth College

Christy G. Turner II
Arizona State University

The Committee received and reviewed three detailed case documents from the Smithsonian's Repatriation Office regarding the repatriation of skeletal remains. These pertained to the repatriation cases of the Cheyenne, the Pawnee and several groups of Nevada Indians. The Committee also was informed of the results of the disposition of several other, earlier repatriation cases.

Repatriation Office National Museum of Natural History, MRC 138, Smithsonian Institution, Washington, D.C. 20560 (202) 357-1899 At the Committee's initiative, a letter was sent to U.S. Secretary of the Interior Lujan requesting that he actively seek the release of appropriated monies from the U.S. Congress to assist individual American Indian tribes and groups with their repatriation activities (see Attachment "C"). The Committee is also sending a letter to Native American tribal leaders informing them of the existence of the Committee and the Committee's role in the repatriation activities of the Smithsonian (see Attachment "D").

The most important task of the year, however, was the monitoring of the repatriation activities of the Smithsonian. Reports were given to the Committee at each of the Washington meetings detailing the Smithsonian's activities in this regard, and Committee members individually examined case files and met with the staff of the Repatriation Office. This is in addition, of course, to the various documents the Committee read regarding both general Repatriation Office operations and specific repatriation cases. No serious shortcomings of repatriation procedures have as yet been concluded to exist by the Committee. The repatriation process is just getting underway, however, and a statement of shortcomings would not be appropriate now. Questions have been raised about the speed of the repatriation process, and while it seems to some to be slow, a Committee judgment at this time would be premature. However, the Committee is concerned about the slowness in hiring a Director and Native American liaison for the Repatriation Program.

The Committee notes that it does not monitor the Repatriation Office budget, and no detailed information is provided to the Committee regarding Repatriation Office expenditures. Also, the Committee cannot have its own activities or trips funded without prior written permission from the Office of the Director of the National Museum of Natural History. This could potentially hinder the Committee in the performance of its full range of duties as specified by Congress.

The Committee has been kept informed of repatriation efforts by others. The Director of the Museum of the American Indian has regularly met with the Committee to outline that Museum's repatriation policies and decisions, and the Committee has met with the staff of the Department of the Interior's Repatriation Office in order to become acquainted with Native American Grave Protection and Repatriation Act (NAGPRA) operations and procedures. The Committee may meet with the NAGPRA Committee in the future to discuss and compare repatriation programs.

We the undersigned members of the Repatriation Review Committee, do respectfully submit this report of our activities to you. We, of course, will be most happy to provide you with additional or more detailed information should you desire it.

Sincerely,

Roger Anyon

Zuni Archaeology Program

Andrea Hunter

(Committee Co-Chair)

Northern Arizona University

Lynne Goldstein

University of Wisonsin-Milwaukee

Russell G. Thornton

(Committee Chair)

Dartmouth College

Christy G. Turner II

Arizona State University

cc: Dr. Frank Talbot

Annual Report on Repatriation Office Activities

at the

National Museum of Natural History

May 1993 to May 1994

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Report Prepared May 1, 1994

By Gillian Flynn

Repatriation Review Committee Coordinator

Repatriation Office National Museum of Natural History NHB, MRC-138, Room E525B 10th and Constitution Ave., NW Washington, DC 20560 (202) 357-1899

I. INTRODUCTION

The Repatriation Office (RO) at the National Museum of Natural History (NMNH) was established in 1991 in accordance with the National Museum of the American Indian Act (NMAI Act), 20 U.S.C. Section 80q (Public Law 101-185). The Act requires the Smithsonian to prepare an inventory of Native American human remains and funerary objects and to repatriate such materials to culturally affiliated Native Americans. The NMNH has also voluntarily adopted the principles contained in the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. Section 3001 (Public Law 101-601), for the inventory of sacred objects and objects of cultural patrimony. The Repatriation Office is responsible for carrying out these activities.

The period between May 1993 and May 1994 was a productive one for the Repatriation Office. Twenty new repatriation requests were received, 12 new cases were initiated, 17 cases are currently in progress, and six cases are nearing completion with negotiations for transfers underway or set to begin. Five cases were closed with the repatriation of 14 individuals to the Southern Cheyenne Tribe, 17 individuals to the Northern Cheyenne Tribe, four funerary objects to Hawai'i, and two named individuals to their Lakota lineal descendants, in two separate returns. At present, the Repatriation Office has 43 active requests (140 entries logged into the tracking data base) from Native American groups for the return of specific remains or artifacts housed in the NMNH. The documentation process and protocols continue to evolve, while the number of cases being handled per year increases.

In accordance with the provisions of the NAGPRA, the RO has begun producing ethnographic collections summaries. Summaries have been completed and sent to the Mandan, Hidatsa and Arikara Tribes, the Gros Ventre of North Dakota, and the Cochiti of New Mexico, while the summary for the Navajo collection is in progress.

Over the past 12 months, the Repatriation Office Physical Anthropology Laboratory has completed skeletal documentation reports for 18 cases encompassing approximately 447 individuals. Three reports are currently in progress documenting approximately 81 individuals. The Physical Lab. has begun documentation on the Alaskan skeletal remains from sites in the Point Barrow area.

The Repatriation Office is continuing its outreach efforts with both the Native and anthropological communities. The RO co-sponsored a workshop on repatriation in February 1994 in conjunction with the National Museum of the American Indian and the Keepers of the Treasures. Case Officers travelled to Alaska, Oregon, Oklahoma, Arizona, and Washington to meet with various Native American groups and discuss repatriation issues. Tom Killion, the RO Program Manager, attended reburial ceremonies in Montana and Oklahoma. The RO received over 53 visits from various parties interested in repatriation issues over the past year.

II. SUMMARY OF CASES INVOLVING HUMAN REMAINS AND FUNERARY OBJECTS

A. Completed Cases

1. Group

Requesting Organization

Cheyenne

Northern Cheyenne, Lame Deer, Montana Cheyenne and Arapaho Tribes of Oklahoma

Concho, Oklahoma

The NMNH Cheyenne case report, completed in December 1992, documented a total of 36 individuals (37 museum catalogue numbers)¹. Based on the findings of this report, 14 individuals, including five victims of the Sand Creek massacre, were returned to the Southern Cheyenne. A delegation of Cheyenne came to Washington in July, 1993 to prepare the remains for removal to Oklahoma for reburial. The NMNH Southern Cheyenne repatriation included four additional individuals from Sand Creek that were in the possession of the National Museum of Health and Medicine (NMHM).

Out of the 36 individuals initially documented, 17 individuals were returned to the Northern Cheyenne in October, 1993. An additional two individuals were returned to the Northern Cheyenne that were in the possession of the NMHM. The remaining five of the 36 individuals originally documented as part of the Cheyenne inventory were considered to be unaffiliated with the Cheyenne. There were no associated funerary objects identified with any of the remains that were returned.

¹There may be differences between the numbers of individuals and the catalogue numbers documented. This can be due to more than one individual being assigned the same catalogue number: one individual being divided into two catalogue numbers; or the possibility that remains are missing from the collection. Where this occurs both numbers will be listed. Numbers may change as the repatriation process advances. Future annual reports will reflect any changes.

2. <u>Group</u> Hawai'i Requesting Organization

Hui Malama I Na Kapuna 'O Hawai'i Nei

Hale'iwa, Hawai'i

In August 1993, representatives of the Hui Malama collected two tapa cloths, a pipe, and a necklace from the NMNH. The tapa cloths represented associated funerary objects, the human remains with which they had been originally associated having been returned by NMNH in 1991. While the context of the pipe and necklace was uncertain, records indicated that they had been recovered from a burial cave. The items, in this instance, were determined to be unassociated funerary objects. Discussions with the Hui Malama on the nature and context of these two items led to a decision to repatriate them together with the tapa cloths.

3. <u>Group</u>

Requesting Organization

Oglala Lakota

Young Bear Family

Chief Smoke

Porcupine, South Dakota

This report summarizing the documentation for the remains of a named individual, Shota ("Smoke"), an Oglala Lakota Chief, was completed in September 1993. Severt Young Bear, a lineal descendant of Smoke, requested the return of the Chief's remains. When Mr. Young Bear passed away before the return was completed, his sister, Elizabeth Young Bear, became senior lineal descendant and claimed the remains of Chief Smoke. The remains were returned to Mr. Donald Ragona, the legal representative of the claimant, in September 1993. There were no funerary objects associated with the remains.

4. Group

Requesting Organization

Two Kettles Lakota

Mr. Trini Bird Necklace

Chief Puffing Eyes

Chevenne River Sioux Reservation

Eagle Butte, South Dakota

This report, summarizing the documentation of the remains of Ish-ta Cha-ne-aha ("Puffing Eyes"), a chief of the Oo'henumpa ("Two Kettles") Lakota, was completed in March 1994. Mr. Trini Bird Necklace, the descendant family's designated liaison, requested the return of Puffing Eyes. All lineal descendants were party to the request. The remains were released on behalf of the family to Arvol Looking Horse, the representative of the claimant, in March 1994. No funerary objects were identified.

5. Group Knik Requesting Organization Knik Tribal Council Wasilla, Alaska

A formal request had been made for "skeletal material, funerary objects and sensitive objects." The Knik were sent an inventory of the Museum's holdings for their area of concern. The Knik have reviewed the inventory and have determined that the NMNH does not hold any material of interest to them and have withdrawn their request. The Repatriation Office has requested written confirmation of this decision.

B. Case Reports Completed/Negotiations for Return in Progress

1. Group

Requesting Organizations

Makah

Makah Cultural and Research Center

Neah Bay, Washington

This report documents the nine individuals (eight catalogue numbers) in the NMNH from Clallam County, Washington. The tribes affected by the findings of this report are the Makah, Quileute, and Clallam, all traditional occupants of the northern Olympic Peninsula. This report was prepared in response to a request submitted in January 1993 from the Makah for the return of five individuals. Based on the findings of the report, it is recommended that four sets of remains originally identified in the museum records as Makah be repatriated to that community. The fifth set of remains requested by the Makah was determined to represent two separate individuals. Based on our findings, it is recommended that the disposition of Individual A in this set be determined jointly by the Makah and the Quileute, while Individual B, together with one other set of remains, be offered for return to the Quileute. It is recommended that the final two sets of remains treated in the report be offered for return to the Jamestown Community Clallam. The report has been approved by the SI Secretary's office and has been distributed to appropriate tribal groups. Negotiations for the returns have begun. There are no associated funerary objects.

2. <u>Group</u> Arapaho Requesting Organizations
Northern Arapaho Business Council
Wind River Indian Reservation
Ethete, Wyoming

Cheyenne and Arapaho Tribes of Oklahoma Concho, Oklahoma

The Arapaho report, which documents 17 individuals (15 catalogue numbers), was completed in March 1994. Nine individuals were determined to be culturally affiliated with the Arapaho and have been offered for return. The cultural affiliation of 5 individuals was indeterminable;

the disposition of these will be discussed separately with the Arapaho. One individual in the group was identified as Kiowa and another was determined to be Caucasian. The disposition of these remains will be discussed with appropriate tribal representatives. The final individual included in this report is missing from the Museum's collections. There were no associated funerary objects identified with any of the remains.

The Arapaho are presently discussing plans for the return and are identifying individuals to act as representatives for the Northern and Southern divisions of the tribe.

3. <u>Group</u> Apache Requesting Organizations
San Carlos Tribe of Arizona

San Carlos, Arizona

Yavapai

Yavapai-Apache Tribe Camp Verde, Arizona

A total of 49 individuals have been documented in response to informational requests from the San Carlos and Yavapai Apache Tribes. The report was completed in April 1994 and submitted for approval, and will be distributed to the Apache and Yavapai tribes of Arizona, New Mexico, and Oklahoma. Twenty-four individuals were determined to be culturally affiliated with the Apache and will be offered for return. Seven individuals were determined to be culturally affiliated with the Yavapai and will be offered for return. Four other individuals are either Apache or Yavapai, but more precise affiliation cannot be determined from the available evidence. The disposition of these remains will be discussed with the appropriate Apache and Yavapai tribes. The cultural affiliation of fourteen individuals was indeterminable; the disposition of these will be discussed separately with the Apache and Yavapai tribes. Included in this case are six named individuals. It is not yet known whether there are any living descendants of these six named individuals. There are no funerary objects associated with the remains that will be offered for return.

4. Group

Requesting Organization

Yanktonai Devil's Lake Sioux Tribe, Fort Totten, North Dakota

Yankton

Yankton Sioux Tribe, Marty, South Dakota

A total of 18 individuals were documented as part of the Central Dakota report, which covers the Yanktonai, Yankton, and Assiniboine. Although the Yanktonai and Yankton have both made formal requests for repatriation, the Assiniboine have yet to do so. No associated funerary objects were identified. It is recommended that seventeen individuals be offered for return to the appropriate tribal groups. The eighteenth individual is judged to be of indeterminate Dakota affiliation. The disposition of this individual is to be discussed with appropriate tribal

authorities. The report was approved by the SI Secretary and was sent to the tribes on November 16, 1993. We are awaiting responses from the tribes.

5. Group Warm Springs Requesting Organizations
Confederated Tribes of the
Warm Springs Indian Reservation
Warm Springs, Oregon

This report documents 72 sets of remains (143 individuals) from the middle Columbia River basin, as well as a large assemblage of associated artifacts. The majority of the human remains from this region were removed from burial islands in the Columbia River and date to the historic period. Fifty-two sets of remains were recovered from a mixed, multiple burial context on Lower Memaloose Island, 14 were from Upper Memaloose Island, and 6 were collected from less precisely defined locations in the Middle-Columbia River Basin. The artifact assemblage from Lower Memaloose Island, consisting primarily of personal articles, domestic implements, and architectural remains, includes 164 catalogue numbers involving more than 80,000 items (the majority of which are beads and were grouped as lots for purposes of cataloguing).

It has been recommended that 71 sets of human remains as well as the archaeological assemblage be offered for repatriation. The cultural affiliation of one individual was indeterminable. The disposition of this individual will be discussed with appropriate tribal representatives. Negotiations for return are currently underway. To date, separate discussions have been held with both the Yakima and the Warm Springs confederated tribes as component members of both confederated tribes traditionally utilized the Columbia River islands for burial purposes. The tribal lawyers are working to draft a Memo of Understanding that speaks to repatriation and will satisfy both tribes. The Army Corps of Engineers has offered funds to assist with the costs of reburial.

6. <u>Group</u> Shoshone-Bannock Requesting Organizations Shoshone-Bannock Tribe Ft. Hall, Idaho

Negotiations are currently underway with the Shoshone-Bannock for the return of the remains of "Big Mike" and family. The pending repatriation involves ten individuals (37 catalogue numbers). These remains were documented in the Western Great Basin Case Report, which was completed in July 1992. Arrangements for the return have not been finalized, but it is likely that a small delegation of Shoshone-Bannock will come to Washington, D.C. within the next few months to retrieve the remains.

C. Cases in Progress

1. Group
Pawnee

Requesting Organization
Pawnee Tribe of Oklahoma

Pawnee, Oklahoma

The case report on the 10 individuals in the NMNH collections most probably affiliated with the Pawnee was completed in August 1992. The results of the documentation research verified that these remains were culturally affiliated with the Pawnee and they were subsequently offered for repatriation. Walter Echo-Hawk, tribal lawyer, deferred the NMNH repatriation offer, requesting that 23 additional individuals from Central Plains Tradition archaeological contexts be included in a single return to the Pawnee. The physical documentation of the 23 catalogue numbers determined that there were actually 27 individuals, most of which are from specific archaeological phases.

Following a review of Pawnee culture history, linguistic and physical anthropology evidence of the requested remains, the Repatriation Office has recommended that the additional 27 Central Plains Tradition individuals be offered for return. A memo concerning this decision was sent to Mr. Echohawk. A meeting was held on April 20, 1994 to discuss additional Pawnee concerns.

2. <u>Group</u> Sisseton-Wahpeton

Requesting Organization
Sisseton-Wahpeton Dakota Nation
Lake Traverse Reservation, South Dakota

The Sisseton-Wahpeton made a formal written request in March of 1991 for the return of 48 sets of human remains. The Museum returned 31 individuals (24 catalogue numbers) whose cultural affiliation was determined to be "definite" and "probable" Sisseton-Wahpeton. The Repatriation Office declined to return 17 individuals on the basis of unclear cultural affiliation. Fifteen of the 17 are from mound burials presumably pre-dating the Sisseton-Wahpeton occupation of the area and two have been counter-claimed by the Yankton Sioux. Three "probable" Sisseton-Wahpeton individuals have since been identified during the documentation of other repatriation cases and have been offered for return to the Sisseton-Wahpeton. Another two individuals have been identified with the general cultural affiliation of Santee, a designation that includes the Sisseton-Wahpeton and the Mdewakanton-Wahpekute. These remains will be offered jointly to the Sisseton-Wahpeton and the Mdewakanton-Wahpekute. A preliminary report has been completed. Negotiations are beginning regarding the disposition of the remains. There are no funerary objects associated with the remains offered for return.

3. Group

Requesting Organizations

Grande Ronde

Grande Ronde Confederated Tribes

Grande Ronde, Oregon

Sixty-one individuals (78 catalogue numbers) are being documented as part of the Grande Ronde case. Physical documentation of the remains has been completed and the archival documentation is nearly finished. A case report should be available by early this summer. There are potentially associated funerary objects involved in this case, but the exact number has not yet been determined.

4. Group Spokane Requesting Organization

Spokane Tribe

Wellpint, Washington

This case involves seven individuals (five catalogue numbers) requested by the Spokane of eastern Washington. The physical documentation for the case is complete and the archival documentation is nearly finished. The case report should be ready by early this summer. No associated funerary objects have been identified.

5. Group Tulalip Requesting Organizations
The Tulalip Tribes, Inc.
Marysville, Washington

Representatives of the Tulalip Tribes visited the NMNH in May 1992. While here, they learned of the presence of two D'Wamish skulls in the physical anthropology collections and expressed interest in having these remains repatriated. Though a formal letter of request is still not on file, the case was initiated and its scope was expanded to encompass the Puget Sound area more generally, which is the region traditionally associated with the component groups of the Tulalip tribes. The case involves fourteen individuals (15 catalogue numbers). The physical documentation is complete. Archival documentation is in progress. No associated funerary objects have been identified.

6. Group
Palouse

Requesting Organization
Mary Jim Chapman family
Toppenish, Washington

The Repatriation Office received a formal request for the repatriation of 11 individuals (nine catalogue numbers) from the Page Site on the Lower Snake River in Washington State in June 1993. The request was submitted by Kristen Chapin of Chapin Law Offices, Portland, Oregon on behalf of Mary Jim Chapman, a Palouse elder living in central Washington. In addition to the human remains, all archaeological objects from Pasco and Franklin Counties, Washington

(n=46) were requested for return. The physical documentation of the human remains is nearly complete; archival documentation is in progress. In a recent visit, the Nez Perce expressed some concern over this request as this area of Washington falls within their traditional territory.

7. <u>Group</u>

Requesting Organization

Chinook

None

[General Inventory]

Physical documentation for the 35 individuals (37 catalogue numbers) collected from the Lower Columbia River and identified as Chinook has been completed. Archival documentation for approximately half of the individuals in this collection is complete. No formal request has been made for the return of these remains. The documentation has been undertaken as part of the general inventory effort underway for the Pacific Northwest and in compliance with the legislative mandate.

8. Group Mandan-Hidatsa Requesting Organizations
The Three Affiliated Tribes
Fort Berthold Reservation
New Town, North Dakota

This case involves 29 individuals. The physical documentation of the remains has been completed. It has been determined that there are 25 Hidatsa individuals and 4 Mandan individuals. The archival documentation is finished. A draft report has been completed. See Section III: Recent Repatriation Office Activities-NAGPRA Ethnographic Summaries for information on the ethnographic summary for Mandan-Hidatsa-Arikara.

9. <u>Group</u> Arikara Requesting Organizations
The Three Affiliated Tribes
Fort Berthold Reservation
New Town, North Dakota

There may be as many as 1500 individuals that will need to be documented as part of this request. The Repatriation Office Physical Anthropology Laboratory is approaching the documentation process on a site by site basis. The physical documentation for the Leavenworth site, which has a total of 29 individuals, has been completed and the archival data from the River Basin Survey records is currently being compiled. Twenty-six individuals out of the approximately 300 individuals from the Mobridge site have been documented. The physical documentation of the Swan Creek site, with 19 individuals, has been completed. The next site to be documented will be the Leavitt site with 19 individuals. The River Basin Survey project archival data recovery project is proceeding in tandem with the documentation of the human

remains from these sites. See Section III: Recent Repatriation Office Activities-NAGPRA Ethnographic Summaries for information on the ethnographic summary for Mandan-Hidatsa-Arikara.

10. <u>Group</u>

Requesting Organizations

Kootenai/

Confederated Salish and Kootenai Tribes

Salish

of the Flathead Nation

Flathead Reservation, Montana

Separate repatriation requests were filed by the Salish and the Kootenai Tribes. Terry Asay, an undergraduate at Dartmouth and a member of the Kootenai tribe, was an intern with the Repatriation Office during the summer of 1993. During this period, Mr. Asay conducted background archival research on his tribe's repatriation claim. It was determined that the Smithsonian has no human remains listed as Kootenai, however, there may be remains from other Flathead tribes.

11. <u>Group</u>

Requesting Organization

Nansemond

Nansemond Tribe

Virginia Beach, Virginia

The Nansemond made a general request for all human remains from the State of Virginia. Once the tribe received the inventory of all remains from Virginia, their representative, Mr. Oliver Perry informed the Repatriation Office that they wished to begin with the remains from the Hand site. The Hand site, a cemetery with 117 individuals (96 catalogue numbers), has been documented. The physical documentation has been completed by the Physical Anthropology Laboratory. The final recommendation as to the cultural affiliation of the individuals from the Hand site is pending.

12. <u>Group</u> Nome Requesting Organization
Nome Eskimo Community

Nome, Alaska

This repatriation request covers human remains and all classes of cultural items. Inventory information on the NMNH holdings from the Nome region has been forwarded to the Nome community. Since making their initial request, the Nome Eskimo Community has given the Bering Straits Foundation authority to act on their behalf in repatriation matters. (See Section D, Case 1)

13. <u>Group</u> Oglala Requesting Organization
Oglala Sioux Tribal Council
Pine Ridge, South Dakota

An inventory of potentially culturally affiliated human remains was sent to the Oglala in 1988. The tribe submitted a formal request for the return of human remains and funerary objects in March 1988. The physical documentation has been completed. Twenty-one individuals have been identified as being Oglala.

14. <u>Group</u> Tanana

Requesting Organization
Tanana Chiefs Conference

Doyon Foundation Fairbanks, Alaska

This case encompasses the Athabaskan villages of central Alaska. The Tanana have requested information on ancestral remains only. They have been sent an inventory. It has been determined that as many as 100 individuals and 53 funerary objects may need to be documented for this case. The Doyon Foundation has since informed the RO that each of the 14 native villages in their region will make separate requests.

15. Group

Monacan

Requesting Organization

Monacan Indian Tribal Association

Johnson City, Tennessee

Mrs. Charlotte Bennett of the Monacan Tribal Association made a formal request for the return of three individuals from Campbell County, Virginia on April 14, 1993. The physical documentation of the remains has been completed. Archival documentation has not yet been initiated. At the present time, it does not appear that there are any associated funerary objects. The Monacan are not a federally recognized tribe.

16. <u>Group</u>

Requesting Organization

Chippewa

Keweenaw Bay Indian Community

Baraga, Michigan

Mr. Frederick Dakota requested that the Ontonagon Boulder (a large copper boulder on display in the Mineral Sciences Hall of the NMNH) be returned to the Keewenaw Bay Indian Community in September 1993. He based his request on the fact that copper has great spiritual significance for the Chippewa. Over the past 50 years, the museum has received numerous requests for the return of the Ontonagon Boulder to its home state from Michigan residents. The Repatriation Office sent a letter of response to Mr. Dakota in October 1993 outlining the definition of sacred objects under the repatriation legislation and indicating that his request would

be handled as soon as possible. Accession and archival information on the object have been compiled. The case report should be completed by late this summer.

17. <u>Group</u> Kiowa Requesting Organization
Kiowa Tribe of Oklahoma

Carnegie, Oklahoma

The Kiowa tribe has formally requested the repatriation of human remains held in the NMNH. A draft report has been completed. The report documents seven individuals, five of which are determined to be affiliated with the Kiowa, one of which is Comanche. The cultural affiliation of another set of remains has yet to be determined, but may be Arikara. The Repatriation Office has recommended the five Kiowa be returned to the tribe, as requested.

D. New Cases/Requests for Information

1. Group

Requesting Organization

Bering Straits

Bering Straits Native Corporation

Nome, Alaska

The Bering Straits Native Corporation has made a request for the repatriation of human remains and funerary objects. They have been sent an inventory for their region. They are currently in the process of obtaining resolutions from the native villages, native village corporations and traditional tribal communities giving the Bering Straits Native Corporation permission to act on their behalf. Once they have received all the resolutions, they will submit a written request.

2. Group

Requesting Organization

Inupiat/North Slope

North Slope Borough Planning Department

Barrow, Alaska

The North Slope Borough Planning Department has made a formal request for the repatriation of human remains and all classes of objects. They have been sent an inventory for their region. The physical documentation of the human remains has begun, starting with the approximately 290 remains from sites in the Point Barrow area. This case may include as many as 602 individuals.

mandi katuli kanalar bersamili sejarang se

3. <u>Group</u> Yaqui

Requesting Organization
Pascua Yaqui Tribe of Arizona
Tucson, Arizona

Representatives of the Pascua Yaqui visited the NMNH in November 1993 to examine two masks that they may request for repatriation. To date, the NMNH has not received a formal request for these items. Preliminary information on the ethnographic collections was sent to the Pascua Yaqui following their visit, and it is anticipated that this will lead to a request.

4. Group Cook Inlet Requesting Organization
CIRI Foundation

Anchorage, Alaska

Research on the human remains of the Cook Inlet area was begun following a request from the Knik Tribal Council, of Wasilla, Alaska, and the Cook Inlet Region, Inc. The report is being completed, and will be submitted for approval. The report for Cook Inlet documents one individual, which is not from near Knik, but which has been recommended for return to the village of Ninilchik, the community closest to where the remains were found. If the Ninilchik community does not wish to accept the remains, they will be offered to the Cook Inlet Region, Inc. on behalf of the people of Cook Inlet.

5. Group Lakota Requesting Organization
Cheyenne River Sioux Tribe
Eagle Butte, South Dakota

After an initial request for information in 1991, the Cheyenne River Sioux submitted a formal request for the return of "human remains and artifacts" in July 1993. The request has been logged. Sebastian LeBeau, Cultural Preservation Officer and tribal representative, subsequently visited the Repatriation Office in December 1993, at which time, he received an inventory for the Cheyenne River region. There are no associated funerary objects.

6. Group
Nunivak Island

Requesting Organization

Native Village of Mekoryuk Indian Reorganization Act Council

Mekoryuk, Alaska

A formal request for the repatriation of human remains was submitted in December 1993. The requesting organization has been sent an inventory of remains from their region. Their request has been logged.

7. Group **Piscataway**

Requesting Organization Piscataway Indian Nation Accokeek, Maryland

A request for the repatriation of Piscataway human remains was first submitted in 1991 by Chief Billy Redwing Tayac on behalf of the Piscataway Indian Nation. In March of 1994, Ms. Mervin Savoy also made a repatriation request for the return of Piscataway/Conoy human remains on behalf of the Piscataway Conoy Confederacy and Subtribes, Inc.

8. Group Mashantucket Pequot

Requesting Organization Mashantucket Pequot Nation

Ledyard, Connecticut

The Mashantucket Pequot contacted the Repatriation Office in July 1993, requesting information on potentially affiliated materials. An inventory was generated and sent to the group in July 1993. The NMNH has one set of remains from their area of interest.

9. Group

Requesting Organization

Ouechan

Quechan Tribe Yuma, Arizona

The Repatriation Office had an unscheduled visit from a representative of the Quechan tribe in March 1994. The representative was seeking general information on the repatriation process. Inventories were generated in response to her request for information on the NMNH's holdings of potential interest to the Quechan and were sent to the tribe.

10. Group

Requesting Organization

Nez Perce

Nez Perce Department of Natural Resources

Lapwai, Idaho

Representatives of the Nez Perce tribe visited the Repatriation Office on two separate occasions in February and March of 1994 to gather more information on the repatriation process. The tribe now has a committee dedicated to handling repatriation matters. Though inventories had been sent to the Nez Perce in January of the previous year, these had apparently been misplaced. The inventories were re-generated and sent to the Nez Perce again in March 1994.

11. <u>Group</u>
Wiyot Tribe

Requesting Organization
Wiyot Tribe, Table Bluff Reservation
Loleta, California

The tribal chair wrote in March 1993, requesting inventories of the NMNH's holdings from Northwestern California. These inventories were sent to the tribe in April 1993. The NMNH has no human remains from this area.

12. <u>Group</u> Chippewa

Requesting Organization
Leech Lake Chippewa
Cass Lake, Minnesota

The tribal chair wrote in January 1994 requesting inventories of the NMNH's holdings for the state of Minnesota. These inventories were sent to the tribe in January 1994. The NMNH has three sets of remains from the state of Minnesota.

III. RECENT REPATRIATION OFFICE ACTIVITIES

Guidelines for Repatriation. The Repatriation Office has developed a revised set of guidelines on repatriation at NMNH. These guidelines replace the first draft of an NMNH policy that was created in 1991. The new guidelines reflect policy decisions, updated documentation procedures, and experience in negotiating returns since that time. The guidelines can be obtained by contacting the Repatriation Office.

Ethnographic Summaries. Reporting standards for the ethnographic collections summaries have been developed in voluntary compliance with NAGPRA regulations. Phase I of the reporting procedure includes the development and distribution of summary reports of ethnographic objects to all interested tribal groups in order to initiate the process of repatriation of unassociated funerary objects, sacred objects, and items of cultural patrimony. The ethnographic summaries include an assessment of the reliability of the accession data and total counts of all objects by type. In producing these summary reports, the accession level data is reviewed to assess the reliability of the ascribed cultural affiliation of the objects listed.

The ethnographic summaries provide a starting point from which to begin a dialogue with tribal groups. After a review of the summary report of ethnographic objects, tribal representatives may initiate Phase II, which involves consultations for the purposes of identifying objects of concern to the group. Once the Repatriation Office receives a request for the repatriation of objects, a complete assessment of those objects will be made in consultation with museum staff and Native American experts to determine the repatriation status of objects in question. Phase II will consist of a return or further deliberations if a return is not agreed upon in Phase II.

Ethnographic summaries of culturally affiliated collections in the NMNH have been completed and sent to the Mandan, Hidatsa and Arikara Tribes; the Gros Ventre Tribe of North Dakota; and the Cochiti of New Mexico. The summaries for the Navajo, Zuni, Hopi, Acoma, and Apache collections are currently in progress.

Archaeological Documentation Project. The Repatriation Office began documentation of the Archaeology collections in Fall 1992 as part of the repatriation mandate to inventory and assess the cultural origins of all Native American human remains and funerary objects housed in the NMNH. The River Basin Survey (RBS) materials were selected as the focus of the initial documentation efforts due to the fact that many of the sites from which these collections derive date to late prehistoric and historic periods and have mortuary components.

As part of the effort to systematize the approach to assessing the archaeological collections as well as to establish a documentation protocol, an Archaeology Data Management System was created in Paradox. This structure was designed to facilitate the integration of physical and archaeological data on mortuary remains with contextual and chronological information recovered from the site records. The RO Archaeological Data Management system consists of six relational tables that integrate primary data on archaeological site and context with information on collections history and artifact analysis.

Once this data base structure was in place, museum inventory records were searched to generate a list of all RBS sites from which the NMNH had accessioned human remains. A total of 58 RBS sites with human remains in the NMNH collections were identified. The museum has a total of 693 sets of remains catalogued from these 58 sites. The total number of human remains in the museum from RBS sites could potentially rise as there are approximately 240 boxes of uncatalogued RBS materials from 11 sites.

A priority list of RBS sites to be documented in conjunction with existing repatriation requests has been developed. Four RBS sites will be documented as part of the Mandan-Hidatsa request; two sites correspond to the Palouse request; and two sites to the Yanktonai request. In addition, at least 18 RBS sites have been identified as potentially affiliated with the Arikara and will be documented as part of their request.

The archival documentation has been completed for the four sites potentially affiliated with the Mandan-Hidatsa and for the first two sites on the Arikara list (Leavenworth and Leavitt). A site summary for one of the Mandan-Hidatsa sites (Kropp Mound), which will form a component of the general Mandan-Hidatsa case report, has been completed; the three other Mandan-Hidatsa site summaries are in progress. A standardized outline and format for the site summaries has recently been developed.

Physical Anthropology Documentation. The Physical Anthropology Laboratory is responsible for producing a detailed inventory and documentary record of human remains subject to repatriation, as well as assisting Repatriation Office Case Officers and technical staff in

attempting to identify the population affiliation of human remains. The steps involved in the skeletal inventory and documentation process are outlined below:

- 1. A detailed inventory is first made of skeletal elements present, including information on the number of individuals, their state of completeness, and the physical condition of the remains. This insures that remains listed in the museum catalogue are, in fact, accounted for.
- 2. Determinations are made of the age and sex of each individual in order to match human remains with historical documents.
- 3. Observations of mortuary treatments and indications of the environment from which the remains were recovered are made and compared to historical documents and museum catalogue records.
- 4. Skeletal and dental measurements and information on morphological traits are collected to aid in identifying or confirming population affiliation.
- 5. Observations are made on cultural modifications, such as cranial reshaping that may serve to identify cultural affiliation. Observations are also recorded on health and disease, injuries, and possible cause of death. This information may assist in identifying named individuals or population affiliation.
- 6. Photographs and X-rays are taken of the remains to assist in the accurate determination of age at death and for identifying certain pathological conditions such as fractures and gunshot wounds.
- 7. Written records on each case are compiled and maintained in the Physical Anthropology Laboratory files, as well as in a computerized data base.

Once examination and documentation of skeletal remains is complete, a written report is prepared and submitted to the Case Officer handling the repatriation request. Information from this report is incorporated into the final repatriation case report.

Over the past 12 months, the Physical Anthropology Laboratory completed reports on the inventory and documentation of the 447 individuals for the following cases: Gros Ventre, Chinookan, Tulalip, Santee Sioux, Brule Sioux, Oglala Sioux, Two Kettle Sioux, Pawnee, Grande Ronde, Salish, Makah, Apache, Cheyenne, Arikara, Nansemond, Cook Inlet, Palouse, and Monacan. Reports are currently in progress on 81 individuals for Apache, Arikara, Kiowa, and the additional remains being claimed by the Sisseton-Wahpeton Sioux. The documentation on Alaskan skeletal remains from sites in the Point Barrow area has begun.

Repatriation Office Staffing. Tom Killion was appointed as Program Manager in October 1993. Tom had been Acting Program Manager for eleven months prior to being appointed as Program Manager and had been a Case Officer for the RO since 1991. Karen Mudar joined the RO staff as a Case Officer in December 1993. She will be working on cases in the Alaska region. Stephanie Makseyn-Kelley and John Stuart Speaker were promoted from Technician to Museum Specialist in March 1994. Marita Penny has joined the staff as Management Services Specialist, and will be undertaking all aspects of personnel and financial administration for the office. Jane Beck has joined the staff as Photographer.

The Repatriation Office lost four staff members this year. Marjorie Wilkov, Program Assistant, resigned in September 1993 to begin a new position in the private sector. Marjorie Osborne, Registrar, left in October 1993 to begin a new position with the National Park Service. Jerome Edwards, Photographer, resigned in February 1994 to take a new position with Howard University, and Radiographic Technician, Fran Albrecht, left last summer, to return to her home state of Iowa.

The selection process for two additional case officers should be completed by the end of May. The closing date for the ethnographer to supervise the production of NAGPRA ethnographic summaries was February 15th and we hope to have this position filled by the summer.

Contractors. Rose Wyaco, who is a member of the Zuni tribe, began work as a Contract Ethnologist in October 1993. She is researching the Southwest ethnology materials and collection records to develop the requisite NAGPRA ethnographic summaries for Cochiti, Navajo, Papago, Pima, San Ildefonso, and Santa Clara. Frederick Reuss began a one year contract in December 1993 and will be compiling information on donors/collectors for the production of ethnographic summaries for the Plains collections. Juliet Cleaves, who has been a volunteer in the physical lab since last fall, began a one year contract in March 1994 with the Repatriation Office. Juliet received her M.A. in physical anthropology at the University of Tennessee in 1993. She is assisting with the skeletal documentation for the Arikara, one of the largest collections at the NMNH. Sarah Pelot, a Washington area dentist, has been a volunteer in the physical lab for over a year. Dr. Pelot began a one year contract in May 1994, working two days a week in the physical lab. She has taken over responsibility for the radiographic needs of the lab, but will continue to assist with the dental inventories. Deanna Kingston, who is Native Alaskan, began a six month contract in February 1994 to document Alaskan archaeological collections under the supervision of Karen Mudar.

Native American Internships. The Repatriation Office continues to encourage Native American groups to send representatives to participate in the repatriation process. Two Athabaskan community scholars, Miranda Wright and Elaine Pitka, worked in the Repatriation Offices from June to August 1993 as representatives of the Tanana Chiefs Conference and the Doyon Foundation (Alaska). Their task was to assemble inventory information for the Tanana Chiefs Conference in advance of their submitting a formal repatriation request. Terry Asay (Salish), a student from Dartmouth, and University of Washington graduate student Donna Hogerhuis (Stockbridge-Mahican) were Repatriation Office student interns from June through August 1993.

IV. VISITS/CONSULTATIONS/MEETINGS

Dissemination of Repatriation-Related Information. The dissemination of information to Native American groups is on-going. The Repatriation Office co-sponsored a workshop on repatriation on February 11 and 12, 1994 in conjunction with the National Museum of the American Indian (NMAI) and the Keepers of the Treasures. Repatriation Office staff members, Tom Killion, Stephanie Makseyn-Kelley, and Candace Greene of the Anthropology Department, gave presentations on repatriation at NMNH; while Karen Mudar, Gillian Flynn, Phillip Minthorn, and Rose Wyaco attended the workshop and assisted participants with repatriation-related issues. A similar presentation was given at the Keepers of the Treasure's conference in Warm Springs in May 1994 and two other similar workshops are being planned with NMAI for this year.

Tamara Bray and Gillian Flynn attended the NMAI's Repatriation Forum in Tucson, Arizona August 22-25, 1993. Tamara presented an overview of the Repatriation Office's policy and procedures; reviewed the history of the Larsen Bay repatriation; and served as a resource person answering questions about NMNH's repatriation program.

Tamara Bray, Javier Urcid, and Gary Aronsen presented a poster at the 1994 Society of American Archaeology Meetings in Anaheim, California April 20-24, 1994 entitled "Complex Issues in the Determination of Cultural Affiliation of Human Remains." The poster examined approaches to determining the cultural affiliation of human remains recovered from multi-ethnic use areas utilizing the Warm Springs repatriation as a case example.

Tom Killion, Karen Mudar, and Deanna Kingston attended the Alaskan Anthropological Association meetings in March 1994. Tom Killion presented a paper entitled "Repatriation Policy and Update From The Smithsonian." Karen Mudar presented a paper entitled "Smithsonian Repatriation of Alaskan Collections."

The Case Officers continue to meet with Native American groups to advise them on repatriation issues. Tamara Bray travelled to Oregon and Washington November 14-17, 1993. She met separately with representatives of the Warms Springs Confederated Tribes and the Yakima Confederated Tribes to present the findings of the Middle Columbia River Case Report and discuss the return of remains recovered from this area. As both groups are potentially affiliated with the remains in question, it is necessary that they arrive at a mutual agreement regarding the disposition of the remains. The purpose of the trip was to help facilitate an accord between the Yakima and Warm Springs and to indicate the Museum's desire to move forward on the repatriation.

Tom Killion, Karen Mudar, and Deanna Kingston held informational meetings in April 1994 in Alaska with the Sealaksa Corporation, the Tlingit Haida Council, the Bering Straits Foundation, the North Slope Borough, the Bristol Bay Native Corporation, the NANA Corporation, the Aleut Corporation, the Calista Corporation, the Doyon Foundation, and Tanana Chief's Conference.

Tom Killion attended the reburial ceremony for the Southern Cheyenne return in Concho, Oklahoma in July, 1993, and for the Northern Cheyenne in Montaña in October, 1993. Tom also met with the Arapaho in Oklahoma in January, 1994, to discuss their plans for the return.

Tamara Bray gave guest lectures at George Washington University on repatriation in a seminar on Archaeological Method and Theory in December 1993 and at the Unitarian Universalist Church in Madison, Connecticut in November 1993. John Verano gave a guest lecture entitled "Repatriation of Native Skeletal Remains: The Museum Perspective" in May 1993 for the Cleveland State University, Department of Anthropology's "Images in Bone" lecture series.

The Physical Anthropology Laboratory received a number of requests this year for information on the NMNH skeletal documentation system. In addition to replies to general inquiries, copies of the databases and data recording manuals were sent to colleagues at the University of Oregon, the Archaeological Survey of Canada, and the University of Alberta. With regards to our collaborative database project with the University of Arkansas, Fred Limp and Jerome Rose have informed the RO that they are making good progress on their software implementation of the Chicago Skeletal Recordation Guidelines, which uses database structures and field names developed at the NMNH. Last fall, Rose and Limp sent a preliminary demo diskette of the system, which included approximately a fourth of the database set.

Meeting of the NMNH Repatriation Review Committee. The Repatriation Review Committee convened four times this year for the purpose of monitoring and reviewing the progress of the repatriation program at the NMNH. The meetings were held in Washington, D.C. on May 24 and 25, 1993; in Denver, Colorado on September 9 and 10, 1993; and in Washington, D.C. on November 16 and 17, 1993 and April 28th and 29th, 1994. The Committee members include Dr. Russell Thornton (Chair), Dr. Andrea Hunter (Vice-chair), Dr. Christy Turner, Mr. Roger Anyon, and Dr. Lynne Goldstein. The Review Committee received reports on RO activities, the status of the active repatriation requests, and issues relating to the repatriation process.

Visits to the Repatriation Office. In the last year, the Repatriation Office had 43 visits from interested parties regarding the repatriation process. Visitors came from the following agencies and tribes:

American Indian Center
American Indian Cultural Council, University of Louisville, KY
Arizona State Museum
Board of Trustees, Confederated Tribes of Umatilla, ID
Burial Project, Hawai'i Historic Preservation Division
Cheyenne Cultural Center, Clinton, OK
Chugach Alaska Corporation
Community History Project, Kiowa Tribe of Oklahoma
Confederated Tribes of Warm Springs, OR
Confederated Tribes of Umatilla, ID
Cultural Resource Program, Nez Perce Tribe, ID

Department of Natural Resources, Nez Perce Executive Committee, ID

Department of Anthropology, University of Albany, NY

Dine Cultural Society, Education Department, AZ

Fort Berthold Community College, ND Gros Ventre Treaty Commission, ND

Guidville Indian Rancheria, CA

H.V. Johnston Cultural Center, Cheyenne River Sioux

Hualapai Tribe, AZ

Hui Malama I Na Kapuna O Hawai'i Nei, HI

Kern Valley Indian Council, Koso

Kiowa Tribe of Oklahoma

Kunstredactive Dutch Newspaper

Micmac/Passamaquoddy Tribes, New Brunswick, Canada

National Geographic Magazine

Native American Rights Fund, Boulder, CO

North West Indian College

Office of Natural Resource Protection, Taos Pueblo, NM

Pascua Yaqui Tribe of Arizona

People for Indigenous Rights, Guam

Piscataway Indian Nation, MD

Quechan Indian Tribe, AZ

Quileute Indian Tribe, WA

Shoshone-Bannock Tribal Museum, ID

Shoshone-Bannock Tribe, Ft. Hall, ID

Sisseton-Wahpeton Tribe, SD

Taos Pueblo, NM

Tribal Archaeologist, Hopi Tribe, AZ

United Indian Nations in Oklahoma

University of Arizona

V. REPATRIATION OFFICE STAFF (as of May 1994)

Gary Aronsen Museum Technician

Beverly S. Byrd Museum Specialist (Physical Anthropology)

Tamara Bray Case Officer

Erica Bubniak Museum Specialist (Physical Anthropology, PT)

Gillian Flynn Museum Program Specialist (Review Committee Coordinator)

Jim Harwood Archivist (National Anthropological Archives)

Tom Killion Program Manager
Stephanie Makseyn-Kelley Museum Specialist

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Phillip Minthorn Museum Technician

Karen Mudar Case Officer
William Offenheiser Museum Specialist

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Leon Simpson

Secretary

John Stuart Speaker

Museum Specialist

John Verano

Case Officer

Frank Walski

Museum Technician

VI. CONTRACTORS (as of May 1994)

Juliet Cleaves

Arikara Project (Physical Anthropology)

Deanna Kingston

Alaskan Archaeological Documentation

Sarah Pelot

Dental Documentation, X-ray (Physical Anthropology)

Frederick Reuss

Ethnographic Summaries, SW and Plains

Javier Urcid

Physical Anthropology

Rose Wyaco

Ethnographic Summaries, SW

THE SMITHSONIAN INSTITUTION'S

NATIVE AMERICAN REPATRIATION REVIEW COMMITTEE

REPORT FOR THE 1995 FEDERAL FISCAL YEAR (October 1, 1994 to September 30, 1995)

Submitted November 30, 1995 to Secretary I. Michael Heyman

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Russell Thornton, Chair

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Lynne Goldstein Christy 5. Tumer =

Andrea A. Hunter, Vice Chair

Roger Anyon

Lynne Goldstein

Christy G. Turner II

The Smithsonian Institution's Native American Repatriation Review Committee Report for the 1995 Federal Fiscal Year (October 1, 1994 to September 30, 1995)

The 1995 federal fiscal year was an eventful one for the Smithsonian Institution's Native American Repatriation Review Committee. We also think the year was a good one for the Committee; we are pleased with our activities. We are also pleased that all five Committee members have been reappointed to five-year terms by the Secretary.

We conducted the normal monitoring and review of operations of the Repatriation Office throughout the year, responded to a variety of reports the Office submitted to us. Charter and Rules of Operation were approved. We initiated a program whereby representatives from native groups may visit the National Museum of Natural History (NMNH) to consult Repatriation Office personnel and view the collections Appendix A). A variety of activities were initiated congruent with the Committee's decision to engage more fully with native groups and communities. In this regard, we prepared a printed statement about the Committee and its members (see Appendix B). We also cosponsored a repatriation workshop, and Committee members attended and made oral presentations at various repatriation conferences, most of which were sponsored by native groups. Finally, the Committee was involved in two (2) cases brought to its attention by American Indian tribes.

These activities involved various meetings and trips, as summarized below in Table 1.

Table 1. Summary of Meetings and Trips

10/13-14/1994	RRC Meeting (Washington, DC)	Full Committee
2/13-15/1995	Palm Springs Repatriation Workshop (Palm Springs, CA)	Anyon, Goldstein, Hunter & Thornton
2/15-16/1995	RRC Meeting (Palm Springs, CA)	Full Committee
2/17-18/95	NAGPRA Meeting (Los Angeles)	Anyon, Hunter & Thornton
3/28-29/95	S.E. Alaska Conference (Juneau, AK)	Anyon & Thornton
4/4-7/95	Keepers of the Treasures (Sioux Falls, ND)	Anyon & Hunter
5/24-25/95	RRC Meeting (Washington, DC)	Full Committee
5/26/95	Procedural Review (Washington, DC)	Goldstein
6/6/95	Pawnee Repatriation (Washington, DC)	Hunter & Thornton
6/7/95	Pawnee Burial (Genoa, NB)	Hunter
6/14/95	Pawnee Feast (Pawnee, OK)	Hunter & Thornton
7/26/95	Inuit Circumpolar Conference (Nome, AK)	Goldstein, Thornton & Turner
7/27/95	Bering Straits Meeting (Nome, AK)	Goldstein, Thornton & Turner
7/28-29/95	University of Alaska (Fairbanks, AK)	Goldstein & Turner
9/7/95	Mille Lacs Workshop (Mille Lacs, MN)	Goldstein
9/14/95	RO-Pawnee Dispute Hearing (Denver, CO)	Full Committee
9/15/95	RRC Meeting (Denver, CO)	Full Committee

Monitoring and Reviewing Activities

In keeping with our mandate, the Repatriation Review Committee continued to monitor and review the activities of the Repatriation Office during the year. We had two meetings in Washington, D.C., for this purpose. We also met for this purpose for one day after the Palm Springs Repatriation Workshop, which was partly financed by the Committee, and for one-half day at the meeting convened to consider the Pawnee Tribe-Repatriation Office dispute.

Our first meeting during the fiscal year was on October 13-14, 1994 (see attached minutes in Appendix C). Attendance during portions of this meeting included Acting Provost Robert Hoffmann, NMNH Acting Director Don Ortner, National Museum of the American Indian (NMAI) Assistant Director for Cultural Resources Clara Sue Kidwell, Anthropology Department Chairman Dennis Stanford, Repatriation Office Program Manager Thomas Killion, Museum Specialist Candace Greene, Curator William Merrill, and Acting Associate Director for Science Kay Behrensmeyer.

During the meeting, the Committee reviewed its 1994 expenses, as presented by Review Committee coordinator Gillian Flynn. The Committee heard a report from Thomas Killion on Repatriation Office activities, including the hiring of several new case officers. The Committee and Thomas Killion orally reviewed various cases: the Pawnee, Shoshone-Bannock, Makah, Cheyenne River Sioux, Zuni, and Haudenosaunee. Clara Sue Kidwell met with the Committee to discuss plans for a future NMAI/NMNH workshop. Andrea Hunter reported on her attendance at the Shoshone-Bannock repatriation ceremonies.

She indicated that members of the Shoshone-Bannock delegation expressed their thanks for the presence of a Repatriation Review Committee member and also commented that they were pleased with their repatriation case. They also indicated that they had enjoyed their visit to the Museum Support Center anthropological collections.

During the second meeting, on May 24-25, 1995, the Committee was honored to meet with Secretary Heyman for the first time (see attached minutes in Appendix D). Also in attendance for portions of the meeting were Acting Provost Robert Hoffmann, Acting NMNH Director Don Ortner, Anthropology Department Chairman Dennis Stanford, and Repatriation Office Program Manager Thomas Killion.

The Committee reviewed its expenditures during the meeting, and further developed its policy on Committee expenditures. Considerable time was spent discussing Committee procedures for reviewing disputed repatriation cases, particularly with regard to the then anticipated dispute between the Pawnee and the Repatriation Office. Discussed in detail was the 1995 Repatriation Office Annual Report. The attempt by the Native American Graves Protection and Repatriation Act (NAGPRA) Committee to bring the Smithsonian Institution under its mandate was considered along with other NAGPRA developments. A decision was made to write to the chair of the NAGPRA Review Committee to formally express our concerns. (The letter is contained in Appendix E.)

Various cases were reported on and discussed: the Pawnee, Bering Straits, Nansemond, Grande Ronde, Cook Inlet, Arctic Slope,

Tlingit-Haida, and Haudenosaunee. The Committee discussed with Secretary Heyman and others the extension of Committee members reappointment from three years to five years, to which the Secretary agreed. Reports were also given on the Tlingit-Haida TeleVideo Conference Project and the Keepers of the Treasures Conference (see below).

After the meeting, the Committee gave a presentation on their role in the repatriation process to staff from the Department of Anthropology and the Repatriation Office at the NMNH. Lynne Goldstein, at the request of the Committee, stayed for an extra day to interview members of the NMNH's Department of Anthropology and Repatriation Office regarding repatriation activities as well as review Repatriation Office files.

Two other meetings were also held to monitor and review activities of the Repatriation Office. These were on February 15-16, 1995, following the Palm Springs Repatriation Workshop, and on September 15, 1995, following the Pawnee Tribe-Repatriation Office dispute hearing (see respective attached minutes in Appendixes F and G). In both instances, the Committee met with Thomas Killion Discussed at Palm Springs were to discuss various issues. Committee expenditures, several cases -- Bering Straits, North Slope, Hopi and Lakota--and the future Apache, Pawnee, Established during this meeting was a travel grant activities. program to help defray costs for tribal personnel to visit the NMNH in Washington and research repatriation cases (see Appendix A, (This is the second program established by the again).

Repatriation Review Committee; the first assists tribes in the actual physical return of human remains and objects.) The one-half day meeting at the Pawnee Tribe-Repatriation Office hearing focused on financial issues and ways of further assisting the Repatriation Office with fulfilling its responsibilities.

Reports Considered

The Repatriation Review Committee formally considered seventeen (17) reports during the year. Reports on human remains considered were for Northeastern Washington and Northern Idaho, the Hand Site, the Kiowa, the Pawnee, the Cheyenne River Sioux, North-Central Montana, Cook Inlet, and Golovin Bay. Ethnographic reports considered were for the Santa Clara Pueblo, San Ildefonso Pueblo, Hopi, Pawnee, the Tunica and Biloxi Cultures, the Chickasaw Culture, and the Salish, Flathead and Kootenai Cultures. We also considered the reports "The Craig Mound at Spiro, Oklahoma," and "A Chronology of Middle Missouri Plains Village Sites."

Outreach Efforts

The Committee devoted considerable attention in earlier years to assisting the Repatriation Office formulate and implement its procedures. In keeping with the Committee's recent decision to interact more fully with Native American communities, the Committee engaged in a variety of outreach efforts during the past fiscal year.

Palm Springs Repatriation Workshop

The Palm Springs Repatriation Workshop was co-sponsored by the NMAI and the NMNH; the Repatriation Review Committee provided partial support (see Appendix H for notes on the workshop). It was held in Palm Springs, California, on February 13-15, 1995. members of the RRC--Roger Anyon, Lynne Goldstein, Andrea Hunter and Russell Thornton--served on a panel at the workshop. During the panel presentation, each of the four discussed their background and, then, together, discussed the role of the Committee in the repatriation process at the Smithsonian. Committee chair Russell Thornton provided remarks on repatriation during an evening address to the workshop. It was the consensus that the workshop went very well and was very much appreciated by American Indian groups attending from a four-state region (Arizona, California, Nevada and (Following the workshop, the Full Committee--now including Christy Turner, who was unable to attend the workshop--met for one day.)

NAGPRA Review Committee Meetings

Three members of the Repatriation Review Committee--Roger Anyon, Andrea Hunter and Russell Thornton--attended the meetings of the NAGPRA Review Committee on February 17-18, 1995, in Los Angeles. (The three journeyed there following the Palm Springs Workshop.) Committee chair Russell Thornton was asked to respond to questions concerning repatriation at the Smithsonian, which he did. The three Committee members also had lunch with NAGPRA Review Committee members.

S.E. Alaska Indian Repatriation Conference

The Conference was sponsored by the Tlingit and Haida Indian Tribes of Alaska; it was held in Juneau, Alaska, on March 28-29, Roger Anyon and Russell Thornton represented Repatriation Review Committee at the S.E. Alaska Indian Repatriation Conference, and made a joint presentation about the Committee. As part of Conference activities, they also attended a TeleVideo Conference between the NMNH and the Tlingit and Haida (held in Alaska at the William A. Egan Library of the University of Alaska Southeast [Juneau Campus]). They indicated they were exceptionally pleased with the TeleVideo Conference. The Tlingit and Haida also indicated they very much appreciated Repatriation Review Committee representation at the Conference and formally expressed their appreciation to the two Committee members in attendance.

Keepers of the Treasures Meeting

Roger Anyon and Andrea Hunter represented the Repatriation Review Committee at the National Keepers of the Treasures meeting in Sioux Falls, North Dakota, on April 4-7, 1995. Andrea Hunter spoke before the group about the Committee and discussed the Committee's new travel grant program. During the meeting, discussions were also held by Roger Anyon and Andrea Hunter with various individuals concerning specific repatriation cases at the NMNH. For example, Andrea Hunter was approached by representatives of the Haudenosaunee about their request for the repatriation of a wampum belt.

Pawnee Repatriation. Burial and Feast

Andrea Hunter and Russell Thornton represented the Repatriation Review Committee at a repatriation ceremony where human remains were returned to the Pawnee Tribe of Oklahoma. occurred on June 6, 1995, at Fort McNair in Washington, D.C. Andrea Hunter represented the Committee at the actual burial of the remains in Genoa, Nebraska, on June 7, 1995. Both Andrea Hunter and Russell Thornton then attended the "final feast" for the dead Pawnee, held the following week, on June 14, 1995, in Pawnee, Oklahoma. The Pawnee expressed appreciation that representatives of the Committee came to Oklahoma to express their respect for the Pawnee dead.

Inuit Circumpolar Conference

The Keepers of the Treasures-Alaska sponsored a day-long International Repatriation Symposium at the 1995 Inuit Circumpolar Conference in Nome, Alaska, on July 26, 1995. Lynne Goldstein, Russell Thornton and Christy Turner attended as representatives of the Repatriation Review Committee. Russell Thornton made a presentation about the Committee and responded to various questions from the audience. The organizer of the symposium--Jana Harcharek-formally expressed her appreciation to Committee chair Russell Thornton for Committee attendance and his presentation. Christy Turner reported afterwards to the Committee that Harcharek was diplomatic with him, but that he perceived some dissidence by Native American members in the audience about his presence at the symposium.

The three Committee members also attended a meeting on July 27, 1995. The meeting was between Repatriation Office case officer Karen Mudar and the Bering Straits Foundation, represented by the Foundation's anthropologist and several native people. Discussion centered on the future repatriation of Golovin Bay human remains to the Golovin and White Mountain native communities.

At the request of the Repatriation Office, Committee members Goldstein and Turner journeyed on to Fairbanks and met the following two days with physical anthropologist G. Richard Scott and his assistants at the University of Alaska-Fairbanks, who had been examining (under a contract with the NMNH) the Golovin Bay skeletal remains prior to repatriation. Both Goldstein and Turner were very impressed with the quality of the work that had been done and with the enthusiasm expressed for the project by the team of physical anthropologists.

Mille Lacs Workshop

A repatriation workshop was held at Mille Lacs, Minnesota, on September 7-9, 1995, sponsored by the NMAI and the NMNH. Lynne Goldstein attended as a representative of the Repatriation Review Committee and served on a panel entitled "The Role of Review Committees."

Dispute Resolution

During the year, the Repatriation Review Committee was involved in resolving a dispute between the Pawnee Tribe and the Repatriation Office. In addition, the Committee was formally

notified by the Haudenosaunee of their dissatisfaction with progress on a repatriation request.

The Pawnee Tribe of Oklahoma

Considerable Committee time and effort was devoted to the dispute between the Pawnee Tribe of Oklahoma and the Repatriation Office over the Steed-Kisker Phase human remains and objects. Each Committee member spent several days during the summer of 1995 evaluating prepared reports and reading lengthy background materials.

The Committee met with representatives of the Pawnee Tribe and the Repatriation Office in Denver, Colorado, on September 14, 1995, to consider the dispute (see Appendix I). Having read the relevant materials and heard the oral arguments of both sides, the Committee discussed the issues and prepared its final recommendations during the following month. (The Committee's report is contained in Appendix J.)

. The Haudenosaunee

Committee chair Russell Thornton was contacted several times during the year by the attorney for the Haudenosaunee concerning their long-standing request to repatriate specific wampum to them. They are hopeful that the request will be honored, but are very much concerned over specific delays which have occurred. The Committee is now closely monitoring the situation; we are hopeful the issue will be resolved in the very near future.

Future Concerns

The Repatriation Review Committee is impressed with the work that has been done by the Repatriation Office. We particularly hope that close consultative relationships with Native American and Native Hawaiian groups will continue to be formed, even as the Committee continues its own outreach efforts.

The length of time involved in the repatriation process continues to be a concern, however. We hope ways will be found to accelerate the decision-making process. At the same time, we urge the Repatriation Office not to make repatriation decisions on the basis of incomplete evidence. Instead, it should arrive at decisions after timely, complete and reasonable assessments have been made.

* We hope that the Repatriation Office will consider oral traditions more systematically and regularly than has been the case to date. Such oral evidence may not only provide new information in and of itself, but may also help to explain other types of evidence. Such consideration will likely require more direct work with knowledgeable tribal members. In addition to the need for oral evidence consideration, the physical anthropological evidence needs better analysis, including utilization of any of several upto-date and readily available multivariate affinity assessment routines. Dental morphology information should be used as well as non-metric and metric osteological variables.

The Repatriation Review Committee is also concerned about information gaps and lags between the Repatriation Office and the

Committee. New procedures whereby the Committee coordinator, Gillian Flynn, more fully participates in Repatriation Office meetings may alleviate this communication problem.

The Committee thinks that important lessons can be learned from the Pawnee repatriation case (and also the Haudenosaunee case, when it is resolved). We anticipate examining these cases during the upcoming year.

Finally, the Committee remains concerned about activities of the Native American Graves Protection and Repatriation Act (NAGPRA) Committee. There appears to be a continuing and determined effort on their part to bring repatriation activities at the Smithsonian Institution--including those of both the NMNH and NMAI--under the purview of the NAGPRA Committee. We think the effort is misguided and disruptive to the repatriation process of the Smithsonian.

Appendix A

The Smithsonian Institution's
Native American Repatriation Review Committee Travel Grant Application

NATIONAL MUSEUM OF NATURAL HISTORY REPATRIATION REVIEW COMMITTEE TRAVEL GRANT PROGRAM

The Repatriation Review Committee at the National Museum of Natural History has made available funding to support Native American tribal representatives wishing to come to the Repatriation Office (RO) to consult with museum staff about repatriation cases and associated tribal collections. A consultation visit normally consists of a meeting to discuss the progress of a pending repatriation case, an orientation to the documentation procedure that is used by the RO to verify cultural affiliation of collections, a tour of the collections, and a visit to the National Anthropological Archives. The grant may cover airfare, hotel accommodations, meal allowance, and local travel allowance. The Repatriation Review Committee will normally sponsor two tribal representatives per tribe or community for a visit of up to four days. Consultations with the RO are not conditional upon receiving a travel grant. The travel grant program is provided to facilitate the consultation process.

ELIGIBILITY AND REQUIREMENTS:

Applicants must be formally affiliated with a Native American tribe or community that has a case pending with the Repatriation Office. This means that the Repatriation Office must have received a letter of request for the repatriation of culturally affiliated collections on official tribal letterhead, signed by an executive officer of the tribe or community. Once a group has made a formal request for repatriation and the case is far enough along in the documentation process to warrant a visit by a tribal delegation, an application for a travel grant can be submitted.

The tribal delegation should normally include a tribal member who is knowledgeable about the repatriation process along with a tribal member who is knowledgeable about that tribe's cultural traditions and material culture.

Awards are made based upon the recommendations of the Repatriation Office staff person in charge of the case, with the approval of the RO Program Manager.

Applicants should submit the attached application forms with a letter of support on official tribal letterhead signed by an executive officer of the tribe or community.

TRAVEL ARRANGEMENTS:

All airline travel and hotel accomodations will be arranged and pre-paid by the RO. Airline arrangements do not include stop-overs to other destinations, or first class accomodations. Meals and necessary local transportation costs will be re-imbursed to the tribal representatives upon the submission of receipts. The maximum meal allowance is \$38.00 per person per day. Tribal representatives may not be re-imbursed for alcohol beverage bills, pay television, or long distance telephone calls. All receipts must be submitted within 30 days.

APPLICATION DEADLINE:

Applications must be submitted one month in advance of the proposed visit.

If you have any questions about the program or the application procedures, please write or call Gillian Flynn at the Repatriation Office, E525B, NMNH, 10th and Constitution Ave., Washington, DC 20560, (202) 357-4678.

NATIONAL MUSEUM OF NATURAL HISTORY REPATRIATION REVIEW COMMITTEE TRAVEL GRANT APPLICATION

FULL NAME:MAILING ADDRESS:		_
TELEPHONE NO:	FAX NO:	
FEDERAL EXPRESS ADDRESS (no PC) boxes):	
SOCIAL SECURITY NUMBER: TRIBAL OR COMMUNITY AFFILIATI		
PRESENT POSITION OR OCCUPATIO		
ARE YOU REPRESENTING MORE TH	AN ONE TRIBE OR COMMUNITY:YES	NO
SHORT DESCRIPTION OF RESEARCH	I INTERESTS:	-
		· · · · · · · · · · · · · · · · · · ·
SIGNATURE	DATE	
APPROVED:	Gillian Flynn, Review Committee Coordinator	

Appendix B

The Smithsonian Institution's Native American Repatriation Review Committee

THE SMITHSONIAN INSTITUTION'S NATIVE AMERICAN REPATRIATION REVIEW COMMITTEE

The Native American Repatriation Review Committee was established under the National Museum of the American Indian Act (Public Law 101-185). The Committee consists of five members, four of whom were appointed from nominations submitted by Native groups. The Committee members were appointed in March of 1990 by the Secretary of the Smithsonian. The Committee was established to monitor and review the inventory, identification, and return of human remains and funerary objects. The Committee's responsibilities were later expanded to include sacred objects, and objects of cultural patrimony. The duties of the Committee are advisory. Specifically, the Committee's purpose is to ensure that fair and objective consideration and assessment of all relevant evidence with respect to inventory and identification has been made by the Repatriation Office of the National Museum of Natural History (NMNH). Upon the request of any affected party, the Committee may review any findings relating to the origin or the return of human remains and cultural objects. The Committee may also assist the Secretary of the Smithsonian in facilitating the resolution of any dispute that may arise with respect to the return of such remains or objects. Thus, if any Native American group or Native Hawaiian organization finds that a decision of the NMNH Repatriation Office regarding a specific request is unacceptable, the group or organization may request the Committee to review the matter and make an independent recommendation to the Secretary of the Smithsonian.

The Review Committee meets at least twice annually to monitor and review the progress of the Repatriation Office at the National Museum of Natural History. It may meet on other oceasions to consider specific issues. The Committee may also monitor NMNH informational meetings, make presentations at workshops, and attend repatriation ceremonies.

The Chairman of the Repatriation Review Committee is Russell Thornton, Professor of Anthropology at UCLA. His address is:

Professor Russell Thornton Department of Anthropology 341 Haines Hall, Box 951553 University of California Los Angeles, CA 90025-1553

Phone: (310) 825-7080 FAX: (310) 206-7833

The other members of the Review Committee are Roger Anyon, Director, Zuni Heritage and Historic Preservation Office; Lynne Goldstein, Professor, University of Wisconsin-Milwaukee; Andrea Hunter (Committee Vice-Chair), Assistant Professor, Northern Arizona University; Christy Turner II, Professor, Arizona State University. A brief biographical sketch of each of the five members of the Committee is attached.

Roger Anyon

Roger Anyon has twenty five years experience in archaeology, anthropology, and historic preservation in Europe and North America. He is presently the Director of the Pueblo of Zuni Heritage and Historic Preservation Office. Having worked for the Zuni Tribe for the past decade Mr. Anyon has been heavily involved in repatriation activities on behalf of the Tribe, in particular the highly successful campaign for the repatriation of Zuni War Gods. Although much of his career has been in the field of archaeology most of his efforts are now focused on repatriation, the protection of cultural resources of importance to the Zuni Tribe, and the development of the tribal historic preservation office. His Masters degree is from the University of New Mexico.

Andrea A. Hunter

Andrea Hunter is half Osage and grew up on the Osage Reservation located in north central Oklahoma. She received a B.A. in Anthropology from the University of Colorado-Boulder, an M.A. and Ph.D. in Anthropology from the University of Missouri-Columbia. Hunter is currently an Assistant Professor in the Department of Anthropology and the Director of the Laboratory of Paleoethnobotany at Northern Arizona University, Flagstaff. Although relocated in the Southwest, her archaeological and paleoethnobotanical research emphasis has focused on the Osage Tribe in Missouri. Hunter is currently preparing an edited volume on the Osage at the time of European contact. While at the University of Missouri, she was instrumental in organizing a symposium on repatriation that brought together Osage tribal members, archaeologists, physical anthropologists, and together Osage tribal members, archaeologists, physical anthropologists, and Nafive American lawyers to publicly discuss the issue.

Lynne Goldstein

Lynne Goldstein is Professor and Chair of the Department of Anthropology at the University of Wisconsin-Milwaukee where she has taught since 1975. She received her Ph.D. in 1976 from Northwestern University. Her research interests in include Eastern U.S. prehistory, mortuary analysis, settlement patterning, and quantitative analysis. She has published papers and monographs in all of these areas, with the majority of her publications concentrating on the Late Woodland and Mississippian periods of Wisconsin and Illinois. She serves as Director of the State's Southeastern Wisconsin Regional Archaeology Program, and is also Director of the University of Wisconsin-Milwaukee's Archaeological Research Laboratory. Her fieldwork in Wisconsin has focussed on the Aztalan site, as well as the distinctive Effigy Mound culture and Woodland-Mississippian settlement patterns. From 1990 through 1992, she directed a mortuary project in California: excavations of the historic Russian cemetery at Fort Ross. professional activities include: Editor-Elect of American Antiquity (1995-96, to be followed by a three-year term as Editor); Secretary of the Society for American Archaeology (1987-1991); Chair of the Society for American Archaeology's Task Force on Repatriation (1990-present); Board of Curators of the State Historical Society of Wisconsin (1988-present); Panel for a National Dialogue on Museum/Native American Relationships (Heard Museum, 1989-90); and Wisconsin's Burial Sites Preservation Board (1987-present). In 1994, she was named one of Wisconsin's Advisors to the National Trust for Historic Preservation; there are two such advisors from each state. She has been active in public education, including a weekly radio broadcast on Wisconsin Public Radio (several years ago), and to popular books, *Prehistoric Indians of Wisconsin* and *A Guide to Common Prehistoric Projectile Points in Wisconsin*.

Russell Thornton

Russell Thornton is Professor of Anthropology at UCLA. He has taught previously at the University of Pennsylvania, the University of Minnesota and the University of California-Berkeley. He received his Ph.D. in sociology from Florida State University in 1968 and has done post-doctoral work at Harvard University and the University of Southern California. From 1979-84, he held a Research Scientist Career Development Award from the National Institute of Mental health. Born and raised in Oklahoma, Russell Thornton is a registered member of the Cherokee Nation of Oklahoma. His honors include a Chancellor's Distinguished Professorship at the University of California-Berkeley, and a Chancellor's Distinguished Lecture at the University of California-Irvine. He has published five books and over 50 articles and book chapters. He published articles have appeared in the American Sociological Review, Anthropology Journal of Sociology, American Anthropologist, Current Anthropology, American Journal of Physical Anthropology, Ethnology, Ethnohistory, Ethnicity, Administrative Science Quarterly, and American Indian Quarterly. His books include We Shall Live Again (Cambridge University Press, 1986); American Indian Holocaust and Survival (University of Oklahoma Press, 1987); and The Cherokees: A Population History (University of Nebraska Press, 1990).

Christy G. Turner II

Christy Turner has been a Regents' Professor in the Department of Anthropology at Arizona State University since 1992. He received his Ph.D. in Anthropology in 1967 from the University of Wisconsin-Madison. He was Assistant and Associate Dean at the Arizona State University Graduate College from 1972-77. His honors include: Distinguished Arizona State University Research Professor (1984-85); Fellow, Center for Advanced Study in Behavioral Sciences, Stanford University (1970-71); Life Fellow, Museum of Northern Arizona (1985-present); IREX and USA National Academy of Science Scholar to USSR (1980-81, 1987). He has received research grants from the National Science Foundation, IREX, National Academy of Science (USA), National Geographic Society, and Wenner-Gren Foundation. He has completed 38 seasons of field and museum research in Europe, Siberia, Southeast Asia, Japan, Australia, Polynesia, Alaska, Southwest U.S., North and South America. He has reported in more than 150 articles and books dealing mainly with the peopling of the Americas and the Pacific Basin, dental anthropology, Southwest rock art, origin of anatomically modern humans, and taphonomy of Anasazi cannibalism.

Appendix C

Minutes of Meeting on October 13-14, 1994

Final Repatriation Review Committee Meeting Minutes October 13th and 14th, 1994, Washington, DC National Museum of Natural History Prepared by Gillian Flynn, December 30, 1994

Review Committee Participants:

Roger Anyon, Lynne Goldstein, Andrea Hunter (Vice-chair), Russell Thornton (Chair), and Christy Turner

Smithsonian Staff Participants:

Kay Behrensmeyer, Acting Associate Director for Science, NMNH Gillian Flynn, Repatriation Review Committee Coordinator, NMNH Candace Greene, Museum Specialist, Department of Anthropology, NMNH Robert Hoffmann, Associate Secretary for Science, SI Clara Sue Kidwell, Assistant Director for Cultural Resources, NMAI Thomas Killion, Program Manager, Repatriation Office, NMNH William Merrill, Curator, Department of Anthropology, NMNH Donald Ortner, Acting Director, NMNH Dennis Stanford, Chairman, Department of Anthropology, NMNH

Thursday, October 13, 1994

I. Introductory Remarks

Russell Thornton opened the meeting and informed the Committee that Secretary Heyman would not be able to attend the meeting. Dennis Stanford welcomed the Review Committee. He said that the Repatriation Program was going well and that the Anthropology Department was pleased to be working more closely with the Repatriation Office. Don Ortner apologized to the Committee for being unable to attend the entire two days of the meetings, as he was required to preside over the NMNH Staff Day events. He said that the Museum had appreciated the advice that the Committee had given over the years. He said he felt that their advice and counsel was crucial to a positive completion of the process.

Robert Hoffmann apologized for the Secretary having to cancel his plans to attend the meeting. He explained Heyman had to attend a four day national board meeting and that a new Chairman of the board was being selected. The Smithson Society was also meeting and the Secretary had been requested to appear before the Office of Budget Management. He said Secretary Heyman regretted being unable to be at the meeting. Hoffmann informed the Committee that the Secretary had established a new administrative organization. The Smithsonian will have a Provost who will act as chief programming officer. He, Hoffmann, had been asked to take the position. Under his administration will be Science, Arts, and Humanities, as well as Education and Public Affairs. The Provost will have equal status with Undersecretary Newman, reporting directly to Secretary Heyman. Hoffmann will gain

more responsibility and thinks perhaps the Secretary will wish to delegate more responsibility for the Repatriation Review Committee to him.

Russell said he hoped that the Committee would be able to talk about ways in which to do more outreach to inform the public about the Committee's responsibility in the repatriation process.

Kay Behrensmeyer attended the meeting and explained that she had asked the Repatriation Office (RO) to present a Research Initiative Proposal in order to have one from all departments and programs at the NMNH. She also said she understood that the Repatriation Office was not strictly a research project and did not fall within the purview of the Office of Associate Director for Science Research Initiative Proposal process due to its congressional mandate.

II. Administrative Business

The Committee approved the April 1994 meeting minutes.

Gillian reviewed the Committee's expenditures for 1994. Out of an allocation of \$175,000.00, the expenditures totaled \$89,221.00 leaving a remainder of \$85,779.00. She outlined the anticipated expenditures for 1995, which are estimated to be \$93,150.00. There also exists a prior years' balance of \$298,644.89.

Roger asked if the \$298,644.89 included the \$100,000.00 that had been set aside for funding repatriation ceremonies.

Gillian said yes, it did.

Don said he was pleased that the Committee had offered this money to the Repatriation Office, as the funding of returns was never budgeted for in the RO annual allocation.

Russell said he felt that, at present, the Committee's money was being under-utilized. He asked if we knew yet what the 1995 allocation to the Committee was going to be. Gillian said that there had been no official word. Hoffmann said he expected the allocated to be the same as this year's, \$175,000.00. (We have since been informed that the exact amount will be \$159,000.00.)

Tom gave his administrative report, updating the Committee on the status of the Repatriation Office personnel searches. He informed them that there are three new case officers. Chuck Smythe is the new case officer for ethnography. He had previously been working as an applied anthropologist in Alaska. His main task will be to supervise the production of ethnographic summaries and is currently looking at the southwest reports produced by Rose Wyaco. Paula Molloy is the new case officer for the Southeast. Paula came from the

Peabody Museum at Harvard. Bill Billeck is the new case officer for the Plains area. He came from the University of Missouri and the Iowa State Archaeologist's Office and will be working with Stephanie Makseyn-Kelley, Phillip Minthorn and Frank Walski. Tom explained that since John Verano resigned as case officer for the Physical Anthropology Lab. there had been a freeze on all hiring, although the announcements are out and he invited the Committee to suggest possible candidates.

Kay Behrensmeyer explained that although there was a freeze on for new recruitments, any recruitments that were in process would continue. Kay left the meeting at this time.

Tom informed the Committee that William Offenheiser would be moving to NMNH Automated Data Processing and that an arrangement had been made to select a replacement for William. He and the new person would work together until the new computer technician was trained. He explained that this new person did not have Anthropology background but had experience with local area networks. He explained that Gillian would be taking on some of the registrarial duties. He also explained that the RO was looking into the options for renewing term positions as some were approaching expiration. He explained that the request for renewing these positions was at the Office of Personnel Management (OPM).

Don explained that term and temporary positions were temporary assignments usually designed to assist in the completion of a specific project. People with these designations had more limited employments rights, for instance during a reduction in force, people in these positions could not bump people in permanent positions. Don said the Museum was looking into the possibility of turning some of the key positions in the Repatriation Office into permanent positions.

Hoffmann also explained that employees with four year term positions cannot be reappointed. He said he hoped the Repatriation Office's request had been cleared with OPM. He said he felt that the SI would have more flexibility if it had a separate personnel office.

Tom reported that the Repatriation Office was experimenting with the compressed work schedule. He reported that Rose Wyaco's contract had expired and that Rose would be leaving. Fred Reuss' contract had been renewed for two more years. Fred has been compiling information on the accessions and donors for the ethnographic summaries. Sarah Pelot, a dentist who had been a volunteer in the Physical Lab., has begun a part-time contract to do dentition and x-raying. He stated that the RO had a contract for editing case reports with the editor of the Larsen Bay volume, Nancy Benco. He explained that he had begun looking at the possibility of contracting out the responsibilities of the, as yet, unfilled liaison position.

Russell asked if there would be specific tasks outlined for this position such as visits, consultations, and workshops for a regional area.

Tom said he was in the process of developing the contract language.

Russell suggested that perhaps more than one person could be hired, perhaps people who had experience with different geographic regions or people the RO had worked with in the past.

Tom said he thought that could be one possibility.

Hoffmann asked if the RO would be able to attract well qualified people for a contract position.

Lynne suggested that there might be people willing to go on academic leave to take on the position or there might be qualified people who are retired.

Roger said he thought the idea of doing it on a regional level could be helpful, but thought that the contract should be for longer than one year.

Tom said he would be concerned that all the agendas be the same and that the Case Officers would have to be involved. He thought that the liaison should report directly to the Program Manager. He also said the RO was looking into the possibility of hiring contractors to assist the Case Officers. He informed the Committee that the NMNH is going through the selection process to hire a director. He explained that there was some concern both within the NMNH Anthropology Dept. and the RO that there was no one on the search committee from inside NMNH who was an anthropologist. A number of letters have been sent to the Secretary asking for this to be rectified.

Lynne asked if there was an anthropologist from the outside. Hoffmann said that an economic anthropologist, Jane Guyer from Northwestern University, was on the search committee.

Tom informed the Committee that the Repatriation Office was planning to collaborate with NMAI on a regionally-focussed workshop on repatriation in February in California. He said that he would like to have a Review Committee Member participate.

Russell suggested that the Committee hold its next meeting in California to coincide with the workshop. He referred to the Committee's previous discussions about holding a public outreach meeting that, at the request of some of the Committee Members, had since been cancelled. He also explained that the NAGPRA Committee would be meeting in California in February and perhaps they could meet with the NAGPRA Committee.

Tom said that he expected to ask for financial assistance from the Committee for the anticipated returns to the Warm Springs/Yakama tribes and to Alaska. He stated that the RO would be bringing in one new Native American intern (Oneida) to work with Tamara Bray. Her name is Susan Brockton. Because there are three new Case Officers, however, he did not anticipate bringing in any other interns for the next six months.

III. Review of Cases

Tom reviewed the progress of current cases.

He discussed the Pawnee case. A draft portion of the report is nearing completion that addresses the archival information, physical anthropology, and cultural affiliation of 44 sets of remains. He said he expected the Pawnee report to be completed in December. Currently, Bill Billeck is reviewing the Central Plains Tradition material; looking at the Roper and Jantz reports. There would be no further revisions to the Roper and Jantz reports. It is now felt that the best reading of the data argues for cultural continuity. The report completed in 1992 by Case Officer, Timothy Baugh, on the Group I historic remains, will be inserted as an appendix. Tom explained that the Group II (Central Plains Tradition) and Group III human remains, those that may be affiliated with the Pawnee or other tribes in the Central Plains, are being documented as part of this case. The documentation of the Group IV remains, which include those older than the Central Plains Tradition, additional unknowns, and the Steed-Kisker phase from Kansas and Nebraska, was expected to become a longer-term project. The Pawnee are in agreement with the proposed arrangement. The RO is planning a conference in 1996 on the topic of cultural affiliation for the earlier time periods, which would include physical anthropologists, linguists, oral historians, and Native American experts. Tom said he hoped that the study of the Group IV remains will be completed by the 1996 conference. The Pawnee are expected to be involved with the conference. Bill Billeck is in communication with Walter EchoHawk, the representative for the Pawnee. There is a repatriation to the Pawnee planned for March 1995 that will include Groups I, II, III.

Russell asked if the time schedule was acceptable to the Pawnee. Tom said the Pawnee had agreed to the time table.

Roger said he felt that a workshop on cultural affiliation would be critical, possibility affecting the way repatriation is handled at other museums. He said he thought it was a good idea, but that it would involve a lot of effort.

Lynne said she thought that the NAGPRA Committee and the National Park Service should be made aware of the RO's intention to organize this conference. She said that they need input on this issue as they have just begun dealing with it. The SAA repatriation task force is preparing a statement on this issue. The Department of the Interior and the NAGPRA Committee are now working on the regulations and feel that they should be dealing with unaffiliated remains.

Tom explained that the idea for the conference arose out of discussions with Don Ortner, Dennis Stanford, Dan Rogers, and Doug Ubelaker. Bill Billeck will be handling the arrangements for the conference.

Tom stated that we have a repatriation request from the Ponca. The case is being affected by the River Basin Survey inventory. Caddoan, Algonquian, and Siouan tribes are being affected by the RBS inventory, because the documentation of the RBS collection is on-going, making it difficult to get an actual count of the human remains and funerary objects. The case may include 30 sets of remains. Bill Billeck is handling this request. He is also handling the Mandan, Hidatsa and Arikara cases. The Arikara case may have as many as 1500 sets of remains.

The RO has not had a response from the Yankton, Yanktonai and Assiniboine after submitting the Central Dakota report to them in November 1993. It is recommended that 17 individuals be offered for return. The 18th individual is judged to be of indeterminate Dakota affiliation.

Tom explained that as a result of the inventory process and the work being done on the River Basin Survey, additional human remains were turning up that related to what were considered completed cases, the most recent example being the Sisseton-Wahpeton Sioux. The Sisseton-Wahpeton have not responded since the submission of the Central Sioux report. We have informed them that as a result of the RBS inventory we have identified other culturally affiliated remains. The Sisseton-Wahpeton have not informed us of what they wish to do with these remains.

Roger Anyon suggested that when additional remains are identified, face to face discussions should take place with tribal representatives to explain why additional remains had been discovered. Lynne suggested that a statement should exist in the executive summary explaining that more remains could be found in the future. Tom said that there is such a statement in the executive summary. Roger pointed out that people may not see this statement, and suggested that this is an example of where the liaison could be useful.

Tom informed the Committee that the RO is still waiting for further communication from the Northern Arapaho regarding the nine sets of remains affiliated with them held by the Museum.

The Gros Ventre of Montana (Atsina) case involves five or six sets of remains. This is a long-standing case which we expect to complete by May 1995.

Two named individuals have recently been returned to the Cheyenne River Sioux. Stephanie Makseyn-Kelley has been in touch with the representative of the Cheyenne River Sioux, Sebastian LeBeau. They have begun to discuss the ethnographic material. Tom circulated to the Committee the letter the Repatriation Office recently received from the Standing Rock Sioux.

Tom said the Kiowa report has been completed and is currently at the Secretary's office awaiting approval. He pointed out that although some remains related to the case had been tentatively identified with the Sand Creek massacre, after the background research was

completed this did not seem to be the case. The Cheyenne, who received other Sand Creek remains, need to be informed about this issue.

The Apache report has been completed and is currently at the Secretary's office. Tom explained that the San Carlos Apache disagree with our policy of only sponsoring the travel of three representatives. We have suggested that a representative of the Repatriation Office bring the remains out to them. The Prescott-Yavapai have asked for a moratorium on the study of all remains that may be related to them. They have requested remains dating to the Paleo-Indian period.

Tom explained that there are now cases being handled that include soft tissue remains. He pointed out that this was a very sensitive issue and that there may be as many as 20 to 30 brains held by the Museum. Russell asked if there was soft tissue remains other than brains. Tom said yes, there was also scalps and mummified remains. Lynne asked if any research had been done on the brains. Tom said he wasn't sure. She also asked if the RO shared information it gained with tribes on what research had been done on the brains. Tom said yes.

There was recently a return to the Shoshone-Bannock that Andrea Hunter attended. (A detailed report from Andrea on the Shoshone-Bannock repatriation can be found on page 16)

Dennis stated that the Anthropology Department recently received a letter from Dr. Robson Bonnichsen regarding the issue of shedded hair found in archaeological contexts. The Fort Hall tribes have asked that such material be reburied. The site in question (Paleo-Indian) includes mammoth remains and the hair may not even be human, however, the Fort Hall people do not even wish for it to be analyzed.

Four sets of remains were recently returned to the Makah.

The RO anticipates returning to the Warm Springs/Yakama tribes before the end of the year. However, the two tribes are having difficulty making joint arrangements for the return, which may cause its delay. It is hoped that the Army Corp of Engineers will cover some of the transportation expenses. Tom explained that a month will be needed after the repatriation has been agreed upon in order for the arrangements to be made. A notification needs to be placed in local newspapers. The Yakama and Warm Springs people have not been able to agree upon the type of interment. Tamara Bray, Case Officer for the North West, is in touch with the Yakama lawyer.

The Spokane case is nearly completed.

The Palouse case includes 46 individuals from archaeological context on Palouse ancestral lands. The representative for the Palouse is Mary Jim Chapman. The Palouse are administratively associated with the Yakama, however, there is also a connection with the Nez Perce. They are not their own tribal entity.

The Chippewa request for the copper boulder was researched this summer by intern, Jacqueline Schram. It is considered to be a sacred object by the Chippewa, and, in fact, is listed in an NMNH brochure as a sacred object. This is a long-standing request.

Tom referred to the recent letter from the Menominee asking for a moratorium on all physical documentation. This letter is very similar to the Sanding Rock Sioux letter that the NMNH recently received. The RO has responded to this letter but has not had a response.

Regarding the North Slope case, Karen Mudar, Case Officer for Alaska, has received no further response from the North Slope people. They have been asked to send a letter of inquiry. There may be an issue about objects made of human hair. Tom believes that they should be treated as artifacts rather than human remains.

The repatriation request from the Bering Straits Foundation potentially impacts 2,000 sets of remains. Tom had met with the Bering Straits Foundation representative, Matt Gamley, at the Keepers of the Alaska Treasures meetings in Anchorage. A researcher, Vera Metcalf, will be coming to the NMNH to review our procedures. The Bering Straits is interested in understanding all aspects of the research into determining cultural affiliation. They are hoping that cultural affiliation can be determined on the village level. They would also like the physical documentation to take place at the University of Alaska, Fairbanks.

The Doyon case includes 100 individuals, the physical documentation has not yet been done on this case. They have suggested that they do not want physical documentation undertaken.

The Nunivak case funerary objects have been documented. There are 156 sets of human remains. The RO will be working with the NMNH Arctic Studies program to bring Nunivak elders down to the Museum to review the case.

The Sealaska case involves Tlinglit and Haida skeletal material and one brain. Some of the remains are named individuals. The Repatriation Office is meeting with the NMNH Associate Director for Public Programs, Robert Sullivan to look at the possibility of setting up a teleconferencing meeting with the elders from the Tlinglit and Haida that would allow them to view the objects from Alaska. They appear to be more concerned with the objects than they are with human remains. Sharon Eldemar, the Sealaska repatriation representative, has been in touch with the RO about the teleconferencing project.

Tom reviewed the Nansemond case, explaining that there has been no response back from the Nansemond since they received the case report stating that the RO had not determined the remains in question to be culturally affiliated with the tribe. Roger asked if Oliver Perry, the Nansemond representative, had pressed their case further after receiving the report. Tom said the RO had not yet heard anything from Mr. Perry. Karen Mudar had explained to Mr. Perry how he could go about rebutting the Museum's decision.

Tom reviewed the Haudenosaunee request for the return of wampum strings. He explained that this is a complex case because of the international boarder issue. The Canadian group has asked the U.S. Onondaga to act on their behalf. It is also possible that these strings might be replicas. Tom explained that former Secretary Robert Adams felt that international requests were outside U.S. law and, as such, were not a high priority. Christy pointed out that this goes beyond U.S. law, but that the Museum should discuss this with the new Secretary.

Tom referred to the Piscataway case. He explained that because the Piscataway tribe is neither federally recognized nor state recognized, after discussions with SI legal counsel, the Repatriation Office determined that we will not be able to recognize their claim to the material. This case includes a large set of remains from the Acokeek Creek site in Maryland.

Roger stated that Tim McKeown has said that the Department of the Interior may decide that state recognized tribes may make claims after federally recognized tribes have had an opportunity.

Lynne pointed out that the Department of the Interior is trying to work out a process by which to return to non-federally recognized tribes.

IV. Discussion of Case Reports

Lynne Goldstein said she felt that the case reports have become more standardized. The rest of the Committee agreed and there were further comments from the Committee that the writing had improved, the reporting was balanced, the reports were concise and easier to understand.

Tom asked if anyone had seen other cases similar to the Nansemond case, where a conclusion such as this was reached. Christy said he knew of a Hawaiian case at Berkeley where they could not show adequate provenience. Lynne said that there were very few repatriation cases from other museums with case reports such as those produced by the RO. Russell pointed out that there was a problem with the life table in the Nansemond report. He said that when life expectancy is computed from average age at death, the rate of growth of a population needs to be known. He pointed out that this could not be know in the Nansemond case. Christy agreed and said that the age graph would have been sufficient.

There was some discussion about the issue of replicas. The Haudenosaunee case was one example. Another example that was discussed was the Kiowa case regarding the Tai Me (a sacred ceremonial object). Russell explained that he had been approached by a Kiowa tribal member at a workshop who asked him about the Tai Me. Stuart Speaker researched this object and it was determined that the one held by NMNH is a replica. Russell and Roger both pointed out that many tribes do not share this feeling and that this issue should be

discussed with tribes. It was suggested that this issue be approached on a case by case basis, and that the RO needed to understand what a tribe's concern with regard to replicas might be.

Tom asked if NAGPRA was addressing replicas. He thought that our policy on replicas should be to find out what a tribe's concerns were, rather than a blanket policy. Documentation needed to be done on how the replica came to be made and/or acquired, as well as, who made it.

Roger thought that tribes should be notified when there are replicas. Lynne and Tom agreed.

Christy asked how searches for culturally affiliated material in the collections was being done.

Tom explained that they are searched in the INQUIRE data base on both tribal name and geographical location. We try to verify that an object is here, and it is what INQUIRE says it is. We try to make the ethnographic summary as comprehensive as possible. Because INQUIRE information is unverified, we are not certain that we have identified all culturally affiliated material. This procedure has not yet been applied to the archaeological objects.

Lynne asked if much on the ethnographic material had been done. Tom said that most recently the Hopi report had been sent to the tribe.

Lynne asked, if after receiving ethnographic reports, tribes had asked for the return of photographs and field notes relating to objects. Tom said that from the letter the Museum recently received from Zuni, it seemed the tribe was moving in that direction. They had said they would like to be consulted with regard to photographs and notes. Roger said that the letter was really intended to open discussion about the disposition of the notes and photographs.

Dennis discussed the letter that the Anthropology Dept. had received concerning the restricting of access to information of a sacred nature to researchers. He updated the Committee on the open meeting that had taken place on this issue, and explained that there were numerous points of view on this issue within the department. Roger gave an overview of the access to sacred information at Zuni. There was some discussion on what tribes' concerns might be. Lynne suggested that, again, this issue be handled on a case by case basis, that a blanket policy would not be able to encompass the concerns brought up in each case. Roger said he thought that letters such as these were designed to open the discussion about sensitive material. Roger explained that at Zuni photographs had been divided into two categories, restricted and un-restricted and he thinks that they may want restrictions of the same kind on the duplicate photographs at the National Anthropological Archives. Tom pointed out that this was not actually a repatriation issue.

Christy raised the issue of the National Science Foundation (NSF) policy that all notes produced as a result of NSF funded projects become the property of the NSF.

Lynne asked if anyone has sued the NSF over that issue. Tom also wondered if the research notes produced using NAGPRA grant money became the property of the Department of the Interior. Roger said there was disclaimer written into the NAGPRA grants allowing the tribes to hold those notes.

Christy asked if the ethnographic cases were covered under the present RO budget.

Tom said no, and that if photographing, video-taping, xeroxing, or visits by tribal representatives were required the costs were going to become prohibitive. He explained that the NMNH was looking into teleconferencing as one possible solution.

Roger reviewed the recent Zuni request that Zuni remains previously in the possession of the NMAI be transferred to the NMNH for future curation. Because the NMAI wants to divest itself of all human remains in its collections, and the Zuni do not wish at this to have human remains repatriated to the Zuni reservation, this arrangement was made with the NMNH to the satisfaction of all parties. The process has been completed and those remains are now at the NMNH. This collection included a brain. Russell asked why Zuni did not want the remains returned. Roger said, as he understood it, it was because the remains had been desecrated by being removed from their burial place and, because the care for the dead was a clan matter and there was no way to identify clan affiliation, it could not be determined which clan should care for them.

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V. Meeting with Bill Merrill and Candace Greene

Bill Merrill and Candace Greene attended the next session. Bill was introduced to the Committee. He explained that he had wanted to meet with the Committee because the production of the ethnographic summaries was getting underway. He stated that he thought that this part of the repatriation process could be even more complicated than the repatriation of human remains and funerary objects.

There was some discussion on Candace's recent article on intellectual property rights. Bill explained that the Zuni feel that material produced about Zuni using Zuni knowledge, was the property of Zuni. Candace pointed out that Native people's intellectual property rights were not adequately addressed under U.S. law because U.S. law was based on capitalist concepts of private ownership.

Candace said she hoped that collaborative efforts could be undertaken between Anthropology and the Repatriation Office to produce other catalogues similar to the Kiowa catalogue. Bill thought there might be a possibility of doing one for the Hopi collection with T.J. Ferguson.

Tom asked Bill to speak to the Committee about the recent open meeting that was held in the Anthropology Dept. regarding the Hopi request to restrict access to archival information.

Bill pointed out that issues of intellectual property rights and restricting access to sacred information is not covered under present repatriation legislation. He suggested that each request of this kind be handled on a case by case basis and that in all cases discussions with the tribe about their concerns needed to take place. He said that he thought that the freedom of religion legislation and freedom of speech legislation were in conflict with regard to these issues.

Candace explained that the National Park Service regional offices had collaborated with tribes to develop a policy concerning access for collections within the national parks. She said she thought that a single policy was not a good idea, because every group may have different needs.

Bill wondered if there might not be a lawsuit if the NAA were to begin restricting access to their collections.

Lynne said that on the Committee's tour of the Museum Support Center there were storage units that had restricted access.

Bill and Candace said they did not know of this collections policy and thought it should be looked into further.¹

Bill asked why tribes had become so concerned with controlling access to religious information now. He suggested that people meet with tribal leaders to try to understand their concerns.

Roger said that in the case of Zuni, religious leaders felt it important to control access to religious information, because allowing access to people who should not know this information created imbalances in the religious structure of the society.

Bill asked if the information is incorrect why religious leaders would be concerned.

Roger explained that it is because it then places the burden of correcting this information on the religious leaders and distributing religious information causes its power to be depleted.

Bill said that this was exactly the kind of information that museums needed to be told in order to evaluate a request for restricting access.

¹Accordingly, this issue was looked into. Deborah Hull-Walski, Collections Manager, explained that the policy was to label units with material in them that was of a sacred nature, and that although any researcher could access that unit, a special key was needed to open it. This thereby ensures that researchers who do not wish to view such objects, would not open the unit mistakenly.

Lynne asked what legal implications this had.

Bill said that those kind of issues were just beginning to be assessed. He added that he thought pre-approval requirements were an unrealistic solution as they created excessive work.

Bill Merrill and Candace Greene left the meeting at this time.

VI. Discussion of Repatriation Issues

There was further discussion about the Plains conference on cultural affiliation that is being developed. Roger suggested that one focus of the conference could be to take each of the lines of evidence that could be used to determine cultural affiliation (biological, geographical, historical (both written and oral), genealogical, archaeological, linguistic, folkloric, ethnological, archival, or expert opinion) and discuss the role that each one could play. Tom said he hoped to (1) look at the skeletal documentation protocol and come to an understanding of what it can and can't say about cultural affiliation, (2) clarify what specialists have said about Plains group's histories, and (3) gain a better understanding of how much information each line of evidence can supply.

Russell asked what the outcome of the conference would be.

Tom said he hoped that it would produce a publication, a teaching tool for other museums and tribes who had to deal with this issue. Lynne suggested one focus of the publication could be to describe a process by which cultural affiliation could be determined.

Tom said he did not want the conference to focus on definitively determining the histories of each group involved in the conference.

Roger thought that producing a publication out of the conference would allow others interested in repatriation to review what many of the issues are.

Lynne pointed out that it would be a difficult endeavor, unlikely to produce a consensus on what kinds of evidence should be used to determine cultural affiliation, or what information on each historical period is accurate.

Tom said he expected the conference to provide a starting place.

Christy suggested that Tom solicit input from the Committee on the makeup of the panel.

Tom said the conference would involve 20 to 50 specialists, who would develop some protocols for determining cultural affiliation prior to the conference.

Tom presented the Committee with the letter that the Repatriation Office had received from the North Slope representatives requesting that no documentation of the physical remains be done. He explained their argument that because the cultural affiliation of the human remains was not in question (according to them), there was no need to do the physical documentation. Tom informed the Committee that some of the human remains were from the 19th c. and appeared to be related to the people living in North Slope today. Tom suggested that it may not be necessary to do the full physical remains documentation.

Christy asked what happened then to having consistency among all cases.

Lynne asked how many of remains were 19th c.

Tom said about 75%. He asked for some input on how the dental analysis was relevant to the determination of cultural affiliation. He said he was unsure of the logic of applying the full protocol in every case.

Roger suggested that if cultural affiliation can be established without the protocol then it should not be necessary.

Lynne agreed and added that she thought is was unnecessary particularly when the information from other sources is clear.

Christy disagreed and said that the other information only a gave a presumption of the date and that there was no way of knowing without doing the full protocol. The sites are not well dated. He said there should not be a presumption of the date.

Lynne said that if it cannot be shown that the remains are definitely 19th c. then the protocol will have to done.

Roger suggested that perhaps cases could be grouped in terms of what the confidence level is with regard to each line of evidence.

Tom said that there had always been a presumption that the physical documentation was absolutely necessary.

Christy said that the protocol was developed to include the minimum amount of information necessary to determine cultural affiliation.

Lynne stated that if the remains were clearly identified by a preponderance of the available evidence, then according to the law we would not have to undertake the physical protocol.

Roger said that if the determination can be made without doing the protocol then it need not be done.

Tom said that it may have been a mistake to make the protocol a mandatory part of the process. Everything to date had been documented with the exception of the Larsen Bay material.

Roger pointed out that when the case included a large amount of human remains, undertaking the full protocol on all remains slows the process down.

Lynne suggested writing the report without doing the physical protocol and making a determination as to whether or not there would be enough information to make a determination of cultural affiliation.

Christy said that in the North Slope case, the historical record is not as clear cut as had been suggested.

Tom suggested that the Repatriation Office reserve the right to do the protocol, if necessary.

Roger suggested that it may sometimes be in the best interest of the tribe to allow the physical protocol to be done in cases where the other lines of evidence were not clear.

Tom agreed, and said that we were not doing that now. Many Native Americans see the protocol as unnecessary, while the curators in the Anthropology Dept. do not want to give up the right to do the protocol.

Roger suggested proving that the physical protocol is necessary in order to determine cultural affiliation.

Christy said that if the RO were to ignore the evidence from the physical documentation then the "preponderance of the evidence" is not all being addressed.

Tom pointed out that in the Nansemond case, the physical documentation was not necessary to make a determination.

Lynne stated that nowhere in the law does it say that any particular evidence needed to be looked at.

Russell suggested educating groups about the benefits of documentation in order to avoid receiving criticism for the length of time that cases take.

Lynne asked what written information was sent to the North Slope about the physical lab. protocol.

Tom explained that they received the entire physical lab. manual.

Lynne stated that the lab manual does not refer to cultural affiliation anywhere. She said she thought it needed to explain the value of the physical documentation.

Christy said it could be worded in such a way as to explain how each set of measurements are used to help identify affinity.

Friday, October 14, 1994

VII. Information from NMAI

Clara Sue Kidwell, NMAI attended the meeting to discuss with the Committee the upcoming workshop on repatriation that NMAI and NMNH would be developing together.

She also presented an update on events at the NMAI. She explained that the NMAI currently had two priorities; repatriation and the opening of the customs house exhibit in New York, which would include a press preview on October 25th and an opening for the public on October 30th. NMAI is continuing to work on the human remains issue with a major effort to try to identify affiliation and return as expeditiously as possible. She said, unfortunately, there was limited information available on some of the remains and determining cultural affiliation in those cases was going to be difficult. She reiterated that an agreement had been reached with Zuni and NMNH to remove human remains from NMAI and house them at NMNH. Currently, NMAI was preparing to repatriate 70 sets of remains to tribes in Southern California. NMAI recently returned human remains to the Mohawk, which were subsequently reburied. Eighty-seven sacred objects were repatriated to Jemez Pueblo. As part of their evidence for making their claim, the Jemez representatives had presented sacred information with the stipulation that the written reports on this information be restricted from public access. The NMAI has complied with this request but does not know what may occur if a member of the public cites the Freedom of Information Act in order to see this information. Jemez Pueblo worried that if that information were made available collectors might try to come to Jemez and buy or otherwise acquire the objects from the tribe. She said that there had been a misinterpretation on the part of some tribes that they could simply come to the NMAI and remove objects without following the deaccession and repatriation procedures.

Russell asked if the NMAI had a Review Committee similar to the one at NMNH.

Clara Sue said no, the board of trustees had set-up a procedure for doing the research. This information goes to the curatorial council for approval of the deaccession request. The board then signs off on the request. If there is a conflict, the board would appoint a sub-committee to evaluate competing claims. There is no advisory committee similar to the NMNH Review Committee.

Russell asked her what their policy was regarding repatriation.

Clara Sue said that the repatriation policy was embedded in the collections policy.

Russell asked if the NMAI recognized state and non-federally recognized tribes.

Clara Sue said they were recognizing claims from federally recognized and state recognized tribes. The NMAI does not maintain a list of state recognized tribes, however, if a state recognized tribe is an off-shoot of a federally recognized tribe, then the NMAI will work with the federally recognized tribe.

Lynne asked if the NMAI had received more requests for workshops. Clara Sue said that they had. Lynne asked if people's concerns were with NAGPRA or the Smithsonian. Clara Sue said it was mostly confusion over NAGPRA or the Smithsonian's relationship to NAGPRA. Elizabeth Sackler had created a handbook on repatriation which is expected out in the fall. The RO had been invited to give input into the volume.

Clara Sue asked if the NMNH policy had been approved. Tom said it was undergoing the approval process, and was currently in Undersecretary Newman's office.

Clara Sue stated that the NMAI developed its collections policy as the first order of business. Tom explained that the NMNH policy takes a procedural approach. Clara Sue said that the NMAI has a draft procedural document that has not yet been finalized, but in practice they do have procedures. She said that tribes seemed to have a range of expertise when it came to dealing with the ethnographic summaries.

There was further discussion on the February workshop. Clara Sue said it was expected to be a two day meeting.

Clara Sue said that NMAI would turn to the Haudenosaunee request for the wampum after the opening of the exhibit in New York. She said that the NMAI had received a letter from the Haudenosaunee, but had also received a letter from the Oneida stating that they do not recognize the Haudenosaunee's authority to act on their behalf. The documentation of the objects will have to take place prior to any decision being made. She said they would be placing a public notification about the wampum belts and expected counter-claims. She said there were some inadequacies in the documentation of the collection. There were some human remains still listed in the museum inventory but had, in actuality, been deaccessioned to the New York University dental school. It was not known if the school received federal funding and if it knew about NAGPRA.

Clara Sue left the meeting at this time.

Russell asked if the Repatriation Office had input on the Sackler volume. Tom said that he had prepared a statement and will see the edits prior to publication. Copies will be distributed to the Committee.

VIII. Discussion of the Repatriation Workshop

Russell and Roger said they thought that Committee participation in the workshop was a good idea. Russell suggested that the Committee Members come a day early and stay for the workshop. Roger said it would be useful to hold a reception in order to meet with people attending the workshop and it might also be a good idea to meet with the NAGPRA committee.

Russell asked Tom what would be on the agenda. Tom said he did not yet know.

Russell asked Don if he had any sense of the Secretary's orientation.

Don said he did not, but pointed out that since now there was a law there was little room for policy changes.

IX. Repatriation Exhibit

Tom updated the Committee on the progress made to date on the repatriation exhibit. He explained that besides the exhibit project at NMNH, there was an exhibit project in the works with the Smithsonian Archives.

Don asked the Committee if they thought that Indian people in general were upset by exhibits and photographs about Native Americans. He was asking because the British Broadcasting Company was doing a film about repatriation at the museum. He explained that the NMNH will not allow photographs of Native American human remains to be taken without permission from the tribe and pointed out the difficulty with obtaining tribal permission, particularly as the NMNH needed to have permission in writing. He said that the NMNH will not display human remains and sacred objects in its exhibits.

Roger said he thought issues such as these were tribally specific and he asked what the museum policy was regarding the display of Native American objects in general.

Don said that Native Americans assist with exhibit development.

There was some discussion about the display of other portrayals of human remains, such as x-rays, plastic models, and facial reconstruction models.

Christy explained that he had developed a presentation on the value of physical documentation in determining cultural affiliation. He said that in this presentation he does not focus on Native Americans solely, but refers to other ethnic groups, and to humans as a whole.

Dennis suggested that it might be useful for Christy to present this information at the repatriation workshop in Los Angeles in February.

Russell suggested that the presentation focus on the repatriation issue, and should be done with the support of the NMAI. The Committee felt it was important for the Repatriation Office to explain why the data obtained from physical documentation was valuable. There was some concern that Christy not be perceived as representing the Review Committee when presenting this information at a conference.

Christy said he would do the presentation, if asked. He said that much of the information is new, but does support other data. He explained that in the presentation he does not discuss pathology.

Tom pointed out that the presentation would be useful if it could be related to repatriation.

Roger said he thought it was worth a try. Christy had said earlier that Cecil Antone had seen the presentation and had liked it. Roger said that if Cecil Antone liked it, then it might be useful.

Gillian stated that the Repatriation Office expected Cecil Antone to come to the February workshop.

The Committee thought some sort of presentation would have to be done if the NMNH were to have any hope that Native people would agree to allow documentation of the remains prior to repatriation. Russell raised a concern with having a member of the Committee do the presentation, in case it were seen as a conflict of interest.

Lynne asked if anyone in the Repatriation Office who could give an interesting presentation on the physical documentation. Other members of the Committee thought a conflict of interest could be avoided if it was made clear that Christy was not speaking for the Committee. The general feeling was that some sort of presentation needed to be done.

Russell reiterated that Christy's presentation needed to be related to repatriation.

Roger asked what reports would be ready by the February meeting.

Tom said he thought there would be one day's work for the Committee.

X. Report by Andrea Hunter on the Shoshone-Bannock Repatriation

Andrea reported to the Committee on her participation in the Shoshone-Bannock repatriation that took place on July 11, 1994. She said that the tribal representatives felt very positive about their interaction with the Repatriation Office staff. She had an opportunity to speak

with some of the representatives privately and said they made no negative comments. She thought the trip to the MSC was very useful and went very well.

XI. Repatriation Review Committee In-Camera Session

At this time, all Smithsonian staff members left the meeting with the exception of Gillian. The Committee then held its in-camera session.

Christy asked if the Committee should offer to resign. He said that it might be appropriate because they were appointed by the previous Secretary and they served at the pleasure of that Secretary. If they were to resign, it would allow the new Secretary to re-appoint them or to choose a new committee. Russell asked Gillian to pass this issue by Don Ortner. They also asked her to check on the when their five year appointments were scheduled to expire.

The Committee unanimously voted to re-appoint Russell as Chair, and Andrea as Vice-chair.

It was agreed that new letterhead would be produced, changing the agency affiliations for Russell Thornton and Roger Anyon.

The Committee asked Gillian to do an edit of the by-laws. Gillian pointed out that there appeared to be no date when the by-laws had been approved and that the by-laws may not have been finally approved by the Secretary. Gillian was asked to look into this.

Gillian informed the Committee that she would be obtaining for each of them a copy of the volume on Larsen Bay.

There was some discussion about the best dates for the next Review Committee meeting, however, as it was scheduled to coincide with the workshop it was not possible to establish a date at this time.

Lynne suggested that Secretary Heyman be invited to the workshop and meeting in Los Angeles.

Roger explained his reservations about doing the public session that had been discussed at previous meetings. He said he did not see its usefulness and thought it could create a situation in which the Committee may gain unwanted negative publicity that would then require follow-up. He thought it would be more useful to meet with people who are interested in working with the Repatriation Office.

Lynne said that she thought that if Russell made a statement on behalf of the Committee at the February workshop, and the Committee hosted a reception and came to the conference as observers that that would be a positive beginning.

There was further discussion about the memo that the Committee had agreed to send to the Secretary regarding the makeup of the search committee for the Director of the NMNH.

Lynne said they should raise the concern that there was no one on the search committee who understood the political and administrative issues surrounding repatriation and that those issues may not be raised during the interview process.

Russell said he would draft a letter and it would be circulated for the Committee Members to review.

Roger raised a concern over the funds that the Committee had in reserve. He said he was concerned that because there were continuing federal budget cuts and reductions in the work force, Congress may decide to re-allocate the Committee's reserved funds. He said he was concerned that the Committee would not be able to cover necessary expenses should the need arise. He suggested that some ways in which the money could be utilized in an appropriate and legitimate manner included (1) sending Committee Members to attend negotiation meetings that the Repatriation Office held with tribes and (2) a further monitoring of all aspects of the repatriation process.

Russell agreed it was good idea for the Committee to monitor negotiations with tribes. He also suggested that it might be appropriate for more than one Committee Member attend repatriation ceremonies.

To that end, Christy said he would be interested in attending negotiation meetings and ceremonies that concerned the Alaska and Pawnee cases. Lynne said she was interested in the outcome of the Pawnee case, as did Andrea. It was agreed that Gillian would continue to contact each Committee Member prior to a return.

It was suggested that the Committee sponsor a reception at each repatriation workshop.

Christy asked what the possibility was of using Committee funds to pay for travel for tribal representatives to come to the NMNH to view the collections and learn about the process. The rest of the Committee agreed that it was a good idea.

There was a re-iteration of the agreement the Committee had made with the Repatriation Office regarding the use of the \$100,000.00 It was re-stated that the agreement was to sponsor two representatives from each tribe to come to receive the remains for repatriation.

Gillian presented to the Committee the request that had been made by the RO staff to receive more information on the discussions that transpired at the Review Committee meetings. Gillian had explained that some staff had asked to attend certain portions of the meetings. She also presented the idea of preparing summary notes of the meetings that could be informative for the staff to read.

Roger said he was worried that staff may misinterpret the content of the discussions.

Christy was concerned that if staff attended the meetings, the discussions would become watered down.

It was suggested that Gillian develop summary notes of the meetings and have Tom review them for distribution to the staff.

Christy raised the issue of the supervision of the liaison. He suggested that the liaison should report to the Case Officers rather than to the Program Manager to avoid any problems that may arise from conflicting information being presented to the Program Manager.

Russell made a motion to adjourn the meeting. Lynne seconded the motion.

Appendix D

Minutes of Meeting on May 24-25, 1995

Final Repatriation Review Committee Meeting Minutes May 24th and 25th, 1995, Washington, DC National Museum of Natural History Prepared by Gillian Flynn, February 27, 1996

Review Committee Participants:

Roger Anyon, Lynne Goldstein, Andrea Hunter (Vice-chair), Russell Thornton (Chair), and Christy Turner

Smithsonian Staff Participants:

Gillian Flynn, Repatriation Review Committee Coordinator, NMNH
I. Michael Heyman, Secretary, SI
Robert Hoffmann, Provost, SI
Thomas Killion, Program Manager, Repatriation Office, NMNH
Donald Ortner, Acting Director, NMNH
Dennis Stanford, Chairman, Department of Anthropology, NMNH

Wednesday, May 24th, 1995

I. Introductory Remarks

Russell Thornton opened the meeting. Smithsonian staff present were: Gillian Flynn, Tom Killion, Don Ortner, and Dennis Stanford.

Don welcomed the Committee. He noted that the Pawnee Tribe has requested that the Review Committee review the Steed-Kisker phase material that the Repatriation Office (RO), National Museum of Natural History (NMNH) has not recommended for return to the Pawnee. He said that although biological data was significant in evaluating relationships and ancestry, there would be differences between the biological and cultural evidence. In many situations, there could be biological overlap among culture groups. It is known from the archaeological record that there were differences even when groups were biologically similar. He thought that although the two lines of evidence were important, it was cultural evidence that needed to be weighed most heavily. He wondered how the Museum was going to deal with these different kinds of evidence. He thought the weight of each line of evidence could differ from case to case. As a broader issue, he wondered if the evidence would be taken seriously at all, or if, when there is a dispute, the Museum will accede to a tribe's request regardless of the evidence. He reminded everyone that there was pressure to have the Smithsonian brought under NAGPRA. He said that this needed to be thought through carefully. He suggested that the Committee ask Secretary Heyman to clarify their role in the process. He pointed out that the Secretary wanted to delegate responsibility for repatriation to the Provost. However, there are legal limits to how far delegation can go. The law mandates that the Secretary maintain a relationship with the Committee. He thought that this needed some clarification.

Russell asked Don if he thought that the Secretary would bring the Pawnee matter before the Committee.

Don said he expected him to.

Lynne asked if there was someone in the position of Provost permanently.

Don said no, that the search was still on-going.

Tom pointed out that Hoffmann, who is acting Provost, is also acting Director of the Air and Space Museum.

Russell said that the Committee was pleased that Don and Dennis could be at the meeting.

Dennis welcomed the Committee. He said he felt that Tom and the Repatriation Office staff were doing an excellent job. He was pleased that a full-time manager for the physical lab had been hired. He also said that the Anthropology collections in E525B should be moved by the middle of the summer. The space would be remodeled and the RO could expand into that space. He also said he was looking forward to the deliberations on the Pawnee case. He saw this case as a defining issue for repatriation.

Russell said that the Committee wanted to talk about the procedures for reviewing cases, with the assumption that the Committee would be dealing with the Pawnee case. He said that Walter Echo-Hawk, lawyer for the Pawnee tribe, had sent a letter outlining some suggested procedures. Russell had spoken with Tom about these suggested procedures. He said that Walter's greatest concern was that the case be resolved in a timely fashion. He asked if the Committee could put review of the February meeting minutes on hold until the following day.

II. Review of Review Committee Expenditures

Gillian reviewed the Review Committee expenditures. She said that as of March 15th, 1995 the Review Committee had \$129,087 in its current year account. She explained that although the 1993 and 1994 remaining funds had been rolled over into the 1995 account, 1991 and 1992 had yet to be rolled over. The total remaining in prior-year accounts was \$302,797.

Russell pointed out that as the Committee's activities have picked up, spending had also accelerated. He reminded everyone that the Committee had committed \$200,000 to fund travel for returns and consultation visits for tribal groups to the RO. He explained that there had been some interest shown in the travel grant program already. Rachel Craig from the Tlingit-Haida had approached him about the program.

Tom asked if there was a mechanism for making the travel grant program available.

Dennis asked if there was a way to rank applicants.

Russell and Gillian both explained that acceptance of an applicant for the travel grant was at the discretion of the RO Program Manager and the regional case coordinator.

Tom pointed out that the larger a case is, the more beneficial it is to collaborate with the tribe on it and felt that the travel grant program would facilitate that process.

Gillian pointed that it would be particularly useful for ethnographic consultations.

Russell asked if there was going to be a mass mailing.

Lynne and Don suggested targeting tribes that were already involved in the process.

Tom suggested that a mailing should go out to tribes who have active requests.

III. Development of a Policy on Committee Expenditures

Russell raised the issue of the Committee's attendance at conferences. He suggested that because the Committee had become more active and many members at been attending more conferences and meetings on repatriation, that perhaps requests to attend those meetings should be made in writing to the Chairman. He pointed out that this process was codified in the RRC by-laws but since the Committee had not been that active in the past, they had not followed the procedure. Russell suggested that a letter could be written to him for his approval and sent on to Gillian and Dennis. He asked if people thought this was a good idea. He suggested that the general guidelines should be that no more than two people should attend any particular meeting. He thought there was a good argument to send two people, but that beyond two it was excessive. He suggested that attendees make their decision about how many days of fee are to be given in consultation with himself and Gillian. He also suggested that people's participation at a conference should include something more than simply attending a conference, their attendance should benefit the Committee or they should be making a presentation. He asked if people agreed.

Dennis suggested that there be a policy on which two people.

Russell agreed. He said that those who have attended less should get priority but also those who have participated more should not be penalized.

Christy suggested that people should think about the character of a particular meeting. It might be more appropriate for one Committee member than another. He also thought that there were occasions when a Committee Member should relinquish the fee.

Roger pointed out that not all Committee Members were on university salaries. He explained that when he was on Committee business, he was on a leave of absence from his other position.

Lynne said that there are two different types of meetings that Committee Members attend; academic conferences and repatriation-related meetings. She suggested that when a conference is not specifically repatriation-related then perhaps fees ought to relinquished, but when they are meetings directly related to Committee issues, then it would be appropriate to be reimbursed for the time spent.

Roger pointed out that, for instance, when he and Russell attended the Tlingit-Haida meeting, that although the entire conference was not on repatriation, they both spent the entire time meeting with people to discuss repatriation-related issues. He also said that when he goes to a Keepers of the Treasures meeting, he may be representing both Zuni and the Review Committee. In those cases, he does not ask for a fee for the entire time, only for that time devoted to Review Committee issues.

Russell agreed with Roger and said that compensation would be a variable. He said he saw their presence as a Review Committee service activity. But he reiterated that in either case, Members should not be paid for simply attending meetings.

Don pointed out that it would be better for each Committee Member to be very circumspect in accepting their fee. He suggested that when pressure on the Committee budget increased, attendance at conferences should be curtailed.

Russell also pointed out that expenditures to oversee the repatriation process were legitimate and the Committee should be paid in those circumstances.

Roger reminded everyone that the Committee had made a conscious decision to do outreach this year.

Tom pointed out that are times when it is good to have the whole Committee in attendance, such as the Palm Springs workshop.

Gillian informed the Committee that she had developed a memo that they could use to request attendance at a conference.

Gillian pointed out that the next return ceremony was the Pawnee repatriation, scheduled to occur the week after the Committee meeting. She reviewed the itinerary.

Roger said he thought that Russell should attend the ceremony.

Russell said he would like to attend the Pawnee ceremony and asked if anyone else felt that they should attend.

Tom said Bill Billeck, the Case Officer for the Plains, would go to Nebraska for the ceremony there.

Lynne said she thought that if there was room for two people to attend, that two people should go.

Russell said he thought that the Chair and Vice-chair should go. He also discussed the Inuit Circumpolar Conference in Nome, Alaska. He explained that Lynne and Christy had a strong desire to go. One day of the conference would be devoted to repatriation. He explained that the Committee was on the agenda. He suggested that they also go to University of Fairbanks with Karen Mudar to monitor the collaborative documentation project that the RO established with the Bering Straits Foundation and the University of Fairbanks physical anthropologist Richard Scott.

Roger asked if Christy would volunteer to go to Scott's Fairbanks lab, as he would be best able to assess that the protocol was being done properly.

Russell suggested that all three of them visit the lab.

IV. Discussion of Procedures for Review of Disputed Repatriation Cases.

Russell moved on to discussing the Pawnee case. He suggested that they determine a date for the Pawnee dispute meeting.

Don asked if the Committee had received the documentation from the RO on the Pawnee case.

Lynne said that they had, and had also received the Pawnee's response.

Russell asked who would come to the meeting. He thought at least Tom, Bill Billeck, and the Pawnee delegation should attend. He also asked for discussion on where the meeting should be held. He pointed out that the meeting could be held at the Smithsonian or elsewhere. He expressed his personal feeling that the meeting should not be held at the Smithsonian as it was not a neutral site.

Lynne said she thought it could be held at the Smithsonian. The Pawnee are requesting remains that are held at the Smithsonian. The records on those remains are at the Smithsonian. She pointed out that the Committee could not anticipate what questions would be raised and she was not convinced on the advantage of moving the meeting elsewhere.

Russell thought it might be cheaper to do it away from the Smithsonian. He said that he didn't know who the Pawnee would bring. He also thought it would be better in a more informal setting where the Pawnee delegation might feel more comfortable.

Don agreed that there were some issues involved with holding the meeting at the Smithsonian.

Christy reiterated that the records were at the Smithsonian. He agreed with Lynne and said that there might reports they might want to review.

Lynne suggested the meeting be held somewhere other than the SI but in Washington, DC.

Russell said that it should be held somewhere mutually agreeable to both the Pawnee and the Smithsonian.

Russell returned to the issue of the Review Committee attending conferences meetings. He said he felt it was important to have the short biographies and summary of the Committee's responsibilities available before the Committee goes to any more conferences.

Don Ortner left the meeting at this time.

The Committee discussed combining a Review Committee meeting with the September Mille Lacs repatriation conference. However, after reviewing the dates for the meeting with the Pawnee it became apparent that the Committee would not be able to participate in the Mille Lacs conference as fully as they had in the Palm Springs conference, nor would they be able to hold a Committee meeting so close to the dates for the meeting with the Pawnee. It was finally decided that one Committee member would attend the conference for one day, and that person would most likely be Lynne.

Russell suggested that instead of holding a Committee meeting in September, it could be combined with the AAAs in November, possibly on November 20th.

Tom explained to the Committee that he would like to bring Case Officers to some of this meeting's sessions, so that they could learn something about how the Committee functioned. He explained that the staff have questions about how the Committee functions and he would like Bill Billeck, in particular, to hear the discussion on the Pawnee case.

There were no objections. However, Russell did ask how this should be handled when the Committee wanted to discuss case reports. Christy said that if the RRC had any criticism of a particular report, he thought the author should not be present.

Dennis Stanford left the meeting at this time.

IV. Procedures for resolution of disputed cases (cont.)

Bill Billeck attended this session of the meeting.

Prior to discussing the procedure for the resolution of disputed cases, it was felt that more discussion needed to take place about the Committee by-laws.

Lynne asked if there was anywhere in the law that said the Committee had to be appointed for a five year period.

Russell said no, but suggested that the Committee ask the Secretary why he had chosen a three year reappointment rather than a five year reappointment. The by-laws would need to be amended to reflect that change.

Lynne pointed out that with regard to tribes presenting oral evidence for a repatriation claim that she would prefer that the Committee as a whole hear the evidence.

Roger thought that the Committee could not make a decision about a case without the full Committee hearing the oral evidence.

Russell said that there was a need to respect the Native viewpoint on oral evidence.

Lynne said that when information was given to only one person, the Committee could not be expected to act on it.

Roger said that the law does not mandate resolving disputes between the Smithsonian and tribes.

Christy said that there used to be a clause in the by-laws that said that no Committee member could speak on behalf of the Smithsonian or the Review Committee without prior approval. It was suggested that this clause be put back into the by-laws.

Lynne moved that the Committee approve the by-laws pending these changes. Russell seconded the motion. The Committee unanimously approved the by-laws.

The Committee then returned to discussions of procedures for the resolution of disputed cases.

Dennis attended the next session.

Russell said he had spoken with Walter Echo-Hawk. Walter had said that he was pleased with the progress that the Pawnee and the RO had made on the return of the Pawnee scouts and the other Pawnee remains scheduled for return on June 6th, but was concerned about the procedure for resolving the dispute on the Steed-Kisker phase remains. Walter had said he would write Russell and suggest a procedure. Russell had received a letter from Walter on May 5th. Russell asked Tom if he saw any problems with Walter's suggested procedures. Russell read Walter's letter to the Committee.

Lynne pointed out that Walter suggested actual dates and that perhaps this schedule wouldn't allow the Committee to collect further evidence. She thought the Committee needed to retain that option.

Russell said that Walter wanted a timely resolution and that Walter felt that a decision should be made on the available evidence. He said that was how Walter interpreted the law.

Lynne said that when someone presents a case it is based on the development of all evidence that could be made available.

Russell said he disagreed. The Pawnee may want the Committee to hear from tribal elders. There's nothing in the law about this issue.

Lynne and Roger said the Committee needed to keep this option open.

Russell said it has been suggested that more research be done and Walter does not want this.

Roger pointed out that the Committee's by-laws say that they can collect more evidence. It is NAGPRA that insists that decisions be made based upon the existing evidence.

Lynne suggested that they continue discussing the procedures; did people agree with Walter's proposed procedures.

Russell thought that Walter's time schedule would not allow time to look at further evidence.

Lynne suggested that the Committee suggest to Walter that there might be a possibility that the Committee may want time to consult with outside experts.

Russell worried that there was a problem with stating that the Committee could not adhere to the suggested schedule and that Walter may then decide not to bring the case before the Committee.

Lynne pointed out that the Secretary may still wish to bring it to the Committee. She suggested amending the suggested procedures to say that the Committee would agree to the time line unless there was a need to acquire further reviews or opinions of the issues by outside reviewers, However, the process would not extend beyond a further 30 days.

Roger asked if contracts for outside reviewers could be put in place in time to meet these deadlines.

Dennis and Gillian said that if contracts were under \$25,000.00, they could be done in a timely fashion.

Lynne asked if the time line could be finalized immediately.

Roger pointed out that with regard to procedure #4 of Walter's letter, they were asking for an additional 60 days.

Lynne said their letter back to the Pawnee should say that the Committee notes that their by-laws allow the hiring of outside reviewers, therefore the Committee would agree to render a written decision no later than December 1st, 1995.

Dennis pointed out that the time frame should be relative to the scope of the work needed.

Christy said he saw a need for a time frame, but noted that the by-laws do not require a deadline.

Lynne said that not agreeing to a deadline would probably not be a good idea.

Russell reiterated the statement first suggested by Lynne, "that the Committee noted that their bylaws allow the hiring of outside reviewers, therefore the Committee would agree to render a written decision no later than December 1st, 1995."

Roger suggested that the statement should not say "decision" but rather "recommendations to the Secretary."

Lynne suggested that all aspects of these procedures could be changed with the mutual consent of the RO, the Review Committee, and the Pawnee Tribe.

Russell pointed out that the by-laws needed to be approved prior to the meeting with the Pawnee.

Roger suggested asking for expedited approval of the by-laws by the Secretary.

Russell informed the Committee that Walter would want to know when the Pawnee meeting is going to be held. Russell suggested that the meeting could be held sometime in September, perhaps the 15th.

After much discussion, it was decided that the meeting should be held September 14th and 15th.

Russell said that the Pawnee do not know who they will want to have at the meeting. He asked the other Committee Members if the Committee should suggest guidelines for this. He also asked if the Committee should offer to support the Pawnee's trip.

Roger said the Committee should not offer support.

Tom pointed out that the Pawnee had received support from the Committee and the RO during other parts of this case resolution.

Russell thought then that in order to ameliorate the expense, the meeting should be held somewhere near the Pawnee.

Roger and Andrea agreed.

Russell thought both sides should be treated fairly.

Dennis said he thought it depended upon how many people needed to be there.

Roger said that the location needed be equitable, and suggested Kansas City.

Lynne did not think that Kansas City was any more equitable.

Andrea said she favored Kansas City.

Christy pointed out that Walter hadn't discussed where he would want to have the meeting.

Lynne said the Committee needed to know what Walter's expectations were and how many people he expected to bring. He may say Washington is fine. She thought they should assume that it would be in Washington unless the Pawnee objected. She pointed out that if their decision favored the Pawnee, the tribe may come back and ask for reimbursement of costs.

Russell didn't agree with the suggestion that the meeting should be in Washington. He thought is should be held in a neutral site.

Lynne said that Washington would be more convenient if they needed to look at further evidence.

Christy said he would leave the decision up to the other members of the Committee.

Roger said that the meeting place should be convenient to both parties.

Russell suggested that as a general policy these meetings should be held in a neutral site.

Lynne and Andrea agreed.

Christy disagreed with the assumption that the Smithsonian was not a neutral site.

Lynne agreed but said she thought they should give consideration to other requests.

Roger said that there was an assumption that all the records that would be needed are only available at the Smithsonian.

It was agreed that Russell would call Walter Echo-Hawk and discuss the arrangements for the meeting and would follow that phone call up with a letter confirming the agreed upon set of procedures.

Christy wondered if the procedures were subject to the approval of the Secretary.

Russell agreed to wait until after the Committee had spoken with Secretary Heyman.

Bill Billeck left the meeting at this time.

V. Discussion of the 1995 Repatriation Office Annual Report

Karen Mudar attended this session.

Lynne pointed that the number of active cases did not add up.

Tom said that the format of the report might change.

Russell asked if there would be further review of the Nansemond case.

Tom said that the Nansemond have asked the NAGPRA Committee for official recognition as a tribe under NAGPRA. But this was not the reason that the Nansemond were not granted the remains that they claimed from the NMNH. The RO did not feel that the Nansemond were culturally affiliated with the Nottoway remains.

Roger asked if the Nansemond will asked for this to be brought to the Committee.

Tom said that would likely happen. He also said that the Grand Ronde report should be available for geview by the next Review Committee meeting.

Andrea suggested adding to the Annual Report that the Review Committee had attended the NAGPRA meeting.

Roger suggested not discussing in so much detail the contract that Saul Maurillo has for the Larsen Bay documentation.

Christy suggested that the sections on ethnography, physical documentation, and archaeology be made comparable. He said he thought that the annual report was weighted heavily toward the physical documentation. He thought that perhaps because the focus of the Repatriation Office was on the repatriation of human remains, that should be explained in the report.

Russell said that bringing the NMNH under NAGPRA could slow down the repatriation of human remains.

Lynne suggested that the section on the inventory process should have an introductory paragraph.

Christy suggested adding a table of all completed cases.

Tom said that the RO has sent "unverified" inventories in lieu of summaries to tribes and felt that this should be reported. Reporting this should allay criticism from the NAGPRA Committee about the RO not meeting the summary deadline. He explained that the RO and the Anthropology Department were helping draft a letter for the Smithsonian Secretary to the NAGPRA Committee in response to their recent letter. He said that in this letter the RO was making a point of explaining that we had been sending inventories to tribes all along, and that we have begun submitting summaries. Summaries for the archaeology collections are being developed by Paula Molloy, who will be focussing on the Southeast.

Christy said that this information should also go in the Annual Report.

Lynne asked when the next NAGPRA Committee hearings were. She said that someone from the RO should attend these meetings.

Lynne and Russell both said that to not point these issues out to the NAGPRA Committee was, in effect, acquiescing.

Lynne said that the NAGPRA Committee process was politicized. They have made a request to have their case heard by Congress to bring the Smithsonian under NAGPRA. Senator McCain has agreed to hold hearings.

Russell said that the NMNH Review Committee should also write a letter.

Tom explained that the NMNH has collections collected by other federal agencies, but held by the NMNH. He said that although we are not in control of these other agencies he felt that we should report on these collections. These other agencies want these collections reported on but feel that because these other agencies are required to meet the NAGPRA inventory deadline, that the NMNH should submit these inventories now. We have explained that the SI is not obligated to meet the NAGPRA deadline and that these summaries will be developed in the order in which we get to them. Other agencies have applied a different criteria for determining cultural affiliation than we do and this may become a problem.

Roger asked who was the actual owners of the collections.

Tom said that according to Lauryn Grant, the Smithsonian is.

Lynne asked if these other agencies felt that they were the owners.

Tom said that they did.

Roger said that some agencies think that they can unilaterally declare who is culturally affiliated with particular collections. This will have to be dealt with. He suggested explaining why the RO is not currently doing inventories, explaining that although the SI has agreed to voluntarily abide

by NAGPRA, it is obligated to attend to the requirements of the NMAIA first, that their desire to comply is not just to submit summaries but to complete the repatriation process.

Tom said that the RO does have memorandums of understanding with other agencies. This is one reason why case officers are going to workshops and consultations.

Christy asked if there had been court cases on this issue.

Tom said, not that he was aware of.

Russell asked what the NMAI thought about this issue. Is the RO coordinating with them on this issue.

Tom pointed out that the NMAI has no overlap with other federal agencies.

Gillian pointed out that the NMAI has said it has met the summaries deadline and anticipated meeting the inventories deadline in November.

Russell said the NMAI should also have input into the letter to the NAGPRA Committee.

Tom said they were giving input, but they feel more secure because they have met the deadlines.

Roger pointed out, however, that the NMAI would no longer be independent if it was placed under the NAGPRA legislation.

Roger asked Karen where the Cook Inlet report was in the approval process.

Karen said that it was in the Provost's office. She is in contact with the people in Ninilchik. There were no funerary objects associated with the remains. They are most likely Alutiiq or Dena'ina. The people in Ninilchik are Dena'ina. She does not anticipate any problems with this case.

Lynne said it was a well written, clear report.

Karen discussed the Bering Straits Foundation case. She explained that on behalf of the villages the Foundation had made a request for human remains (1,200) and funerary objects (several hundred). The majority are historic, from cemeteries in the Norton Sound area with post-contact European items. There was not much geographical movement of the group. There has been some concern about the physical documentation protocol. The group has indicated that it may not approve the completion of the protocol on all of the remains. The key concerns for the foundation centered around a perceived lack of access to the data and control over the process. After understanding their concerns, an agreement was developed to allow the documentation to be done in Alaska under their supervision. The documentation will be done at the University of Alaska

with physical anthropologists Steven Street and Richard Scott and a Bering Straits Foundation computer assistant. This arrangement allows the SI access to the data.

Russell asked what the time schedule was.

Karen said it would be done in two shipments. The RO is doing photographs and x-rays here, then in June and July the remains will be shipped to Alaska. She anticipated completion of the project by the end of August. Street and Scott will provide the RO with raw data by September 15th and recommendations on the cultural affiliation by October 1st. Steven Street who is from BIA ANCSA is coming to the RO for training in the protocol.

Christy asked if the reconstruction of the skeletons would slow down the process.

Tom said that wasn't necessary; the collection is in good shape. Doug Owsley intends to travel to Fairbanks to review their progress.

Karen discussed the Arctic Slope case. She explained that it was close to completion. The report had been broken down into four regional reports. There were 600 remains. She had explained to the Borough that negotiations could not proceed until the RO received letters from the villages in support of the Borough representing them. She said she will go to Nome in July. She has asked the villages for letters of support.

Lynne asked what would be left to document for Alaska once these remains have been sent to Alaska.

Karen said that there were 100 sets for the Doyon Foundation, 150 sets for Nunivak Island, 600 sets for the Yukon Delta (they will not be making a regional request). The Aleut Corporation has a large number of remains, but there is no official claim at the moment. The Southeastern groups seem to be more concerned with objects of cultural patrimony. They do not appear to want the return of human remains where the identification of clan affiliation is not available. There are five sets of non-skeletal human remains (named individuals) from Alaska. Cheryl Eldamar, the repatriation coordinator for the Tlingit-Haida Central Council, has been working closely with Karen to identify descendent families. One elderly relative of one set of remains has been identified. If these remains were returned, the relative would be required to host a potlatch and this person is unable to fund such an endeavor. The Council has decided not to inform this relative. Because the Smithsonian cannot destroy these remains; they have to be deaccessioned before they could be cremated.

Russell thanked Karen for her participation. She left the meeting.

VI. Policy on the Dissemination of Review Committee Written Reports

Roger raised the issue of the dissemination of his report on the Tlingit-Haida teleconferencing project. He explained that he had given Gillian permission to distribute the report to Tom and Chuck Smythe. He said that Chuck had called him and asked him if he could make the report available to the NMAI board, who were also interested in teleconferencing. Roger said he told Chuck that he would discuss it with Russell but did not think the report was appropriate for circulation.

Russell explained that after he had spoken with Roger it was decided that the report should not be circulated.

Gillian said she informed Chuck of this.

Russell said, following this, he had spoken to Rosita Whorl, an NMAI board member, who referred to Roger's report. Russell told her that the report was not for circulation. However, he wrote to the Tlingit-Haida thanking them for their hospitality and re-iterated his support for teleconferencing. He said he was not pleased that the original report from Roger had been made available to Rosita Whorl and said that a formal policy needed to be put into place to ensure that this did not happen again.

Roger explained that he was reluctant to circulate these types of documents to outsiders because they often contained honest criticism of NMNH policy and procedures that were not for outside review.

Gillian said that from now on a memo would be attached to all Review Committee reports if they were being circulated to RO staff.

Russell said the policy should be that generally RRC trip reports would not be made available to RO staff.

Roger said that if a memo was attached explaining who it could be circulated to, that might solve this problem.

Russell reiterated that they should be reports to the Committee and that any other circulation should be discussed. He also said that requests from the Repatriation Office to utilize these reports should go through Gillian to the Review Committee.

VII. Report on the Keepers of the Treasures Conference

Andrea distributed her notes from the conference.

Russell explained that at the last moment there was a problem with the conference agenda. Originally the conference coordinators placed Andrea Hunter, Roger Anyon, and Phillip Minthorn on the agenda. After Phillip Minthorn was taken off the agenda, Andrea and Roger were also removed from the agenda.

Tom explained that Phillip had been accidently placed on the agenda in the first place. He asked Phillip to remove himself from the agenda. Tom explained that, prior to accepting invitations to speak at conferences, staff attendance needed to be cleared with him.

Roger explained that he had also been placed on the agenda prior to being asked if he could participate.

Andrea said that after the coordinators noted the error, they still did not make time for her to speak, saying that the other presenters had already filled the allotted time slots. They did allow her to speak during the comments period.

Roger said that Gordon Pullar is no longer president of Keepers of the Treasures.

Andrea said she distributed travel grants. There were no questions asked during the repatriation session. Lawrence Hart made a very good presentation on the Southern Cheyenne's repatriation with the NMNH.

Andrea had spoken with Scott Steumpke about the Warm Springs case. He said there was some disagreement between the tribe and the NMNH about who was responsible for the remains while they were in transit.

Tom explained that the RO had made a mistake in asking the Tribe to sign forms stating that the NMNH was no longer responsible for remains once they left the building. This was incorrect and, in fact, the NMNH is responsible for remains until they reach their final destination, unless the tribe wishes to hand carry remains from the Museum. In those cases, the tribe becomes responsible for the remains.

Andrea presented another issue that was raised at the conference. Pete Jamison, who is involved in the Haudenosaunee case, informed her that he was not happy with the progress of the case, and that he had had difficulty communicating with Chuck Smythe. She explained that Mr. Jamison had wanted the Committee to know about his dissatisfaction.

Tom said that Chuck has been busy with other cases. He explained that Chuck wanted to do a case report on the request. There have also been difficulties because this is an international

request. But Tom did agree that the case had been moving slowly. He explained that this case is long-standing because originally the Haudenosaunee made their request to the Anthropology Department prior to repatriation policies being in place.

Lynne pointed out that wampum belts are objects of cultural patrimony.

Tom agreed, saying that they were specifically listed under the NAGPRA regulations. However, there was some suggestion that these wampum belts may be replicas.

Lynne said she thought the Review Committee should write to Pete Jamison saying that they had received his complaint.

Russell agreed.

Tom agreed to have Chuck give a firmer date for completion of the case report.

Tom suggested that the letter should be written to Chief Shenandoah and that Pete Jamison should be copied.

Andrea said she had received some complaints about the Anthropology curators' lack of enthusiasm during the teleconferencing project.

Christy wondered if they could be criticized for that.

Andrea said this wasn't the only issue.

Tom said the teleconferencing was only a test, but he admitted that there were some problems.

Andrea said that the Anthropology Department is not seen very positively in Alaska and that the people there want something done.

Tom said there is a move at NMNH to address the issue. He said there was a push to have staff deal more directly with repatriation policy issues and be made more aware of problems being faced by the RO and of repatriation issues nationally. Some curators have voiced the opinion that the categories of sacred objects, and objects of cultural patrimony were being too broadly interpreted by native groups.

Roger asked how many RO staff and Anthropology staff had attended NAGPRA hearings. He said that if they were going to have credibility they were going to have to do outreach.

Tom said the physical anthropology curators have done that, but that other curators have not. He is trying to establish a procedure for holding meetings with Anthropology on those cases that are the most problematic, in order to try to get a resolution from the Department.

Lynne said that meeting are a good idea but the Department should also be taking a proactive approach with tribes. They should be meeting with tribes to explain the importance of retaining those collections deemed most valuable for research.

Tom said that letters such as the Hopi letter on archival moratoria are seen as a threat to the viability of the Department's public trust responsibilities.

Russell said the Committee hadn't seen this letter. He asked Gillian to provide them with a copy. He also asked if they could get copies of the Tlingit-Haida conference video.

Roger pointed out that the recent article in the Federal Archaeology Bulletin about the teleconferencing project did not give credit to the Smithsonian or AT&T for organizing this project and that the way the article is placed it appears to be a project sponsored by NAGPRA. He suggested that information about the SI not be placed under "NAGPRA" news. He was also concerned about the news article about repatriations to the Pawnee that didn't even mention the SI return to the Pawnee.

Lynne asked if the SI Runner could do an article.

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Dennis Stanford and Paula Molloy joined the meeting.

The minutes were approved as amended.

Russell agreed to prepare a letter to accompany the travel grant application.

Andrea asked Gillian to send travel grants applications to tribal members she had met at the Keepers of the Treasures meeting.

VIII. Recent NAGPRA Developments

Russell said that the Review Committee needed to keep up to date on issues surrounding NAGPRA.

Gillian said she regularly monitored the NAGPRA listserv.

Russell suggested that the Committee review the issues that they wanted to present to Secretary Heyman.

Lynne suggested asking him what his response was going to be to the NAGPRA Committee's

letter asking that the Smithsonian be placed under NAGPRA. She thought he would be concerned about this issue.

Tom said that Secretary Heyman had asked Lauryn Grant and Pablita Abeyta to draft a response letter.

Russell asked the Committee what their response should be to the letter.

Lynne suggested that the Committee also write a letter to Tessie Naranjo, NAGPRA Chair. She pointed out that the NAGPRA Committee did not write this letter with the approval of NPS.

Christy said that perhaps this letter did not represent the viewpoint of NPS.

Lynne said that Frank McManamon is finding this issue to be a difficult one and is not distributing the NAGPRA Committee's letter.

Christy suggested that in their response letter they should question whether this viewpoint is also an NPS position or is only a NAGPRA Committee position.

Lynne said that the NAGPRA Committee's analysis of Smithsonian compliance with NAGPRA is flawed. The Smithsonian is required to follow the NMAIA and is voluntarily following NAGPRA, but NMAIA takes precedence. The only issue is that the Smithsonian has not met the deadlines of NAGPRA. She pointed out that no other federal agency has met the deadlines. The Smithsonian has also distributed inventories and tribes can ask for more information.

Tom said the RO has sent many inventories to tribes.

Roger asked if the RO had sent letters to tribes.

Tom said letters had been sent prior to the RO coming into existence.

Russell asked if the Committee could get a copy of the letter.

Lynne said the RRC letter should say that the SI Review Committee takes seriously its role in monitoring the Smithsonian and that the RO has returned "XX" of remains and "XX" number of objects to tribes. The tone of the letter should imply that this is a criticism of the SI Committee as well as the Smithsonian. She also said they should point out how confusing it could be if the Smithsonian was required to follow both laws.

Russell suggested that Dennis and Tom gather information for the letter.

Dennis said he thought Lauryn should also review it.

Christy said the letter should point out that the NAGPRA Committee had not consulted with the Smithsonian about the facts.

Roger said they should make the point that tribes are responding to the initial Smithsonian letter, the RO is getting on with the process of repatriation. They are complying with the intent of NAGPRA and there isn't much point in expending energy on summaries. However, the NAGPRA Committee does have a point when they say that the Smithsonian is not complying with the deadlines.

Christy said that they are trying to deflect criticism away from themselves.

Russell asked what they were being criticized for.

Gillian said one issue they have received criticism on is the time it has taken them to complete the regulations.

Lynne asked if the Smithsonian ever promised that it would comply with all the provisions of NAGPRA.

Tom said that Frank Talbot had promised that we would comply with NAGPRA, but we're not actually complying with the deadlines.

Lynne said the Smithsonian needs to explain that it must comply with NMAIA first and complies with the intent of NAGPRA.

Russell said that they couldn't speak for the Smithsonian, only the NMNH. He said the letter should copy Rick West (NMAI) and the National Museum of American History. He thought the letter would be quite detailed with some attachments. He would do it next week because they needed to respond quickly.

Roger said he thought it should be done before the NAGPRA Committee sends its report to Congress.

Russell asked when the NAGPRA Committee report was going to Congress. He also wondered when their terms were expiring.

Lynne said they have 1 1/2 years left. She thought they should inform Secretary Heyman that they were writing a response. She also said that one Committee member should always be at the NAGPRA meetings.

Roger said the next NAGPRA meeting was in Alaska in October.

Tom said he would be going to the meeting.

Russell asked if there were any other recent developments with NAGPRA.

Christy asked if NAGPRA had begun funding repatriations.

Tom said they had completed one year's worth of funding and were beginning another round. Christy asked what they had been using the money for.

Gillian said they had been funding trainings on repatriation.

Russell asked if Tim McKoewn was coming to the Mille Lacs conference.

Gillian said that the plan was to have the NAGPRA lawyer go to the conference, instead of Tim.

Roger said that one of the first NAGPRA repatriation grants that was awarded went to Zuni to assist in the repatriation of the Twin God from the Metropolitan Museum.

Russell reviewed the talking points that had been presented to Heyman. He suggested that perhaps they should not focus on the budget.

Lynne said they should ask the Secretary how he sees the role of the Committee and its relationship to the Secretary. This should give the Committee some insight into what the Secretary expected from them.

Roger said they should get some indication of Secretary's priorities.

Tom asked how the Committee would feel if the Secretary said that he had delegated all responsibility to the Provost.

Lynne said they just wanted to be informed.

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Roger suggested they raise the issue of the three year term appointments.

Russell suggested asking Lauryn Grant what her feelings were on Walter Echo-Hawk's suggestions for proceeding with the Pawnee case dispute. He said they also should inform her about their intention to write a letter to the NAGPRA Committee.

Russell asked what the NMAH was doing about repatriation.

Tom suggested that they ask the Secretary about this issue.

Lynne said the Committee should be getting a report from the NMAH.

Roger suggested they ask the Secretary if he supported the Smithsonian complying with

NAGPRA.

Tom informed the Committee that Lauryn Grant was currently preparing a report comparing NMAIA to NAGPRA in order to assist the NMAI in preparing their policy. Tom suggested they ask her how that was proceeding.

Paula left the meeting at this time.

IX. Meeting with Secretary Heyman

Secretary Heyman, Provost Hoffmann, Don Ortner, and Lauryn Grant attended this session.

Russell welcomed the Secretary.

Hoffmann suggested that they review the talking points.

Heyman explained that he had delegated responsibility for repatriation to the Provost. He explained that due to the resignation of the Air and Space Director, Provost Hoffmann was acting as Director of Air and Space. The Secretary would be focussing on finding a Director for Air and Space and then a Director for NMNH.

Hoffmann said that regarding the term limits for the Review Committee, he thought perhaps five years was a long commitment to make.

Russell explained that the new three year commitment had just begun.

Hoffmann suggested that if the Committee thought a five year commitment was better perhaps they should consider staggering the membership.

Russell said they preferred a five year term, that there was no reason for a three year term.

Don said there had been an assumption that some members of the Committee would want to leave the Committee.

Russell reiterated that he saw no reason for a change.

Hoffmann said if the current membership wanted to accept another five year term that would be acceptable.

Heyman agreed.

Don said that he thought that some staggering should occur during this next term period.

Hoffmann and Heyman asked if there was a policy on term limits.

Don said no.

Hoffmann said that with regard to the Pawnee case, the RO had made a good case for further study of the material. He said that the NMNH should not keep remains if the cultural affiliation could be determined, but if there was some doubt, it should not return.

Russell said the Pawnee have asked the Committee to review the case. He said that it would be the Committee's first formal review. He said that given the Provost's support for the RO's position, the Pawnee would continue their appeal.

Hoffmann said he had reviewed the summary of the pros and cons of the case. They would like to hear from the Committee.

Tom pointed out that although further study is not acceptable under NAGPRA law, the available evidence did not clearly point to any particular affiliation. There is no preponderance of evidence to support return to the Pawnee.

Hoffmann said that if the determination is that the cultural affiliation is unknown further examination may not clarify this.

Tom said that the Pawnee do not want further study.

Russell said that the Pawnee feel that the evidence supports return. Clearly the law didn't intend the Museum to retain remains by default, therefore the Pawnee have a legitimate issue.

Hoffmann asked if the law allowed for an "unknown" classification.

Russell said yes, but if there is evidence to support a return, they should be returned.

Heyman asked the Committee how they expected to proceed.

Russell explained that they were in the process of developing procedures. Walter Echo-Hawk would like a recommendation within six months. Each side will provide a summary report. The Committee will meet with both sides, then meet in camera to discuss the case. The Committee may decide that it needs to collect additional information keeping within the deadline of December 1st.

Heyman asked if they envisioned meeting with both parties together or separately. He thought that if the Pawnee were represented by an attorney then the Smithsonian should be.

Russell thought both parties would meet together.

Hoffmann asked if the law described any procedures.

Russell said no, but the Committee did have some procedures in its by-laws.

Lauryn pointed out that their recommendation should come back to the Secretary.

Russell said that their by-laws allowed for both a majority and minority report.

Tom explained that the Jantz and Roper reports were to evaluate those remains that are being returned. There was only a preliminary report on the Steed-Kisker remains. There has been very positive progress on the remains that are being returned.

Hoffmann said he thought the Pawnee case should go to the Committee for an opinion.

The discussion turned to the NAGPRA letter.

Lauryn explained that if the Smithsonian were to be brought under NAGPRA it would require a Congressional amendment and there would be difficulties in implementing the changes. There are currently two committees. The NMNH has already adopted certain provisions of NAGPRA (the categories of sacred objects and cultural patrimony). The NMAIA doesn't have a deadline. Our feeling is that we want to proceed in a timely fashion. NAGPRA's procedures are complex, NMAI's are simplified and Indian people want one set of procedures.

Russell said that the NAGPRA has raised other issues.

Lauryn said yes, that other museums must comply, but the Smithsonian is exempt.

Russell pointed that, in fact, the Smithsonian has done more with regard to repatriation than any other institution. The museum has been concentrating on human remains, any additional activity would slow down the process. The return of human remains is the most crucial issue. Attempting to adhere to the time schedules, in particular, would slow down the process. Some tribes don't see the repatriation of sacred objects as critical as the repatriation human remains.

Hoffmann asked at what rate the RO was proceeding.

Tom said that 2,000 out of 18,000 sets of remains had already been repatriated. Another 2,000 have been documented.

Hoffmann asked when would the process be completed.

Tom said five to eight years.

Hoffmann said that was not excessively slow.

Lynne said that many of the complaints have not come from Native Americans but from other institutions, because they have to comply with a law that we do not.

Lauryn said that according to the board at NMAI in all conversations that their board members have had with Native Americans they have expressed their unhappiness at the fact that the Smithsonian is not under NAGPRA.

Russell said he hasn't heard these sentiments expressed. People do feel that the inclusion of sacred objects and cultural patrimony is important but do not complain about the Smithsonian not meeting the deadlines.

Heyman said he thought that other museums were not actually proceeding with repatriation because they were waiting for the final regulations to be approved.

Don said that other museums were actually having difficulty meeting the requirements of NAGPRA because they had not been given funding to aid the process. He said that other museums are returning to tribes regardless of whether or not they can prove affiliation.

Heyman asked which tribes were receiving remains in those cases.

Don said that they were going to those tribes that voiced their complaints the loudest.

Tom said that, in fact, under NAGPRA very few items had actually been returned.

Don said that this would change in the future.

Tom said some museums feel that they are unable to proceed until there are final regulations.

Lynne said that she had heard that there would be congressional hearings.

Hoffmann referred to the Committee's budget. He said he noted that their activities had increased, however, there is still a considerable surplus. He is concerned that it will be targeted for recision. With regard to increases in future allocations, he said they would have to wait to see if the current amount is acceptable.

Russell informed the Secretary that the Committee planned to write a letter of concern to the NAGPRA committee regarding their request for the Smithsonian to be placed under the NAGPRA legislation.

Russell said the Committee continues to be unsure of its role with regard to the National Museum of American History and other Smithsonian museums. He said he thought there were some items in the NMAH collections that could be subject to repatriation.

Hoffmann said that the Secretary needed to decide if he'd like separate review committees or if this current committee should be extended to monitor the other museums. He said they would be discussing this.

Russell discussed a situation that he'd had when trying to locate a Union flag that had been given to a Cherokee secret society during the Civil War. This flag had been in the possession of the NMAH. Since this flag was very important to the Cherokee Nation they had asked for it to be returned as an object of cultural patrimony. Although it turned out that the flag had already been returned, the issue does show that there are objects at the NMAH that might be eligible for repatriation.

Hoffmann reiterated that this issue did need to be resolved.

Russell did assure the Secretary that Rick West and Clara Sue Kidwell from NMAI had interacted with the Review Committee.

Hoffmann asked if there were any further questions.

There were no further questions and Secretary Heyman and Provost left the meeting.

Don Ortner thanked the Committee for bringing these issues to the Secretary's attention and excused himself from the meeting.

Dennis Stanford also left the meeting.

Lauryn Grant remained to discuss the Pawnee meeting and the NAGPRA letter with the Committee.

Russell invited Lauryn to attend the Review Committee meeting with the Pawnee.

Lauryn said the procedures made sense. She thought the meeting shouldn't be that formal and that the two sides should attend the meeting together, however, if the Pawnee wanted to have an in camera session, they could.

Russell thought all parties should be present. Each group should hear the other side. The Pawnee may want a private meeting, but he would suggest that they meet together. One issue might be how much discussion the Committee should allow.

Lauryn suggested timed presentations and a session when the Committee can ask questions.

Russell thought there might be an occasion when the Committee would need to ask questions of each group separately.

Lauryn asked where the meeting would be held.

Russell said it hadn't been decided yet but it would be held sometime this summer. He said Walter Echo-Hawk had been open to suggestions.

Lauryn asked when the other remains were going back.

Tom said June 6th.

Lauryn said it was too soon to allow this meeting to take place before hand.

Russell said he thought the meeting should be held away from Washington, DC. There was a question of cost and convenience.

Lauryn said the Pawnee may want the Review Committee to pay for this.

Russell said he thought that the Committee should not pay for either side to attend.

Lynne asked if the Committee had to do this.

Lauryn said no.

Russell said that because the resources were at the Smithsonian, it made it easier on the RO to have it held in Washington, DC, giving them an advantage over the Pawnee. Having it in Washington also restricts how many Pawnee can attend.

Lauryn asked if the RO had already paid for Roger Echo-Hawk to come to the Museum.

Tom said that it had.

Russell said he assumed that only four people would be coming from the Smithsonian (Lauryn, Tom, Bill and Gillian) and because of this it would be easier to have it held elsewhere.

Lauryn asked if Walter Echo-Hawk had suggested a location. She pointed out that the Committee had the discretion to use its money as it wished (within the confines of federal regulations).

Russell said that the Pawnee had not given a preference. Walter might think Washington is a good place to hold the meeting.

Lauryn asked if the Committee had any other questions for her.

Russell said no, but reiterated that the meeting with the Pawnee would most likely be held on September 14th and that the Committee's recommendation would be presented to the Secretary

by December 1st. He said he expected the meeting to take 1 1/2 days for the Committee to hear the arguments and to come to a decision.

Discussion returned to the NAGPRA letter.

Lynne said that given the actions of the NAGPRA Committee an SI Committee Member should always be in attendance at their meetings.

Lauryn pointed out that the regulations had never been finalized. Those museums who wish to do repatriation are having to move forward without guidelines.

Lynne asked Lauryn if she thought the SI Review Committee should oversee the NMAH.

Lauryn said the law says that the Committee should oversee the Smithsonian, but pointed out that there is a conflict between what the law says about their obligations and what the law says about the NMAI Board's obligations. The NMAI Board has been given responsibility for all deaccessions for NMAI.

Lynne said that this has been a difficult time for NMAI; they have been finding more human remains in their collections.

Russell suggested that the Committee have contact with the NMAI Collections Committee.

Lauryn suggested that they write a letter to the Collections Committee.

Lynne said she was more concerned with NMAH.

Tom asked if the NMAH had ever spoken with Lauryn about repatriation.

Lynne suggested that all SI museums disclose information about their collections.

Lauryn said that the most expedient way to receive an answer was for the Secretary's Office to send a letter to NMAH saying that they must comply.

Russell said he thought that NMAI policy and NMNH policy on repatriation should be consistent.

Lauryn said the former Secretary didn't think that the two museums needed to collaborate, but she said she thought they should share information, although this isn't required.

Russell thought it would be helpful if a Committee member sat in on their meetings.

Lynne suggested inviting Rick West to attend another Review Committee meeting.

Christy asked what the status of outside research requests was.

Lauryn said the NMNH and NMAI are struggling to deal with this issue. The NMAI thinks that intellectual property is not subject to repatriation, but they will honor any requests restrict access.

Christy asked about the NMNH policy on outside research and intellectual property issues.

Tom said that there is no across the board moratorium on skeletal studies. However when a group makes a request and it is fairly certain that the remains are culturally affiliated, we comply with their wishes.

Christy asked Tom to confirm that there was no blanket policy at NMNH.

Tom assured Christy that there wasn't. We have discussed this issue recently with regard to Alaska and North Dakota. We do feel that scientists should contact the groups whose remains they wish to study.

Lauryn said that rather than a policy not to allow outside research, in fact, the SI has an open door policy.

Christy said he had heard that the museum was not allowing outside research.

Tom said that was not the case. He said there had been an issue with a graduate student who wanted to study Arikara remains. This request was not granted because the repatriation case was long standing and cultural affiliation was not disputed. He read the NMNH repatriation guidelines.

Christy asked what office a person wrote to regarding access to collections.

Tom said that they should write to the Anthropology Department and, if there's a pending repatriation case, the request is forwarded to the RO.

Roger asked Lauryn if the Secretary was going to respond to the NAGPRA letter.

Lauryn said that she and Pablita Abeyta were drafting the response. It would state that the SI was undertaking repatriation and was going beyond NAGPRA.

Lynne asked if there was a policy to receive some positive publicity out of repatriation events.

Lauryn said that there had not been any discussion about this.

Lynne said that the Pawnee return might be a good opportunity to receive some positive publicity. This might be particularly important if the Pawnee decide to sue over the Steed-Kisker material.

Tom said that the Pawnee remains were being moved to Fort McNair for the ceremony. The Pawnee wanted recognition for the Pawnee military scouts.

Lauryn agreed that a press release should be prepared.

Lynne said that the SI public relations people should be involved.

Dennis said that there have been news releases, however, it does allow all press in to cover the story and there is no way to control the publicity. Occasionally the SI had received bad publicity.

Tom said that Bill Billeck is preparing a press release for the Pawnee return.

X. In Camera Session

The Committee agreed that it wanted to ask the Secretary to change their appointments from three year terms to five year terms. Russell said he would draft the letter.

Lynne said she did not feel that staggering appointments was good idea. Hoffmann was willing to reappointment them to five year terms.

Christy said it seemed that it was Don who was concerned with staggering the terms.

Russell said he didn't support the staggering of terms.

Lynne said that the Russell should say in the letter that the Committee Member feels strongly about maintaining continuity on the Committee.

Gillian said the letter should go to Secretary Heyman and copy Robert Hoffmann.

Russell said he would work with Lynne on the draft.

Russell said he had spoken with Walter Echo-Hawk. Walter had said that the Committee's suggestion that they may want to seek additional information was fine and also agreed to the December 1st deadline. He said September was acceptable, but that he had a conflict with the 15th. He also agreed with both parties being present at the same time. Walter said he thought their delegation would consist of himself, Roger Echo-Hawk, and two other Pawnee tribal members. Russell had suggested that the meeting could be held in Washington or elsewhere. Walter suggested Washington or Denver. It had been left open. Russell would write to Walter. He said Walter had not asked for financial support.

Lynne suggested that the location either be in Denver and there would be no financial support, or in Washington, DC and the Committee could agree to support one tribal member.

Russell said he thought that Denver would be all right. The Pawnee could drive from Boulder.

Lynne suggested the meeting be held at a hotel, perhaps at the Brown Palace.

Lynne said the Committee could fly in the 13th, meet with both parties on the 14th, and go home on the 15th.

Lauryn would attend the morning meeting on the 14th.

Russell asked Gillian to put together a luncheon for the attendees.

Lynne suggested asking Dennis.

Roger suggested that all the material be collated by Gillian and submitted in one packet to the Committee members.

Russell said that the Committee might need more reading days, at least two or three.

XI. Report on the Tlingit-Haida Teleconferencing Project

Tom and Chuck Smythe arrived at the meeting.

Russell left to call Walter Echo-Hawk.

Chuck discussed the organization of the teleconferencing project. He explained that he had set up the meeting with AT&T who is the federal long distance telephone contractor. They offered the use of the demonstration space in Virginia. The project became part of the Tlingit-Haida repatriation conference. He selected objects that would be of significance to the group. Rosita Whorl and Cheryl Eldamar selected a few items from a list that Chuck had provided. The organizers had wanted the test to be as realistic as possible and asked Chuck to select sensitive objects. The Anthropology Curators had also wanted to select some utilitarian objects.

Tom explained that the Anthropology Collections Management was very concerned about the packing and transportation of the objects. The Conservators did not feel that the objects were stable enough to transport. The best solution would be if this type of technology could be set up at the Museum Support Center, alleviating the need to transport delicate objects.

Roger said that the set-up of the rooms was important. The style was too formal. He explained that for each object, information was presented and the attendees were able to ask questions while having the objects rotated.

Lynne asked how the technology was.

Chuck said it was good. There were problems with the lighting. They tried two systems, the Picasso telephone imaging and the live video imaging. The people in Alaska preferred the live imaging.

Russell said that some of the objects were funerary objects.

Chuck said there was a lot of interaction among the people in Alaska and they thought the project was very useful. They felt very positive about it.

Russell said the RRC representatives were made to feel comfortable. The Tlingit-Haida appreciated our taking time out to attend the conference. One criticism that he had was that the room in Alaska needed to be bigger. The people in Alaska were also concerned that the video not be used for AT&T publicity.

Tom explained that the staff from the Smithsonian consisted of: Himself, Bill Fitzugh, Bill Sturtevant, Candace Greene, Tamara Bray, Priya Helweg, Sonya Wolf, Deb Hull-Walski, David Rothenburgh, and an RO intern, Rita Robbins. He said he thought the teleconferencing could be used for consultations, allowing a dialogue without requiring elders to make the long trip to Washington, D.C.

Christy asked if people trusted the technology.

Tom said yes.

Lynne suggested testing other types of media, such as photographing or videotaping the collections.

Tom agreed with Lynne and reminded the Committee that it was only a test and that other types of media needed to be tested. But he thought that teleconferencing was a very useful educational media.

Russell said he thought the interaction was helpful and that that kind of interaction would only be possible with teleconferencing.

The meeting was adjourned.

The Committee then gave a presentation on their role in the repatriation process to staff from the Anthropology Department and the Repatriation Office.

Appendix E

Letter to NAGPRA Review Committee

NATIVE AMERICAN REPATRIATION REVIEW COMMITTEE Smithsonian Institution

June 24, 1995

Tessie Naranjo
Chair, Native American Graves Protection
and Repatriation Review Committee
P.O. Box 37127
National Park Service
United States Department of the Interior
Washington, DC 20013-7127

Dear Ms. Naranjo:

We, the members of the Repatriation Review Committee, are writing in response your letter of April 30, 1995, to Secretary Heyman of the Smithsonian Institution. We are writing to express our concern about the letter, correct some misrepresentations and inappropriate statements in the letter, and inquire if the letter reflects official National Park Service policy.

know, repatriation activities As Smithsonian operate under the federal legislation which also created the National Museum of the American Indian. This was signed into law on November 29, 1989, is specific to the Smithsonian, and predates NAGPRA legislation. This repatriation legislation focuses on human remains and funerary objects, as their repatriation has been foremost among Native American concerns from the beginning of repatriation efforts. Almost 2000 sets of Native American human remains have been returned to date by the Smithsonian, and the inventory and documentation of some additional 3000 sets of remains is nearing completion, whereby they may be returned appropriate Native American groups.

Many native groups have told us that the return of their human remains and funerary objects is paramount and that the emphasis of the activities of National Museum of Natural History's Repatriation Office is quite appropriate.

Roger Anyon Pueblo of Znai

Lynne Goldstein University of Wisconsin-Milwaukee

Andrea A. Hunter Northern Arizona University

Russell Thorston University of California-Los Angeles

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Christy G.Tumer II
Arizona State University

Repatriation Office National Museum of Natural History, MRC 138, Smithsonian Institution, Washington, D.C. 20560 (202) 357-1899

However, the National Museum of Natural History has also returned many (272 catalog numbers) archaeological and ethnological objects to native groups. Moreover, since the opening of the Repatriation Office in the fall of 1991, more than 150 detailed archaeological and ethnographic object inventories have been sent to Native American groups. The Repatriation Office's on-going object inventory process should have complete inventories of ethnographic all Native American groups by March, Additionally, close consultations with many Native American groups have been held, and more than one dozen specific object requests are now being considered. Several of these groups are staterecognized tribes, and it is important to note that Smithsonian policy is not limited to federally-recognized tribes, a problematic limitation of NAGPRA policy. These activities are aimed at full disclosure of the content of collections, not a mere summary of objects (as NAGPRA calls for and as most Museums have provided). This additional work on cultural objects, as you perhaps know, has all been voluntary and is in addition to the Office's mandated repatriation activities. Actually, few, if any, museums and organizations complying with NAGPRA have accomplished as much as has the Repatriation Office at the National Museum of Natural History. Further, prior to the establishment of the Repatriation Office, a simple summary list of collections was sent to many tribes, in an attempt to inform them of the nature of the Smithsonian collections. This approach was seen as inadequate and confusing, and so the current approach was developed. the Smithsonian's Repatriation Review Committee sent a letter some time ago to every tribe in the United States, outlining the law and our mandate, offering our assistance, and encouraging the tribe to contact the Repatriation Office.

We, the members of the Repatriation Review Committee, strongly believe that changes in the legislation at this time will not only divert attention away from the return of Native American human remains, but will also undermine the many close, flexible and developed relationships that have between Smithsonian's National Museum of Natural History (and the National Museum of the American Indian) and Native American groups seeking repatriation of not only their human remains but also funerary objects, sacred objects and objects of cultural patrimony. Perhaps your efforts to formally bring the Smithsonian, particularly the National Museum of Natural History and the National Museum of the American Indian, under your NAGPRA Committee are well-intentioned. However, we think, and many native groups have told us that they think, such efforts are misguided and detrimental to the ultimate objective of repatriating human remains and important cultural objects held at the Smithsonian to appropriate Native American groups, federally-recognized or otherwise.

Ms. Naranjo June 24, 1995

Sincerely,

Hundl & Elunton

andrea C. Hunter

Lynne Goldstein Unisty 5.

Russell Thornton (Chair)

Andrea A. Hunter (Vice Chair)

Roger Anyon

Lynne Goldstein

Christy G. Turner II

cc:

Senator McCain
Secretary Heyman
Provost Hoffmann
Mr. Richard West

Dr. Francis McManamon

Appendix F

Minutes of Meeting on February 15-16, 1995

Final Repatriation Review Committee Meeting Minutes February 15th and 16th, 1995, Palm Springs, CA National Museum of Natural History Prepared by Gillian Flynn, June 1, 1995

Review Committee Participants:

Roger Anyon, Lynne Goldstein, Andrea Hunter (Vice-chair), Russell Thornton (Chair), and Christy Turner

Smithsonian Staff Participants:

Gillian Flynn, Repatriation Review Committee Coordinator, NMNH Thomas Killion, Program Manager, Repatriation Office, NMNH

Wednesday, February 15th, 1995

1:00 pm

I. Introductory Remarks

Russell welcomed the Committee. He said he thought the repatriation workshop went well and said that the people he had spoken with had said favorable things. He thanked Gillian on her arrangements for the workshop and said that she had done a very good job. The rest of the Committee agreed with Russell. Russell said that the reception had gone well.

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II. Administrative Business

The Committee reviewed the draft October 1994 meeting minutes. Roger asked that some minor changes be made. Pending these changes the Committee unanimously approved the October 1994 meeting minutes.

Lynne said she thought that she had either not received the packet that contained the October minutes or it had been misplaced. Gillian said she would get Lynne new copies.

Gillian reviewed the Committee's expenditures for the period from October 1994 through February 1995. She explained that 1994 funds had been rolled over into the 1995 account, but that Accounting had yet to roll over 1991 and 1992 into 1995. She explained that since October, out of the \$159,000.00 allocated, \$41,525.00 had been spent. The remaining balance equalled \$117,475.00. There was also \$312,606.67 remaining in prior-year accounts.

Russell said that it was possible that the Committee could hold two more meetings this fiscal year. He asked if people thought they should attend the workshop that had been tentatively

scheduled for May.

Gillian pointed out that the repatriation workshop might now be in conflict with the Keepers of the Treasures meeting that is scheduled for May. She also asked the Committee if they wanted to meet with Heyman in May.

Lynne said the Society for American Archaeology meetings would be held from May 4th through the 7th in Minneapolis and the Keepers of the Treasures meeting would be from the 8th through the 11th in Sioux Falls.

Roger said he would be attending the Keepers of the Treasures meeting and thought perhaps the Keepers would be interested in allowing the Committee to present at their meeting.

Russell said that if a workshop was held in May there should be a Committee Member present.

Tom said he thought it was important to have a Committee presence.

Gillian said she would find out about it.

Roger said they should try to incorporate the Committee meeting with the American Anthropology Association meetings.

Lynne said they were being held sometime in November or December in Washington, DC.

Other members of the Committee thought it might be a good idea to hold a Committee meeting at the same time.

Russell suggested that they meet in May and September.

There was some discussion about meeting two times in the Fall, in September and again in November or December.

Roger suggested that they see how heavy the case load was before deciding to meet twice in the Fall. He suggested that the May meeting be held in Washington, DC. He thought there should be a Committee presence at the Keepers of the Treasures meeting.

Russell asked if anyone else would like to attend. He said he was interested, as did Andrea.

There was further discussion about the budget and the no year fund roll over.

Gillian explained that the Office of the Comptroller reports run about one to two months behind schedule, however, as of February their reports was actually four months behind. She also explained that 1993 and 1994 had been rolled over into 1995, but that 1991 and

1992 had not yet been rolled over. She has written memos asking for this to be done.

Russell asked for discussion about the use of the Committee's accumulated funds. He explained that he had spoken with Tom about some ideas that he had; one suggestion being that the Committee could fund the hiring of a contractor to assist with the physical documentation protocol in order to speed up the process. He thought this might be helpful to both the Museum and to Indian people. He did point out that there could be a conflict of interest.

Tom said he thought it was a good idea but was worried about how it would be perceived. He explained that one plan the Repatriation Office (RO) was considering transferring remains from the Bering Straits Foundation case to Alaska to be evaluated by contractors at the University of Alaska, Fairbanks in collaboration with the Bering Straits Foundation.

Tom explained that the Bering Straits people would like to have the documentation done in Alaska, if at all. He reminded the Committee that the RO had received a letter from the North Slope borough stating that they wanted the RO to discontinue the physical protocol on any remains potentially affiliated with the North Slope. The RO has also received a similar letter from the Bering Straits Corporation. Tom has met with Matt Gamley, the Bering Straits representative. The Bering Straits also sent Vera Metcalf to the RO to work with Karen Mudar and Stuart Speaker in order to learn about the documentation process. Since then they have stated that they want the work done in Alaska. The RO is looking into the possibility of doing this. There has been some discussion with Drs. Scott and Street at the University of Alaska, Fairbanks. There will be a meeting to discuss this further with them. Tom feels that it should be considered. The Bering Straits case is similar to the North Slope case. The remains are predominantly 18th and 19th century. Tom does not know if there is a Birnirk component. Karen Mudar will be pulling together a report for a meeting with Dennis Stanford, Don Ortner, and curators from the Anthropology Department, NMNH. He expects this project to be expensive. There has been some discussion about having part of the protocol done at NMNH and part done in Alaska. He said he thought it would not be possible or advisable to send all 1300 sets of remains to Alaska in one shipment. He sees this project as a chance to complete the protocol.

Roger said that one option was for the Committee to fund this project. He suggested that they talk about other options.

In discussing options, Lynne asked if the Committee could fund an additional person in the RO physical lab and would that help speed up the process.

Tom said that it would be helpful.

Lynne suggested that Committee funds should be used in a way that provides the greatest impact.

Tom said that there is a large number of remains to be documented. He also pointed out that the physical lab is expanding so there will be room for more staff and having one more person in the lab would help. He informed the Committee that Elizabeth Miller has been selected for the position of manager of the physical lab.

Russell asked if the RO had funds available to add another person. He also asked how much Tom thought this would cost.

Tom said that the RO does have funds available and that it should cost about \$45,000.00.

Gillian informed the Committee that \$1,500.00 of Committee funds was used for travel for the Warm Springs return. She explained that the cost of shipping was \$2,000.00. She asked that since they now had an estimated cost for both travel and shipping could the Committee approve the use of \$3,500.00 of Committee funds per return. The Committee agreed. Gillian will seek their permission if the cost goes over that amount. She will also report to them at each meeting the amount of Committee funds that have been used to fund returns.

Tom said that there were three returns coming up; the Pawnee, the Gros Ventre, and the Yankton. The total estimated cost should be about \$5,000.00 to \$8,000.00.

Christy said that then the \$100,000.00 should fund about 30 returns.

Lynne asked what other options were available for the use of Committee funds.

Roger asked Tom if he thought there would be a problem if Committee funds were used to assist tribes with the process.

Russell said he didn't think so; that the issue was only with regard to the Committee funding the physical protocol.

Lynne had said she thought funding a contractor for the physical documentation might be acceptable.

Tom said it might be acceptable to assist with funding the physical protocol but wondered how it would be perceived by anyone outside the Smithsonian.

Gillian said she thought that because some Native Americans do not want the protocol to be done at all, that the Committee might not want to be involved with the physical documentation.

Roger said he thought that it still might be a legitimate way to utilize Committee funds. He said that tribes find it frustrating that there is no funding available for them to come to museums and look at collections. He said that they say that the Smithsonian should provide funds to involve native people in the process.

Tom said that the NMNH already does make funds available to tribes to come and look at collections. The RO could expand the availability of funding for 2 or 3 tribal members to come to the Museum and look at collections. In the past when people have come, tribes have sent two people, an elder who has the knowledge about the collection and a young person who can assist the elder.

Lynne suggested that the Committee could fund up to \$2,000.00 per tribe, for up to ten trips per year for tribes to visit and do research.

Christy Turner suggested doing it as a travel grant and also suggested allowing a second trip for a tribe if the work could not be completed in one trip.

Russell said that the Committee should ensure that if they take on this project they receive credit for doing it.

Roger suggested allowing the Repatriation Office to handle the program.

Tom said he would look at the case load to see which tribes would be logical candidates for the program.

Lynne said that was a good idea but that other tribes should know that this option is available.

Roger suggested that the cases be prioritized.

Christy said that a set of criteria should be developed for determining which tribes would benefit most from the program.

Lynne said that a letter explaining the program should be sent to tribes from the Committee.

Russell suggested that the Committee could cover airfare and room and board up to a certain amount.

Christy said there should be an upper limit on the amount.

Tom pointed out that this project would mean more work for Gillian.

Russell asked what Gillian's role would be in this grant program. He also said that later in the meeting he would like to discuss with the Committee the possibility of expanding Gillian's role. He asked what her present duties were and said that he would like all her time spent on Committee projects.

Gillian said that besides the Committee administrative duties, her other main responsibility was the registrarial duties. Her administrative duties for the Committee include fund

management, meeting and travel arrangements for the Committee and for tribal representatives who come to the NMNH for returns, general administrative duties, the development of the RO annual reports. A special project she was involved with was a brochure on repatriation. She said that for the travel grant project it would just mean that she would have to do the travel arrangements and more fund management. Most of the orientation of visitors is handled by the technical staff.

Tom said that the RO was now fully staffed and has reached its limit for staffing positions. He said that the travel grant program would change how the RO does things. He would like to have Gillian assist with as much of the program as possible. He explained that when a visitor comes the technical staff provides full-time supervision for the at least the first three days.

The Committee and Tom agreed that Gillian would have to be more involved than with just travel arrangements.

Russell suggested that another possible use of the Committee funds would be the establishment of regional contact people to work with the Repatriation Office. This would be the liaison person. The Committee could fund it or part of it. In that way, the person would be a liaison to both the Repatriation Office and the Committee.

Roger asked if the Repatriation Office was any closer to hiring a liaison.

Tom said no, that at the moment it was not a priority.

The Committee decided that there would be a meeting in May, possibly the 17th and 18th or the 24th and 25th. Russell asked Gillian to check with Secretary Heyman to see if any of those dates are acceptable to him.¹

Lynne said that the Repatriation Office and Anthropology Department staff would like to interact with the Committee.

Russell suggested holding a general meeting allowing for questions and answers from the staff. He suggested that there could be a session for the Repatriation Office and a session for the Anthropology Department.

Christy asked if the new NMNH Director will have been chosen by the May meeting.

Tom said he didn't think so.

¹Gillian has since checked with Secretary Heyman's office. Secretary Heyman is tentatively available to attend the Committee meeting for an hour on either May 24th or May 25th.

Russell asked the Committee what the format should be for the May meeting.

Roger said he did not think a question and answer session would be a good idea because it would allow staff to ask questions that might not be appropriate.

Lynne suggested a reception from 4 to 6 pm.

Tom suggested that the Committee hold a panel session and talk about what the role of the Committee is, and what each member's background and philosophical position is on repatriation is.

Gillian pointed out that she had received positive feedback from the staff about the breakfast held at the last Committee meeting and had also received positive feedback about the summary notes that she had prepared for staff to read regarding the content of the Committee meeting. She said she would send copies of those notes to the Committee.

Lynne suggested that this next year the Committee spend some time doing public outreach. She pointed out that the NMNH Review Committee can do much that the NAGPRA Committee cannot.

Christy asked if the ethnology curators were becoming more interested in the repatriation process.

Tom said that Bill Merrill and Candace Greene were.

Roger suggested that perhaps they could invite the RO staff to the Spring meeting and the Anthropology staff to the Fall meeting.

Tom asked if they intended to do a panel presentation and follow it with a reception.

Andrea said she thought that would work as long as no specific questions were asked about cases. The rest of the Committee agreed.

Russell suggested that they invite both the RO and Anthropology staff.

Christy asked if the National Anthropological Archives staff should be invited.

Tom said he could look into it.

Russell suggested that the panel presentation and reception be held from 3 to 5. He also asked Gillian to arrange a dinner for the Committee.

Discussion resumed on what purposes the Committee's surplus funds could be put to.

Lynne said she thought the most successful project would be the travel grants.

Roger said he agreed, but thought that there should be certain conditions placed on the grants.

Russell said they should be flexible in terms of travel costs. There needed to be an application procedure.

Lynne suggested that the application explain that the grant was to fund airfare and room and board expenses for one week for two tribal members, without stating a specific amount.

Tom suggested saying that such a trip would normally include orientation to the documentation procedure, and a tour of the collection.

Gillian suggested doing a trial run to work out any problems in the application process and asked Tom if there were any cases coming up that would be appropriate.

Tom said the Ponca was a possibility and there might be other tribes that would also be good candidates.

Russell suggested that the Committee authorize the RO to undertake a trial run of the travel grant program.

Lynne said that she had received positive feedback concerning the letters that the Committee had sent to tribes explaining the role of the Committee.

Russell suggested that the people who participated in the Palm Springs workshop be added to the Committee mailing list.

Roger asked if the travel grant program could be in place in time for the Keepers of the Treasures meeting in May.

After discussing the various ways in which the Committee's surplus funds could be used, Roger pointed out that there would still be \$100,000.00 remaining.

Gillian suggested that the Committee might want to retain some of it in the event that it was needed for some unforeseen project.

Roger said he also recommended that.

Lynne suggested that they table the discussion about using Committee funds for the physical lab person.

Tom agreed, saying that he needed to work out some issues and have a meeting with the curators.

Lynne asked how it long it took to complete the documentation on one set of remains.

Tom said it takes at least half a day, perhaps longer.

Russell also suggested that they table any discussion about the liaison position.

Andrea said that there needed to be more discussion on the Committee's monitoring of NMNH/tribal negotiation meetings.

Tom encouraged the Committee to participate in those meetings. He said that there may be a meeting with the Apache in one or two months.

Russell asked Gillian to keep the Committee informed of any such meetings. He suggested that if there were meetings that might be of interest to the Committee but for whatever reason a Committee Member could not attend, that perhaps Gillian could attend and report back to them on the content of the meeting.

Lynne said that one or more of the Committee members should have attended the opening of the NMAI exhibit in New York City.

Tom said that with regard to Gillian participating further, her job description could be adjusted to reflect that.

There was a suggestion that if Committee members became aware of meetings that they inform Gillian and she could keep a calendar of events for the Committee and ascertain whether anyone would wish to participate in any meetings.

Russell said he thought the Committee should give Tom feedback on Gillian's performance. He suggested that the Committee could provide an assessment to Tom and could also receive a copy of each performance appraisal after Tom had completed them.

Gillian agreed to send her position description and performance plan to the Committee.

Russell asked what the status of the Committee's reappointments were.

Gillian explained that a memo had been sent to Secretary Heyman explaining that the Committee's appointments were to expire in March 1995. Ruth Selig, Special Assistant to Robert Hoffmann, Smithsonian Provost, had called Gillian and said that she would be recommending to Hoffmann that the Committee's appointments should be continued for another five years. Gillian had suggested that Ruth contact Don Ortner to make sure that it is what he would want. Ruth said she would do that and that NMNH would be hearing

further news soon. Since then, the Provost's office has asked for the Committee's addresses, which have been supplied.

Russell said that they would wait for their reappointment letters. He asked for discussion on the by-laws to be tabled until the following day.

III. Repatriation Office Administrative Report - Tom Killion

Tom explained that the RO staff structure was being re-organized. He said there needed to be further development of each staff person's roles now that the office was fully staffed. He explained that he had been responsible for outreach, personnel, and budget issues. He will now begin devoting some time to writing. Tuesdays and Thursdays he will relocate to another office to write. Tamara Bray has been unofficially appointed Deputy Program Manager. She will sit at Tom's desk on Tuesdays and Thursdays. Besides taking care of general office functioning, her special projects will be:

- 1. To formalize the repatriation procedures for the office.
- 2. To formalize editing. She will be working with Nancy Benco who is on retainer.
- 3. To manage the data bases. She will be supervising Frank Mitchell.

As a result of these new responsibilities, she will be scaling back her writing of case reports. She will continue to supervise Gary on cases. Stephanie Makseyn-Kelley and Phillip Minthorn will be working with Bill Billeck full-time. Bill will be developing one or two contracts for additional tasks. In addition to the Pawnee case, Bill will be supervising the Mandan, Hidatsa and Arikara cases. Karen Mudar is supervising Stuart Speaker and has developed a contract for Robert Montgomery who will be hired to pull together accession information for Alaska. He is previously from the National Anthropological Archives. He developed finding guides for the NAA and comes highly recommended. Paula Molloy is responsible for the Southeast. She will be attending the March Etowah conference, in Atlanta and Tom expects some requests for repatriation to be generated out of that conference. The RO will be hiring one more technician who will be supervised by Paula and may also develop a contract for another person. The plan for the Southeast, because there are not currently any requests from this section of the country, is to generate inventories on a state by state basis by site. There is very little AAM-type collections from the Southeast. Tom suggested that the Committee might want to review the contract for this project.

Lynne asked if Bill Day, from the Tunica-Biloxi, had made a request.

Tom said he has made a request for ethnographic material, but that we may not have any human remains. He also said he would provide the Committee with a list of participants for the Etowah conference.

Tom informed the Committee that Chuck has nearly completed the Salish/Kootenai ethnographic summary. He has brought in Rita Robbins as an intern. She will spend four months clarifying information on collections for which there is no accession information in INQUIRE. This internship may turn into a contract. He is also developing another contract with Priya Hezweg, who is from Washington state and was recommended by Joallyn Archambault, as there will not be a technician assigned to this project due to a hiring freeze. He might also develop one other contract. Chuck has organized a teleconferencing pilot project with the Tlingit-Haida central council scheduled for March 29th in conjunction with ATT in Virginia.

Lynne stated that she would be interested in observing the project on the NMNH end.

Russell asked if anyone else would be interested in observing.

Andrea and Roger said they might be interested.

Tom explained that we would be testing two versions of teleconferencing, both high resolution and low resolution technologies. He pointed out the high-end technology is not widely available.

Andrea said this teleconferencing technology is also available at the University of Northern Arizona and so this type of consultation might also work for tribes in the southwest.

Tom explained that we are in the process of testing the viability of such a project. He said that all staff were now on a monthly work plan that ties into the monthly staff meetings. He has been speaking with Gillian about her work duties. He discussed the recent budget call back from the congressional Office of Budget and Management. He explained that Repatriation funds were targeted because the surplus funds of the RO and the Committee combined were in excess of \$900,000.00. He said he sent a response to Mary Tanner explaining that those surplus funds were to be used to finance returns and general consultations. There has been no word back from Congress. With regard to the RO surplus funds, he is encouraging the staff to develop more contracts to help speed up the documentation process and would appreciate any suggestions from the Committee for additional projects.

Lynne asked if, in addition to the Southeast, were there any more large collections that needed documenting.

Christy said that there were a large number of remains from the Southeast.

Tom pointed out that although there were a large number of remains, there were few requests from the Southeast. He expected that to change once the NAGPRA inventories have gone to tribes.

Lynne asked if the Anthropology curators had been reluctant to earmark important collections.

Tom said so far only Dan Rogers has earmarked some. He said that the Middle Missouri dating project has been completed.

Christy asked about the Haudenosaunee request. He asked if addressing this request meant that we were now entertaining international requests and if there would be anyone contracted to handle international requests.

Tom said we can accept requests from tribes whose membership was on both sides of the international boarder. We are accepting the Haudenosaunee claim. As far as contracts for handling other international requests, he said that could be a possibility, however, there is still no statement from the Smithsonian on international requests. There could potentially be a cross-boarder request from the Yaqui. The Haudenosaunee request will be documented as if it was a regular request and the objects being requested seem to fit the category of cultural patrimony well.

IV. Discussion of Cases

Tom reported that the Pawnee case report had been completed and would be sent to the Committee directly after the meeting. He explained that the report had already gone to the Pawnee. The report will also be sent to eleven other plains tribes, asking for them to review the report and consult with the RO. Bill Billeck has recommended the return of the Central Plains tradition material. He advises further discussion on the "unknown" remains from Kansas and Nebraska. He is not recommending the repatriation of the Steed-Kisker phase material to the Pawnee. Tom explained that the Pawnee report had been sent immediately to the Pawnee because of the deadline that had been agreed to. Bill had explained the review process to Walter Echohawk, representative for the Pawnee, who was upset by the fact that were the Committee to be given the report to review the process would be slowed even further. Walter also asked how, if the Committee needed to arbitrate this case, they could do so fairly when they had read the report at such an early stage. Bill explained that the Committee's monitoring role was also part of their legal mandate.

Gillian passed out the memo that Bill had written after she and Bill had met with Lauryn Grant, Smithsonian Assistant General Counsel, about this issue, explaining that Lauryn had suggested the Committee see reports after the recommendations had been made and Anthropology curators had reviewed the report, but before the Anthropology Chairman had approved it. That would give the Committee the opportunity to make comments but not before the recommendations have been made, so there would be no misperception that the Committee had influenced the recommendations.

Tom said he disagreed with Lauryn and thinks that the Committee should see reports after

the Chairman has approved it.

Lynne thought that was better.

Russell pointed out that the Committee did need to see final case reports.

Lynne asked what happened if the Chairman had signed-off but the Committee had serious concerns about the report.

Tom suggested that the Committee could make their own recommendations that further research be done. He said he felt the Committee should maintain the appearance of non-interference.

Russell agreed.

Lynne pointed out that if the Committee read reports too early in the process, they then may be unable to mediate cases, if necessary.

Christy said that the report production process was much improved and suggested that the Committee could read reports for their information after the Chairman had signed off. He thought there was no need to monitor the reports with the same level of scrutiny. Tom could continue to report on cases at Committee meetings.

Tom explained the problem with assigning cultural affiliation to the Steed-Kisker material. He said that Steed-Kisker phase had a very complex relationship to the Central Plains, Middle Missouri, and Mississippian traditions.

Lynne said there were also technical problems with the original research and very little further research had been done.

Tom said the Pawnee do not seem to have a strong case for claiming this material.

Russell said he had some problems with the San IlDefonso and Santa Clara ethnographic summaries.

Gillian said she sent Russell's comments to Chuck who has spoken with Russell.

Tom explained that Chuck is attempting to further simplify the ethnographic reports.

Roger said that the most recent reports were more akin to ethnographic summaries produced for NAGPRA.

Christy asked if the Hopi would be making a request.

Tom said that the Hopi had received an ethnographic summary and have since sent a letter to the RO. They need to tell us what items they are concerned with and will need to set up consultations. The RO is interested in developing more detailed inventories with Hopi community scholars. We're hoping for two Native American interns to spend a year on this collection. Tom envisioned something similar to the tribal catalogs that Joallyn Archambault has done, with repatriation recommendations being one outcome of the project.

Andrea said the Hopi are getting ready to put in repatriation requests.

Roger said the Hopi have received ethnographic summaries from over 400 museums.

Lynne pointed that the Field Museum held that largest Hopi collection and that the Hopi have begun negotiating with the Field.

Christy asked if other Committee members thought that a report about the travel grant program was needed. He said he didn't think so, as Tom could report on it at Review Committee meetings. He also said he was interested in how the Hopi case turned out, pointing out that there may be difficulties due to the fact that the Hopi are not a tribe but are actually 10 or 12 independent villages.

Tom said that the Pawnee return is expected to occur in April and the Gros Ventre and Yankton returns were expected to happen in May.

Russell asked if they could coincide with the May meeting.

Ton said he didn't know, but that there needed to be definite dates for the returns.

Lynne agreed to come to the Repatriation Office to review case files and meet with people in Anthropology when she came for the teleconferencing project.

Gillian suggested that in addition to the case files, Lynne should also review the Committee's correspondence files and financial records.

Russell asked Gillian to find out about the Etowah conference.

Tom reported to the Committee that the Nansemond were coming before the NAGPRA committee at the February meeting to ask for recognition under NAGPRA. He explained that Mr. Perry, tribal representative for the Nansemond, had been very upset by the recommendations of the Nansemond case report. Karen Mudar had explained to him what his options were, including contacting the Committee. However, the NMNH decision not to return to the Nansemond was based on the belief that the remains requested were Nottoway and not Nansemond, and was not based on the fact that the Nansemond do not have federal recognition.

Tom asked if the Shoshone-Bannock had written to the Committee about receiving more financial support for returns. They had told Tamara that they were going to recommend that the RO pay for more of the costs of returns.

The Committee had not heard from any tribes recently.

Gillian suggested that if they did receive a letter that one response could be that the Committee has begun to sponsor two more tribal representatives.

Tom thanked the Committee for participating in the Conference. He said he thought it enhanced the workshop to have the Committee present.

The meeting was adjourned at 5:00 pm.

Thursday, February 16th, 1995

9:00 am

Committee In-camera Session

V. Discussion of Repatriation Review Committee By-laws

Russell asked for discussion regarding the Committee by-laws.

Gillian explained that, according to her records, the most recent set of by-laws was draft 6, that the version that everyone had been working under, draft 3A, was an earlier version.

Lynne said she had reviewed the two sets of by-laws. She had some comments but did not think that the more recent set of by-laws was drastically altered.

Russell said, that although the Committee might have had some input in formulating the bylaws, they were really developed for them by the Director's Office. He asked if it was possible to have two sets of by-laws. He questioned the five year appointment of the Committee, saying that it was not in the law.

Lynne, Roger, and Christy said that there needed to be one set of by-laws.

Gillian said that she had spoken with Don Ortner about the by-laws and he feels, that in the unanticipated event of a need arising to replace someone on the Committee, a clause needed to be in the by-laws allowing the Secretary to do that. She also said that both the Committee and the Secretary and his designee needed to approve them. She had spoken with Lauryn Grant who said that they needed to go to the Provost and Secretary for approval.

Russell and Roger suggested that the Committee read the by-laws carefully and make comments. It was agreed that any discussion would be tabled and that the Committee would give comments to Gillian to collate by the end of March. He asked that they be paid for one reading day for reviewing them.

Russell said that he would draft a letter regarding Gillian's evaluation and speak to the Committee about it.

Gillian agreed to send them her position description, past performance evaluation, and present performance plan.

Russell said that he would wait until Gillian and Tom had drafted the travel grant application before he developed the accompanying letter.

VI. Discussion of Expanding Role of Repatriation Review Committee

Russell suggested that the Committee's role could be expanded through their attendance at workshops and meetings on repatriation. He suggested that in cases where the Committee could not be in attendance at a meeting perhaps Gillian could attend and report back to the Committee about the meeting. He also thought it would be useful to have Committee representation at NMNH/tribal negotiation meetings. He pointed out that the Committee was supposed to be neutral but is really much closer to the Repatriation Office than to Indian tribes.

Gillian informed the Committee that, according to Sebastian LeBeau, the Lakota were planning to hold a meeting for the oral presentation on sacred information for the Wounded Knee case to representatives from the NMNH and he was considering inviting the Committee. However, Sebastian was concerned that if the tribe needed to bring this case before the Committee, that attendance at this meeting might interfere with the Committee's ability to arbitrate the case. He also suggested that if it wasn't appropriate for the Committee to attend that perhaps Gillian could attend and report back to the Committee.

Christy suggested that in cases where a Committee Member were to attend a tribal negotiation meeting and that tribe were later to bring a case before the Committee that if there was deemed to be a conflict of interest, that Member simply would not vote.

Lynne thought that attending workshops and talking to people would not involve the Committee in case decisions.

Russell agreed.

Roger said that, as things stand, the Committee was not monitoring certain aspects of the process and that expanding the role of the Committee is, in fact, merely fulfilling the

mandate.

Russell pointed out that there were some repatriations coming up and asked if any Committee members wanted to attend.

Christy said he wanted to participate in the Pawnee return.

Russell said he would like to participate in any Alaskan repatriations.

Lynne said she would like to attend the teleconferencing project.

Roger would like to attend the teleconferencing project in Alaska.

Gillian said she would talk to Chuck about it.

Lynne said that Chuck had suggested that a Committee Member participate.

Andrea said she would like to go to Alaska to participate in the teleconferencing project. She said there would be a workshop, also.

Russell and Andrea said they would like to participate in the Pawnee return.

Lynne asked if August or September would be better for the next joint NMAI/NMNH repatriation workshop. She does not want the workshop to run consecutively with the American Anthropological Association meetings.

Russell said that perhaps all the Committee members should attend the Inuit Circumpolar Conference in Nome, Alaska in July. He said they could also hold a one day Committee meeting. He thought they could present at the conference and also have the travel grant applications ready for distribution.

Gillian explained that the Committee had not received the Hopi ethnographic report. She said she had not been made aware of the fact that this report had been written and gone to the Hopi, and so had not been able to send them a copy. She said she would send them a copy immediately after the meeting.

She discussed the Committee's preference for business cards and agreed to take care of this as soon as possible.

Russell asked if he could get another copy of the Southern Cheyenne video. He also asked if each Committee Member could get a copy of the Zuni video.

The meeting was adjourned at 11:00 am.

Appendix G

Minutes of Meeting on September 15, 1995

Final Repatriation Review Committee Meeting Minutes Sept. 15th, 1995, Denver, CO National Museum of Natural History Prepared by Gillian Flynn, November 21, 1995

Review Committee Participants:

Roger Anyon, Lynne Goldstein, Andrea Hunter (Vice-chair), Russell Thornton (Chair), and Christy Turner

Smithsonian Staff Participants:

Gillian Flynn, Repatriation Review Committee Coordinator, NMNH Thomas Killion, Program Manager, Repatriation Office, NMNH

Friday, September 15, 1995

Russell introduced discussion on North Slope Borough case and the Committee's attendance at the conslutation meeting held by Karen Mudar.

Gillian explained that Karen had expressed some concern that the Committee be conservative in its offers of financial assistance to Alaskan groups because there was a large number of cases pending and she was worried that there would not be enough assistance for all groups. Gillian suggested that prior to consultation meetings the attending Review Committee members should be briefed by the case officer organizing the meeting. She discussed the difficulties the Repatriation Office had had arranging the visit of the Golovin Island people to the Fairbanks lab.

Russell said he had spoken with Karen. He explained that the Committee wanted the travel grants to aid the Repatriation Office in its work and did not want to interfere in case negotiations. However, the Committee did want to play a role in the decisions about the use of the travel grants. He thought the meeting would have gone better if they had known more about the case.

There was some discussion about the need for the Committee to receive more current information from the Repatriation Office, the most recent example being the lack of information supplied regarding the Anthropology Department's decision to insist upon undertaking the physical documentation in all case, regardless of the feelings of Native people.

Gillian suggested that the best solution was for her to discuss this issue with Tom.

Russell agreed to table this issue until Gillian had a chance to discuss it with Tom.

Russell raised the issue of the Haudenosaunee case. He said he had again been in touch with Mr. Williams who had stated the group's dissatisfaction with the handling of their case. They said they might bring the issue before the Review Committee regardless of the outcome of the case.

Russell thought the Repatriation Office had missed the deadline for return.

Gillian said that the Haudenosaunee had not given a firm deadline. The deadline that had been missed was one that Chuck had set himself for completion of the report. The report was now in draft form. Chuck did not anticipate denying return of any objects, although he did expect the review process to be somewhat protracted.

There was some discussion about the arrangements for the November Review Committee meeting to be held in Washington.

Tom attended the next session and discussion focussed on Committee support for further repatriation-related projects.

Gillian reviewed the Committee's expenditures for 1995. She once again expressed her concern that 1991 and 1992 remaining funds had not been rolled over into current accounts, feeling that these funds sitting unused in old accounts left them a target for recision. She said she had made every effort to have the Director's Office roll these funds over.

Tom stated that he would look into this problem.

The Committee had asked Tom to prepare some suggestions of possible projects for the Committee to fund.

Tom discussed some possibilities. There were returns coming up later in the year to Alaska that the Committee could fund. He discussed the possibility of the Committee funding contractors to complete work on human remains and ethnographic objects. He discussed his desire to have more lab work in Alaska funded.

The general feeling among the Committee was that the documentation of the human remains was not the kind of project the Committee was comfortable supporting. It could be seen as a conflict of interest.

Tom discussed a project being developed with Richard Scott or Steven Street. They would travel to Golovin Island to explain the physical lab protocol and the value of the data.

Gillian said Street or Scott should not travel on Smithsonian funds unescorted by an SI staff person. She explained that, as Fund Manager, she would have to be assured that they were conducting Smithsonian business. She also said that it was not a good idea, in general, because there would be no way to monitor the presentation without a Smithsonian staff person present.

The Committee was in favor of assisting with such a project as long as a Smithsonian staff person could participate.

Tom discussed two possible conferences, one for the Plains area and an outreach conference to be held in the Southeast.

Tom outlined the idea for the Plains conference on cultural affiliation for the Woodland period. He explained that the Repatriation Office envisioned a collaborative effort by Plains experts in archaeology, anthropology, physical anthropology, and oral tradition. Each set of experts would develop a paper on their particular area prior to the conference. These papers would then be presented at the conference. Other experts could possibly be invited to comment on the presentations. One outcome of the conference would be a publication on the issue of cultural affiliation for the Plains area. He invited the Committee to comment on this concept and asked for their financial assistance.

Russell asked the other Committee members if they felt comfortable supporting such an endeavor.

Lynne said she thought it might be a good idea if it allowed the oral tradition to be integrated into an assessment of cultural affiliation for the Plains area. She asked Tom to elaborate on what the Committee was being asked to fund.

Tom explained that each of the experts selected to develop these papers would be paid on contract to produce the work and he was asking the Committee to fund those contracts. Each expert would be given six months to pull together all relevant evidence.

Lynne suggested that perhaps \$2,000-3,000 should be enough to cover it, with perhaps \$500 for xeroxing.

There was continued discussion about the Plains conference. There was some discussion of a location for the conference with Omaha as one suggestion.

Tom went on to discuss the Southeast conference. He explained that it would follow a similar format to the other outreach conferences that the Repatriation Office had undertaken. It would be co-sponsored with the NMAI. He wanted to know if the Committee wanted to assist further in the funding of that conference.

The Committee tentatively committed to allocating \$10,000 for the Plains conference and \$25,000 for the Southeast conference. They also agreed to allocate \$10,000 in support for a tour by the Fairbanks physical anthropologists. The Committee could also possibly fund half a contract for ethnographic summaries, up to \$15,000.

Lynne asked Tom if the office had a policy of contacting all groups related to federally recognized tribes.

Tom said the Repatriation Office attempted to contact everyone.

Tom left the meeting at this time.

Gillian updated the Review Committee on the Lakota/Wounded Knee case. She explained that the meeting to present the oral evidence to the NMNH had been postponed. Sebastian LeBeau, the Lakota organizer, is having difficulty organizing the meeting.

Christy asked if there was a protocol for data capture for the ethnographic collections besides photographs, such as measurements, or replicas.

Gillian said she would find out from Chuck Smythe.

Russell pointed out that the Committee needed to prepare its 1995 annual report. He agreed to pull together the draft.

Gillian asked if they were interested in considering a new format for the annual report, something that could be made public.

Committee members thought this was good idea.

The meeting was adjourned.

Appendix H

Minutes of the Palm Springs Repatriation Workshop on February 13-15, 1995

Repatriation Workshop
Palm Springs, CA
February 13-15, 1995
Sponsored by the National Museum of the American Indian and the National Museum of Natural History

Notes prepared by Gillian Flynn, NMNH (4/6/95)

Monday - February 13, 1995

I. Welcome and Introductions

The opening prayer was led by Sylvana Maheu, a member of the Agua Caliente band of Cahuilla Mission Indians.

Richard Milanovich, Chairman, Agua Caliente, acting as moderator welcomed the workshop participants.

Janice Lyle, Director of the Palm Springs Desert Museum, welcomed the participants.

Richard Milanovich gave a brief overview of the history of the Agua Caliente. He said that their oral tradition dated their occupation of the Palm Springs area back 500 years. The archaeology dated their occupation back 200 years. He read the objectives of the workshop: to learn the procedures for repatriation, to gain information on repatriation policies at NMNH and NMAI, and to create a network of support among native communities.

He asked the 42 participants to introduce themselves.

II. NAGPRA: Public Law 101-601

Tim McKoewn, National Park Service (NPS) discussed NAGPRA.

1. Legislative history

He said that repatriation and graves protection were not new issues. There had been attempts to resolve these issues without federal intervention, but this had not worked. There had been Congressional hearings on this issue and the conclusion was that there needed to be legislation. Bills were proposed and the result was the NMAIA and NAGPRA. These laws have two purposes; to give Native American gravesites the same protection afforded white gravesites and to institute a process for repatriation. He said that the laws recognizes that there had been

unequal treatment of graves, traditional Native American property systems, and the government to government relationship.

2. Purpose of the law

He said NAGPRA could be seen as a tool for Indian tribes. NAGPRA requires federal agency officials to consult with Indian tribes with regard to planned excavations where there is an expectation of encountering human remains, and when there had been inadvertent discoveries of human remains. The federal land manager must cease excavation for 30 days. The law requires federal agencies and federally-funded agencies to prepare summaries of their collections and to notify tribes. He said that this requirement of the law was to have been completed in 1993. By 1995 these same agencies must complete inventories of the collections in consultation with tribes and must attribute a cultural affiliation to those collections when possible. The law also forbids the sale, or transportation for sale, of human remains or cultural items that came from federal or tribal lands without a permit.

3. Implementation

The law provided staff support for review of the repatriation process. It created a committee to oversee the process. The members of the Committee are: Rachel Craig, Tessie Naranjo, Willian Tallbull, Dan Monroe, Marty Sullivan, Phil Walker, and Jonathan Haas. They have had nine meetings and have mediated two disputes. They have been working on the creation of regulations for NAGPRA. They completed draft proposed regulations on May 28th 1993. There remains several reserved sections that the committee is currently working on. Those sections include civil penalties and the disposition of culturally unidentifiable human remains. The law provided technical assistance for guidance. They publish Federal Archeology, provide training, and maintain the National Archaeological Data Base.

Question: When will the regulations be finalized?

Answer: Tim McKoewn said he didn't know. He explained that just because the regulations

hadn't been finalized, did not mean museums did not have to comply with the law.

The regulations clarify nature of the law.

Comment: Roger Anyon said that tribes need clarification, otherwise they can end up

divulging sacred information. He also said courts favor western concepts.

Tim McKoewn suggested that everyone read the act and when in doubt talk to tribes. He read the definition of a sacred object and the definition of traditional Native American religion.

Question: How can we talk about sacred objects?

Answer:

Tim McKoewn said tribes need to present their case and state that they have standing, that the objects fit under one of the definitions, that there is a cultural affiliation, and that the museum had no right of possession.

Question:

How detailed should the information be? He was concerned that confidential information not be used against tribe.

Answer:

Tim McKoewn said any tribe recognized under the self-determination act is eligible under NAGPRA. He suggested giving just enough information to state the case. He suggested that museums not get involved with tribal politics, and not promise what can't be delivered. All federal agencies must comply with the Freedom of Information Act (FOI). Tribes should state they do not want information written down.

Comment:

Chuck Smythe stated that there had been suggested amendments to NAGPRA protecting sacred information.

Answer:

Tim said it didn't pass. Opening up a statute for amendment allows it to be open for everyone.

Question:

How can a tribe check to see if a museum received federal funds?

Answer:

There is a central point of contract that keeps track of federal funds, which excluded contracts. Grants are included if they were received after November 16, 1990. The museum cannot refuse you access to information that would help determine cultural affiliation. If a county agency receives county funds, then it receives federal funds and must comply with NAGPRA.

Question:

What new changes will there be with new Republican Congress?

Answer:

Tim said there will be administrative restructuring. He expects his division to employ only two people instead of the current four people and expects there will be a further tightening of the budget.

Ouestion:

Is the program in danger of being eliminated?

Answer:

Tim said the grants may be in jeopardy. Staff may be eliminated.

III. NMAIA: Public Law 101-185

Tom Killion presented on repatriation at the National Museum of Natural History. He thanked the hosts. He presented a slide show and spoke about the NMNH. He explained that the SI is

many museums. He introduced the other three Repatriation Office (RO) staff members that were present: Chuck Smythe, Stephanie Makseyn-Kelley, and Gillian Flynn. He said the NMNH holds 32,000 sets of human remains. 18,000 sets are Native American. 2,000 sets have been returned. There are 16,000 more sets remaining. The Army Medical Museum collections are a priority because these remains are only five generations removed from modern Indian tribes. We have divided the country into regions. We will the cover travel costs for two representatives for returns. We have 62 official requests, the majority are for human remains. Forty requests are in process. Some inventory work on the ethnographic collections is now being done. Inventories have been completed for the Gros Ventre, the Mandan-Hidatsa, the Santa Clara, San IlDefonso, and the Hopi. The NMNH has adopted the provisions of NAGPRA. The objective will be to identify sacred objects through consultations. He said there have been some difficulties with communication with tribes. The RO does not become involved in tribal politics, but we are interested in consultation and negotiation.

Comment:

The NAGPRA representative from the Yavapai-Apache thanked Tom for presenting. She said the tribe appreciated the time that had been allowed for the consultation process.

Tom said the RO has asked tribes what they want to do about questionable culturally affiliated human remains.

Comment:

The Yavapai-Apache representative said that the tribe has had a problem. They are not getting enough information. She talked about future collaboration and about forming consortiums to share information. They are creating a clearing-house for the dissemination of information.

IV. NMAIA and the National Museum of the American Indian

Clara Sue Kidwell, Assistant Director of Cultural Resources, NMAI explained that the NMAIA precedes NAGPRA. She said the law addressed the repatriation of human remains and associated and unassociated funerary objects. The new NMAI museum in New York has been built. The Suitland, Maryland facility will house the collections. The Bronx facility currently holds the Heye Foundation collection of over one million objects. There is little information on provenience. This poses a problem for establishing cultural affiliation. They are currently in the process of doing this. She introduced two members of the research staff that were at the conference; Tim Ramsey, and Sonia Wolfe. She said there were five staff members for repatriation. Some remains had been deaccessioned. Some material first identified as objects

were really human remains with associated funerary objects. They have done a shelf by shelf inventory. They are following the procedures of NAGPRA. They did send inventories of the collections from their computer data base. She pointed out that the NMAIA did not specify deadlines and it also does not include certain categories of objects. She said that what objects might fit into the sacred and cultural patrimony categories is done in consultation with the tribes.

She said there have been repatriations for the Kwakiutl, Jemez Pueblo, and the Digueno. For the Jemez Pueblo return there had been ceremony to reintroduce ceremonial object into the community. The NMAI will have three facilities; the custom house in New York, the Suitland facility, and the museum on the mall. There will be a fourth museum; "the museum without walls." This is a loaning and touring exhibit project that the NMAI will develop. The NMAI hopes to play an active part in the revitalization of Native American cultures.

V. Documentation and Procedures: A Collaborative Case Example from Cheyenne River

Stephanie Makseyn-Kelley, Museum Specialist, NMNH and Sebastian LeBeau, NAGPRA Representative, Cheyenne River Sioux presented a collaborative approach that they had undertaken for the return of human remains and cultural object. Stephanie said they had first begun the request process thinking it would be only human remains. Stephanie was contacted by Sebastian. He came to visit and explained what the tribe wanted.

Sebastian said that tribal representatives should insist on face to face meetings and suggested that they insist that they deal with only one person. He said that the workshop participants were charged with a heavy responsibility. He recommended honesty and straight forwardness on both sides. Sebastian said that representatives should read the law. He said he had approached the NMNH about the ancestors first. They had been his first concern. He hadn't known the extent of the ethnographic collection. He said he had wanted to settle the Chief Puffing Eyes case first. They had started with named individuals. He thought this approach had created a good relationship between the museum and the tribe. He said tribes should know their rights, their own culture and traditions. He said the Smithsonian has adopted NAGPRA. He said the museum needed to know who he was and he needed to know who they were. He suggested that people try not to get confrontational. He said he was trying to encourage the NMNH to set precedents that other museums would follow. He thought the Wounded Knee return would be a precedent setting event.

Stephanie suggested that tribes become an active part of their own repatriation process. You can develop a trusting relationship with your contact at museums. The RO has returned two named individuals to the Lakota. She said that until Sebastian told her, the RO didn't know the named individuals were so important until Sebastian asked. She said she explained that giving priority to the named individuals would cause a change in the time frame for the larger return. She said a good relationship also could help with the work. She explained that during the research of named individual Leon Pretty Voice Eagle she had carried her research as far as she could go. She was unable to establish the name of the individual from records in Washington. DC. She asked Sebastian to search for the name in the tribal roles. It was a sensitive case and bumped the tribal case again.

Sebastian said he was able to review the enrollment and ration records. He utilized tribal records, looking at local sources of information. He looked at local church records. He looked to the

elders. He found the name and went to the elders.

Stephanie said that although the museum does have good records, they sometimes need information from the tribe to help with the identification of cultural affiliation. For instance the museum needed to know where the tribe traditionally lived. What are all the names that the tribe has been given?

Sebastian discussed confidential information. He explained that the Lakota are about to undertake an oral repatriation request. It will be a precedent setting request. It will allow the tribe to practice an aspect of their culture, the oral tradition. It will protect closed cultural information, information that cannot be talked about publicly or outside the cultural context. The process is hard for tribes because museum's require this knowledge to make return. He suggested that other tribes ask to make oral presentations. He said the law allows you to do that. Your justification will be viewed from a dominant society viewpoint, but explore the option anyway. Native people have great fears about written information. Anthropologists have used it to write papers. In order to protect information, do it orally and give just enough information required under the law. He suggested that, if it has to be done in writing, that tribes copywrite the request, then no one can make reference to the request without the tribe's permission. There are many books about the Lakota. He said tribes should ignore previous information not written by their people. Let elders speak in their own language, then get interpreters. Treaties were written in English and had to be translated into Lakota. In Lakota, there is no such word as provenience. He is working with the Smithsonian now. Other local institutions want to do the same thing. He recommended networking. The Lakota are doing it. They have established an electronic database by which to share information.

Question: Why is the Smithsonian exempt from NAGPRA?

Answer: Because they were already covered under NMAIA.

Sebastian suggested when submitting a request for repatriation refer to both laws. He said federal law supersedes state law.

Comment: Tim McKoewn said the National Park Service (NPS) is available to write letters to museums who are not in compliance with NAGPRA.

Sebastian said NMAIA does not have a sacred object clause. He thought most tribes will be interested in sacred objects.

Comment: Clara Sue Kidwell reminded people that the Smithsonian is not one big institution.

Comment: Tom Killion said the NMNH is producing inventories. We will provide those list to tribes and we will consult with tribes. We will make records and collections available.

Comment:

David Robinson, Koso, said that laws and policies can be changed.

Sebastian said that that's why tribes should try to cover all bases. The Lakota are doing that.

Comment:

Russell Thornton suggested that tribes write to both museums, the NMNH and

NMAI.

Sebastian said his office offers workshops on repatriation. The Lakota policy is that all tribes are related regardless of the culture group. He said they have good relationship with Army Corp. of Engineers for repatriation only.

Comment:

Dave Robinson suggested that tribes use the Freedom of Religion Act to make

claims.

Sebastian said that the Freedom of Religion Act is only a policy statement. He suggested looking at other laws.

VI. NMAI Policies and Procedures

Clara Sue Kidwell said the NMAI is in the process of finalizing their repatriation procedures. It will be similar to the NMNH policy. The NMAI Director is concerned with legal processes. Inventories were mailed in 1993. We will work with state recognized tribes and the California Heritage Commission. Some collections listed as unaffiliated may belong to tribes. She said tribes should write a letter to the NMAI Director. The NMAI can offer some support for tribal people who want to come to see the collection. Collections Management will work with tribes. This is part of the consultation process. A formal case is then developed. She said law and policy can be changed but the museum still needs a policy statement. There is a documentation report. This goes to the Collections Council and then to the Board of Trustees for approval. The board has some responsibility to negotiate disputed claims. The Board will constitute a subset of itself and will gain outside assistance so that a determination can be made. The NMAI will advertise the intent return in tribal newspapers and on radio stations for notification to ensure that there will We will assist with the cost of these returns. be no counter-claims. With regard to confidentiality, she referred to the Jemez Pueblo case. Jemez had asked for the report be kept confidential. The NMAI has sealed it. Smithsonian legal counsel says that someone could cite the FOI Act. If this were to occur, the case could end up in court for final determination. The Smithsonian does follow the FOI.

Question:

A participant asked about the right of possession clause. Can a sacred object be

put on loan, if a museum receives an object from an owner who sold it.

Answer:

Clara Sue said if an individual gave away an object incorrectly, it can be

repatriated. We ask the tribe to designate a keeper, not an owner, for the sacred

object. We are a federal museum and a public institution. This is where consultation comes in. In terms of building a case, many forms of evidence can be used; anthropological, archaeological, community knowledge, etc. They will use the whole body of evidence to determine cultural affiliation and to determine which category an object fits in under the law. They respect rights of privacy. The Board might agree with an oral presentation.

Ouestion:

How often do the NMAI's policies change?

Answer:

Clara Sue said they will try not to change anything that would disadvantage tribes.

Question:

Whose responsibility is to prove right of ownership?

Answer:

Clara Sue said it begins with tribe, then Smithsonian must prove that it was purchased legally.

Comment:

Sebastian suggested that tribes ask for a bill of sale.

Clara Sue said if the museum doesn't have proof of right of ownership, then the object was taken illegally. She gave an example; the Jemez case involved statements about how the material was acquired improperly.

Ouestion:

Is the Heye collection the only collection the NMAI has?

Answer:

It is the core of the collection. We will continue to add to the collection.

Question:

If museums have objects with a donor request not to alienate the object, what happens then?

Question:

How does a donor request balance with the law?

Answer:

Tim McKoewn explained that no one can own human remains without the voluntary consent of the deceased individual. Museums are unlikely to have right of possession with regard to funerary objects. Cultural patrimony by definition cannot be owned. Museums can possess sacred objects legally only when the object was owned by an individual who had the right to sell the object. If a donor acquired an object illegally, the museum must return the object. The burden of proving ownership lies with the museum.

Question:

Here as example; a donor has a basket collection and gives it to a museum. Does the tribe have to go after her descendants to prove the objects were obtained illegally? Answer: Tim McKoewn said the tribe couldn't use NAGPRA in this case but could use state

law.

Comment: Roger Anyon said Zuni was ready to use theft of tribal property in the case of

Sotheby's, but Sotheby's decided to voluntarily return the objects.

Question: If a tribe has lost continuity of ceremony because in the past the tribe sold an object

but now the object belongs to museum, can a tribe ask for it back?

Answer: Clara Sue Kidwell said Jemez Pueblo had objects returned on that basis.

Comment: Sebastian Lebeau suggested putting together testimony to make a case. If an object

was important to a culture in the past, it is important today.

Comment: Clara Sue Kidwell said that repatriation serves to revitalize past cultural traditions.

Question: How far back in time can a claim be made for an object?

Answer: As far back as you can find information in support of your case. The Hopi case

is one example. They consider themselves related to very early pre-historic tribes.

No line of people ever dies out entirely.

Comment: Tim McKoewn said the NAGPRA committee will discuss "culturally

unidentifiable" human remains at the LA meetings. The general consensus seems

to be that the decision will be in hands of Indian tribes.

Comment: Rebecca Smith, Yavapai representative said the Yavapai are related to all remains

from their aboriginal territory.

Comment: Clara Sue said there are difficulties with the relocation of tribes. Who are remains

to be returned to.

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VII. Reporting of Ethnographic Summaries and Consultations

Chuck Smythe, RO, NMNH, presented information on the ethnographic summary process. He said the RO was compiling summary reports, engaging in consult with tribes, and reviewing requests. Summaries are prepared in lieu of inventories. There are 97,000 ethnological object from 250 cultural groups. The summaries provide opportunities for tribes to consult with the museum. They are compiled from museum records. They're listed by type and accession. The summaries are a starting point. They are subject to revision if more detailed information comes available after the tribe has consulted with the museum. Tribes may come at any time, but we will do the research if the tribe wishes. Museum records are now computerized. He showed

slides of Smithsonian archives, a research assistant, Fred Reuss, the Museum Support Center, catalog records and ledger books. He said that he is available for consultations at any time. He talked about the Wounded Knee collection. Tribal representatives can visit the museum to view the collections. Consultation may involve video-conferencing. He discussed the case of the Southern Cheyenne. The tribe has decided that their funerary objects will remain at the museum. The collection can be borrowed by the Southern Cheyenne. It will be kept separate with controlled access. There is a memorandum of understanding.

VIII. Community Organization

Jana Harcharek, Keepers of the Alaska Treasures, discussed tele-conferencing/radio networking. She said the Keepers puts together workshops for elders to desseminate information. The Keepers of the Alaska Treasures has a board of directors, with a member from each region. The conferences are designed to educate people about the laws. Their goal is to achieve repatriation at a regional level. They have developed a computerized data base of unidentifiable human remains and objects. They envision groups coming together as a region to make repatriation decisions. They will develop a video of their conferences. They have received a grant to work with four communities to help them understand NAGPRA and to develop sample request letters.

Joe Joachim, Chair, Culture Committee, Tohono O'Odham Nation discussed their community organization efforts. He said their region encompassed 2.8 million acres with a population of over 18,000 people. They have members in Mexico, so they have to deal with repatriation as an international issue. As Cultural Preservation Committee chair he has to deal with the removal of human remains from within tribal boundaries. They have developed a tribal coalition. They consider themselves descendants of the Hohokam. He says the Bureau of Land Management does contact tribes. The tribal coalition consists of four tribes. Each tribe has a territory. There are 57 communities with 15 communities on the Mexican side of the boarder. They had to organize to avoid disagreement over who should get what collections. He said tribes should work together. He said they will work with other tribes who are making claims. He says they have to deal with Arizona state law. There are some difficulties explaining the laws to their elders.

Sebastian LeBeau discussed the Cheyenne River Sioux community organization efforts. He said he was assigned to deal with repatriation. He is the cultural preservation officer for Cheyenne River. The Lakota attended a joint meeting. It was agreed that what was important was human remains and funerary objects. He said the law was drafted for Indian people to use, but it has a tendency to divide people. He acknowledges that all tribes are related. He said in order to bring home human remains they had to become one family. There are two Teton bands on four reservations. There are four bands on his reservation. They formed a memorandum of agreement between Rosebud, Standing Rock, Oglala, and Cheyenne River that allows four groups to claim together, all Teton bands are unified. Any remains coming from traditional homelands, but which can't be attributed to any specific tribe can be given back to all four jointly. There are plans to unify with the Dakota and the Nakota. There will be an MOA to unite the Lakota, Dakota, and

Nakota. There will then be an attempt to unify with the Hidatsa, Pawnee, Crow, and Arikara. The tribes have taken control of decisions about cultural affiliation by unifying. Sebastian advised groups to form alliances. He said that MOAs could acknowledge the rights of lineal descendants to make claims for named individuals. He suggests leaving MOAs broad and put a clause in saying the MOA can be amended. He has brought home 50 ancestors for the Lakota. He also assisted in returns for the Arikara, Hidatsa, and Winnebago.

Question: What about when an object of value is given to a lineal descendent and that person sells the object. How can you stop this?

Sebastian said you can't. His main message is unity. He said tribes shouldn't pullout of MOAs when you're overruled by other member of the MOA. He gave an example: There were three remains returned to the Lakota which might be Arikara. The Lakota took the remains and called Arikara. The Arikara said the Lakota could take care of them. He said if you have agreements with tribes then don't let museums go your overhead, when the agreement is that they have to talk with all of you.

Video - Zuni Repatriation of Human Remains and Religious Objects

Video - The Long Journey Home; The Southern Cheyenne repatriation

Tuesday, February 14, 1995

There was prayer by Catherine Saubel.

IX. Case studies

National Museum of the American Indian

Clara Sue said the NMAI sent inventories to tribes last November. These inventories don't seem to be getting widely circulated. Tribes have sent representatives to the museum. The NMAI recently had a return to the Digueno. Visits are being scheduled weekly. The museum has allowed the loan of ceremonial objects for use in ceremonies by a tribe. The museum has added a loan policy for cases where the need for an object is imminent, rather than insisting the tribe go through the repatriation process. The tribe will be initiating a request for the return of the object and expect it to be restored. The NMAI has returned false face masks and wampum belts to the Iroquois. This was a long-standing request. The NMAI has one of the largest collections of masks. The museum has some human remains. They are attempting to contact tribes. There are 500 remains. They have a small staff, but the repatriation of human remains is a top priority for the museum.

Palm Springs Desert Museum

Katherine Hough and Cheryl Jeffries presented this case. In 1988 the Shepherd collection was donated to the museum. Cheryl looked at the collection. The museum has a policy to not accept collections of human remains. She identified sensitive material. There were no have guidelines for dealing with this issue. Cheryl was trained as an archaeologist. She came to the Desert Museum as a consultant. She identified cremated human remains and associated funerary objects. The Shepherd collection encompassed 40,000 pieces. It was collected in the 1970s. The collector was an amateur archaeologist. Cheryl asked the Agua Caliente tribe to do ceremony. The return took two years. Forty individuals were repatriated and reburied.

Richard Milanovich explained that as tribal chair it was his responsibility to try and mediate within the band. Some elders felt remains didn't belong to their band and so they should not accept responsibility for them. Others didn't agree. They knew the museum was willing to repatriate the remains. How does one deal with these issues?

He also discussed a graves protection issue. Developers had uncovered cremated remains. There was an agreement saying that re-interment should take place on site. The Agua Caliente have had a good relationship with the developer, but the Army Corp. engineers said there was no cultural significance to the area of the dam project. The tribe got them to reduce the size of impacted area. The tribe knew they would find human remains and asked for the remains to be reburied. They agreed to allow study of the remains if their scientific value was significant. Fourteen remains were found. The area is secure from further development. The remains are in tribal hands and will be reinterred after a tribal community center is built. The relationship has been good. UCLA does not have good relationship with the tribe. The tribe's relationship with other archaeologists are good.

Comment:

Alveno Saubel, Agua Caliente said the Cahuilla were one Indian people. The territory is large so we're all one. All reservations should be notified. The descendants are still alive. Burying human remains on public land is a problem. What happens if they're dug up again. There needs to be a private area for reburial.

Question:

What is UCLA's approach to repatriation? And do the other University of California schools have the same approach?

Answer:

Cheryl said there was no law when she had to do it. Some individuals don't agree with the repatriation legislation. People needed to be educated.

Answer:

Some UC schools have complied, others haven't. The Army Corp. is not in compliance. The California Heritage Commission has a list of agencies who have sent out their inventories.

Answer:

Clara Sue said at UCLA in 1990-91 there was a university-wide task force put together to discuss the reporting of human remains. Russell Thornton was involved. There is an official statement from that. The statement doesn't commit anyone but does make a statement. The NMAI had Crow mummified human remains. With the permission of the tribe, the NMAI was allowed to study them.

Comment:

Richard Milanovich said he was worried about length of time studies are taking, especially due to budget cuts.

Ouestion:

It is a Pomo tradition to cremate human remains and funerary objects. We would like to continue the practice. Do we have to tell the repatriating agency what we are going to do?

Answer:

Tim McKoewn said that once a repatriation has been made it is up to the tribe to decide what to do with material. Do you have to tell? No. Can they refuse to give them to you? No. Repatriation means transfer of control. If there is not going to be a reburial, that is a tribal choice.

Comment:

Participant said that as an anthropologist they had avoided archaeology. They went to train in Cultural Resource Management and was appalled at the focus of CRM. He thinks archaeology should contain more humanistic elements. The archaeologists being trained now are more reactionary, due to the tight economic climate and have become more willing to take on any work. He suggested that native people go to universities to discuss these concerns with academics. There are no indications that faculty recognize the value of cross-cultural training. Students should learn about humanistic approaches. Native people could address graduate seminars.

North Slope Community

Jana Harcharek discussed the case of mummified human remains that had been removed in 1909 near Pt. Hope. The land was owned by a private individual. The original collector transferred ownership to another individual who had displayed them. This individual had contacted a museum to ask if the museum would like to purchase them. The museum convinced the private donor to return the human remains to the Native Alaskans. She said private donors have asked how to care for human remains. She recommends that they bring them home and try to find out where the remains come from so that they can be reinterred. In the case of the mummified remains, no one knew where they had been buried. The decision was that the human remains should be returned and they were to be reinterred in a local cemetery. The North Slope representatives and the private donor communicated through an intermediary. They arranged for the return. They assumed the remains would be returned in a sensitive way. They will not make that assumption again. She suggested that tribes need to clarify their expectations and should be there in person

to arrange for transportation. In the North Slope case, when they arrived the boxes were falling apart. People were shocked and upset. The remains had received poor treatment. The lesson was, don't assume anything. The remains were reinterred in the cemetery.

She also discussed a more recent case; a wolf headdress from the Anchorage Museum was returned during a conference. It was returned to a caretaker, until they have a place of their own to care for the object. The State Museum in Juno will care for it.

She discussed their efforts to address the international repatriation issue. At the turn of the century, European explorers came to the North Slope area. Tlingit and Haida objects were taken by the Russians and Spanish. The were objects of cultural patrimony. Their ancestors were disinterred and taken back to Europe. The Native Alaskans needed to develop a strategy for international returns. They have developed the Inuit Circumpolar Conference (ICC). They first convened in 1970 with Greenland, Canada, and the United States participating. In 1992, the Russia Inuit were allowed to participate for the first time. The ICC requested that the Keepers of the Alaska Treasures put together information on repatriation so that discussions can take place. The ICC has non-government status under the United Nations. They will use this status to make claims. In 1998, the conference will be in Russia. They hope to use NAGPRA as a model for international legislation. Hawaii has completed most of its US returns and will begin to initiate international talks on repatriation. They have been told that foreign governments will not return.

Question: Clara Sue Kidwell asked if Jana could clarify the relationship between the borough government and the villages. Where does a claim originate?

Answer: Jana said it would originate at the village level with the borough acting for the villages.

Answer: Tim McKoewn said the U.S. is currently involved in negotiations for individual accords to homogenize laws, internationally. If there was a violation of U.S. law and another country was a signatory to this accord, one could then use U.S. law in the other country to make a claim. If there was a violation of the trafficking section of NAGPRA, the other country would agree to enforce the law. There will be a final meeting in June. There will then be a diplomatic meeting to sign the accord. The accord would have to be ratified by Congress.

Question: The Yavapai representative asked about international expeditions to U.S. The Yavapai are looking for resolutions for repatriation. Can we contact UNODWA (group developing the international accord on repatriation)?

Tim McKoewn said he would make the address available.

Answer:

Comment: Clara Sue Kidwell said she saw a first draft of UNODWA that had a time limit (early expeditions would be exempt).

Question:

With respect to South and Central America, have indigenous peoples made repatriation requests?

Answer:

Clara Sue Kidwell said yes. She said NMAI would like to deal with international indigenous groups, but they don't fit within the NMAI guidelines. They will have a conference on international agreements.

Answer:

Tom Killion said NMNH had a request from the Maya. We did not have any Mayan remains. We have also had a request for information from the Yaqui whose membership sits on both sides of border. We will work with U.S. side in order to honor that request. The Haudenosaunee have also made a request. There are no laws. The heads of the NMNH were asked about it. They wanted to wait for international laws.

Answer:

Clara Sue Kidwell said the NMAI had a collection of shrunken heads. The NMAI is considering these to be human remains. The tribe may not want these back.

Comment:

Joe Joachim said his people span both sides of the boarder.

Answer:

A participant suggested that the people in the U.S. make the request and act for both sides of boarder.

Answer:

Tim McKoewn said the Hui Malama have had good success in making international request.

National Museum of Natural History

Tom Killion presented the Shoshone-Bannock repatriation case. He read the "Intent to Repatriate Notification" that had been placed in the Shoshone-Bannock Times. He showed slides of the repatriation ceremony.

Question:

Richard Milanovich asked Tom to explain about Shoshone Mike's murder. Was the murdered party more than just a family?

Answer:

Tom said there was a pursuit and slaughter of the family. It was a large extended family.

Tohono O'Odham Nation

Joe Joachim said 875 human remains were removed from tribal lands by the University of Colorado. They were sent to a lab for study. Eventually they were returned. No testing was

done. The University of Colorado was planning to return only the human remains. The tribe wanted the funerary objects returned also. The remains were taken out of foam boxes and rewrapped and reburied. He said when the tribal representatives went to remove the last box from the storage shelf it wouldn't come off shelf. Their traditional leader said the human remains wanted the funerary objects to be returned. In the end, the University of Colorado did return them. He has done 70 repatriation cases. The University of Colorado was his first case. He has gone to court on other cases. He says developers have meddled with burials but most archaeologists will work with the tribe and follow tribal rules. He says he takes youngsters to archaeological sites to educate them about the law. They have developed an advisory group that meets with the University of Arizona. It meets quarterly. He's a traditionalist but others tribal members were educated differently. No one told us in the past that the tribe would be separated. The aboriginal lands and ceremonial lands started in one place. Our way of life won't be the same until our objects come back. Mexico doesn't believe they should return cultural material. They display skeletons anywhere. They have different laws. We will get all material returned. He talked about skulls that were kept by a private collector whose house burned. He said the remains didn't burn. The collector decided the remains should be repatriated. He had to deal with a Mexican group who claimed his tribe's remains. The case went to mediation. The mediator decided the Mexican's had no claim. Burials are done reservation land to avoid being disturbed on private land. He has had private collectors return collections. In one case, an attorney did get involved, but the collector did return on his own. That was his most recent case. The newest issue is a set of remains found in a river bed. It was the remains of a child. The sheriff thought it was a case of homicide. The news media was there. The tribe said no, it was a prehistoric burial. They asked the news media not to photograph the remains. The news people tried to claim 1st amendment rights.

The Bowers Museum

Paul Apodaca discussed the Bowers Museum. He said it is on the coast in Orange County, CA. It has a large collection; 72,000 objects. The museum was built in 1932 and opened in 1936. Paul said he was of Navajo and Mexican descent. Much of the Bower's collection had donated from private collector and there wasn't always good documentation. Occasionally, There may be incorrect information. He said the Bowers Museum was grappling with the question of unrecognized tribes. Recognized tribes are sovereign governments and so federal regulations apply. He explained that the Native American Heritage Commission was created to help mediate disputes between tribes and the state. The commission will assign Native American monitors to excavations. It is a state agency and has the ability to recognize other tribes not recognized by the federal government. In preparing inventories, the Bowers Museum contacted the Native American Heritage Commission. The Museum won't contact tribes if they are not required to. They will stick to letter of the law. They don't want to get caught with dealing with the wrong people. How does the Bowers Museum do the right thing? The museum director is an employee, while tribal chiefs or chairs are representatives of sovereign nations. The museum contacted the Heritage Commission and gave the summaries to them. The non-recognized tribes can contact

the Heritage Commission for information. The museum could return to non-recognized tribes if it wanted to, but with NAGPRA still unresolved it is reluctant to do so. Tribes may gain recognition at a later time.

Agua Caliente Band of Cahuilla Indians

Alveno Saubel spoke about the Los Angeles Metropolitan Water District and their reservoir project. He said there is a huge Cahuilla site on the property which is on private land. He said the Water District archaeologists said they found a few sites, but the tribe says there are more. They have complained. The government has rules and laws but they only allow Indian involvement on federal and state property. The tribe was notified about the reservoir project. The archaeologist found artifacts but didn't want the tribe to look at them. The tribe asked if tribal elders could come to project meetings. The Water Commission wouldn't let them. The laws need to say something about private land. Any items found should be given to tribes. The Cahuilla asked the Water Commission to built a crypt to house the remains at the site. He says tribes should get together about the private lands issue.

Comment:

Paul Apodaca said museum's don't know how to take care of these human remains. Tribes should tell museums how to take care of the remains until repatriation. He suggested giving the museum guidelines so things aren't returned in a bad way. He said people should use every avenue available to come to a resolution.

Comment:

Yolanda Chavez from the Guideville Rancheria Pomo said the Pomo were contacted by Stanford University to look at the basket collection. They were identified only as Pomo. This makes identifying the baskets difficult. They asked the tribe to help identify their baskets. What happens to objects that can't be identified? If they're not identified will they be sold? She said Stanford Museum had sold Pomo baskets and the tribe was never notified. She asked how much of this goes on? How much time do tribes have to make claims?

Answer:

Paul Apodaca said that if museums own the objects, they can sell them, if they don't fall under NAGPRA. Museums will sell objects in order to buy other objects. Museums will also trade objects to other museums. Due to their public trust, there are requirements they must follow. They can sell objects, but they should be sold at auction. The money should goes back to the museum for the purchase of other objects. The Bowers plans to trade Stanford European paintings for Pomo baskets. There other types of arrangements that can be made besides selling collections such as trades and joint ownerships.

Comment:

Yolanda Chavez said that for some tribes with limited funding this is not an option. How can we send an elder to every museum? Comment:

Cheryl Jeffries said that baskets will be a bone of contention with California tribes. They are an example of the tribes finest work and could be seen as cultural patrimony.

Comment:

Paul Apodaca said that the definition of cultural patrimony is an object handed down to define what a culture is without which tribe will fall into decline.

Comment:

Cheryl Jeffries said her museum has developed classes to reintroduce culture.

Comment:

There are spiritual issues versus political issues. The Forest Service was going to cut a mountain top. A tribal woman sat and began to pray. The mountain wasn't cut. Stanford doesn't exist in isolation. There are people and agencies who can influence their policies and elders who can speak to them.

Comment:

Another participant said sacred objects are also covered under NAGPRA. But he didn't want to think in an adversarial way. He didn't want any Indian to say that Indians are anti-American.

Comment:

×

Tim McKoewn defined cultural patrimony. He asked people to consider whether an object is important to the group as a whole. People should look at the law. Was there a right for an individual to alienate that object? He said it was not possible to expand the definition of a tribe to include non-recognized tribes, but the Review Committee can compile a list of unidentifiable remains and can decide on their disposition. He said the Peabody Museum presented an inventory of unidentifiable remains, that in fact were affiliated with the Mashpee-Wampanaugh, a non-recognized tribe. They asked NAGPRA to advise them to return the remains to the tribe. NAGPRA will hear the case for Nansemond tribe at the Los Angeles meetings. He referred back to issue of the sale of objects by museums. He said that if a museum sells objects which turns out to be funerary objects, sacred objects, or objects of cultural patrimony and they failed to notify tribes, they have failed to show good faith. They can be assessed civil penalties.

Question:

If a museum sells to a private collector, who does the tribe go to?

Answer:

Paul Apodaca suggested looking for other solutions for what you want, not one law can answer all problems.

Clara Sue Kidwell introduced the next speaker, Catherine Saubel. Clara Sue said the NMAI initiated an award for people who had contributed to the preservation of tribal heritage. There were five awardees. Jana Harcharek and Catherine Saubel two of the workshop's presenters, were among the five. Catherine has been involved in these issues for a long time.

Catherine said she was invited to UCLA to speak with the archaeology students. She suggested

they meet and speak with Indian people otherwise they wouldn't know everything about the people. She discussed the Water Commission again. She said they gave the tribe ten acres on which to bury the human remains found on the project site. She has reburied about six on her own. She is on the board of the Native American Heritage Commission. They call her when there might be Cahuilla remains. Although the tribes are all one, they have their differences, but we respect each other. She discussed her role in founding the Malki Museum. The museum is now celebrating its 30 year anniversary. It was the first Indian owned museum. Catherine has created Malki Press Publications which is used to correct misinformation about the Cahuilla.

National Museum of the American Indian

Clara Sue Kidwell presented on the NMAI recent return to the Digueno Mission Indians. She said the case included 60 to 70 human cremations from the Davis Collection. In the early 1900's, Davis was hired by Heye to collect from burial oyas in caves. The human remains were accompanied by burned material, metal, bone, and glass which were all cataloged under a separate catalog number. The NMAI has researched the catalog cards. The first step in the process was the preparation of a research report. Some material had been published about Digueno customs. The NMAI had outside scholars put together the report. The NMAI contacted representatives from three communities. There was confusion over whose territories the remains were from. They contacted outside scholars who were able to determine the most likely groups. It was difficult to get responses from the tribes so the NMAI sent a questionnaire. They then got a response and the remains were prepared for return. They were wrapped in cotton gauze. There were no suggestions from the tribe about how the tribe wanted the remains prepared. They were delivered by truck.

Tim Ramsey, NMAI said it was an honor to work with these ancestors to help them get back home. He said he was Southern Cheyenne and Chocktaw. He got instructions from his people on the preparation of the remains. There were plans to hold a reburial ceremony.

Richard Milanovich discussed the Cahuilla repatriation case that led to the development of the Cahuilla Indian park to protect a sensitive archaeological area. There are archaeologists and anthropologists who will assist Indians in getting things done.

X. NAGPRA Graves Protection

Tim Mckoewn discussed graves protection, excavations, and inadvertent discoveries on federal land. He said the definitions are the same. The processes are different. He said found objects do not become the property of the excavator. NAGPRA Section 3 deals with the disposition of human remains and cultural objects. The law applies to two kinds of lands; federal land and tribal land. He read the definitions of these two types of land. The fact that the land is controlled rather than owned may be sufficient to make it applicable under the law. If there is a binding agreement

between the owner and the federal government or if the project on private land or requires permit this may not sufficient under NAGPRA. This section of the law is land based. If an official has reason to believe that the project will encounter burials, then before excavation begins they must have an ARPA permit. Excavations can not proceed until they consult with the affected Indian tribe. There was a case in Southwest Colorado where an agency began working on a project. They began to do limited testing without consulting with the tribe. A judge ruled the agency had failed to comply with NAGPRA. The agency must provide proof of consultation. They must stop activity if a discovery is made and the contractor must also contact federal land managers or their tribal contact. There is thirty day waiting period for consultation. On the 31st day, the land manager may remove the remains and proceed. If within the 30 day period an agreement is reached they can move ahead. Signing an agreement is beneficial to the federal agency, stipulating what they can do. In Section 3 who the legitimate claimant is must be determined; the order of claimants is lineal descendants on reservation, the tribe who owns land, then culturally affiliated tribes, then tribes who occupied the land traditionally, then other tribes with a cultural relationship to the remains. Human remains and funerary objects cannot be owned and there can be no alienation of objects of cultural patrimony by definition. ARPA remits will be issued for private property.

Comment:

Sebastian said some tribes don't have borders. Within the boundaries of the reservation the tribal council has civil jurisdiction. They have been allowed to issue excavation permits

Comment:

Chuck Smythe said that in Alaska there have been memorandums of understanding developed to protect intellectual property rights

Question:

What if a state receives federal money?

Answer:

Tim McKoewn said no these provision pertain to land holdings, only.

Comment:

Does this apply to other land disturbance?

Ouestion:

Tim said if the agent had a reason to believe human remains would not be uncovered, and subsequently there is an inadvertent discovery, then activity is stopped.

Comment:

If a monitor is not in place then activity may not stop.

Ouestion:

Has the National Park Service contacted other federal agencies?

Answer:

Tim said yes.

Comment:

There was timber harvest plan. The state forest archaeologist found no cultural materials. Native Americans found stone tools. The federal agency allowed

harvest. The tribe went back and found more material.

Question: When NAGPRA kicks in and work is stopped, what does "immediate vicinity"

mean?

Answer: Tim read NAGPRA. It says "in the area of discovery."

Question: Have the proposed regulations tackled this area of distance issue?

Answer: Tim said they didn't want to impose a distance area.

Comment: One participant worried that without a measurement an agency would disturb

remains.

Comment: Roger Anyon said tribes should go to agencies and tell them the areas which tribe

feels are culturally affiliated with them, to avoid inadvertent discoveries. He also suggested developing MOAs with Federal agencies and all culturally affiliated tribes for agreements on how material will be treated. Zuni has a tribal policy.

Question: Are there any provisions for quarry site petroglyphs? When the Gila river flooded

a federal agency stripped some quarry material for flood abatement. Should

NAGPRA have kicked in?

Answer: Tim said there is no provision for emergencies.

Comment: We've been told there's an emergency law, but the agency didn't cite the law.

Comment: Regarding federal land with human remains, if a federal agency feels that the

remains are not Native American can they keep going with the project?

Answer: Tim said they would have to comply with other graves protection laws.

Ouestion: On federal land, does state law apply?

Answer: Tim said both would apply unless the state law is more restrictive, if there's a

contradiction.

Question: Can a state agency serve as an instrumentality of the federal government?

Answer: Tim said there is only one he knows about, the Hawaiian Homes Commission.

Comment: Lynne Goldstein said that if tribal representatives are in doubt about something

they have been they told, they should ask the agency to present their evidence.

Ouestion:

Reba Fuller asked if Tim McKoewn could come to present information to some of the smaller tribes that couldn't come to this workshop?

February 15, 1995

XI. Role of the NMNH Repatriation Review Committee (RRC)

Russell Thornton, Chairman, introduced himself and the other three members of the Committee who were present: Andrea Hunter, Vice-Chair, Lynne Goldstein, and Roger Anyon. The fifth member of the Committee, Christy Turner could not be present. Russell explained that Public Law 101-185, the National Museum of the American Indian Act, established the Review Committee to oversee and monitor the repatriation process at the Smithsonian Institution. He read section 12 of the NMAIA. The Committee serves at the pleasure of the Smithsonian Secretary. It can only make recommendations. All final decisions regarding repatriation are made by the Secretary, I. Michael Heyman. The NMAI has its own committee and policies regarding repatriation. The RRC does not monitor the NMAI. The RRC is monitoring the process and as the RRC defined its duties it has focussed on this role. They could be involved with disputes but this has not happened yet. If an Indian group were to request a return and the RO doesn't agree, then this dispute could comes to Committee, which could make recommendations. Although it hasn't happened yet, he anticipates that it will at some point in the future. They have been charged with facilitating disputes between tribes. This has also not happened yet. Committee did send a letter to tribal leaders informing them of the Committee's duties. There are difference of opinion about how active the Committee should be.

Andrea Hunter said the Committee has been monitoring the process, going over case reports and reviewing the decisions. The Committee has also monitored repatriation deaccessions and ceremonies.

Lynne Goldstein said the Committee's monitoring function benefits tribes. She said the RO is well run. If there's something a tribe doesn't like, inform the RO and then inform the Committee.

Roger Anyon said the RO has been responsive to the recommendation of the Committee. It has been a good relationship. The RO has implemented recommendations that the Committee has made.

Ouestion:

Gill Flynn asked the Committee if they could speak about their nominations to the Committee.

Russell Thornton explained the process. He said four people were recommended by tribes. A fifth member was appointed by the NMNH.

Question:

Reba Fullar asked if each member could give some biographical background

information. How did each person become involved in the repatriation issue.

Russell Thornton said he was Cherokee from Oklahoma. He went to college and earned degrees in Sociology at the University of Pennsylvania, and the University of Minnesota. He has been a professor of Sociology at University of California at Berkeley and Dartmouth College. He is currently at now UCLA in the departments of Sociology and Anthropology. His research interested are in Native American Studies. He has written books on Indian demography.

Andrea Hunter said she was half Osage from Oklahoma. She is an archaeologist at the University of Northern Arizona. She did research in Missouri, her tribal homeland. She worked with Walter Echohawk to get the law past and to get repatriation moving in Missouri. She had been nominated to the Committee by her tribe and other tribes.

Lynne Goldstein said she was from Indiana but works in Wisconsin. Her primary research interest is way people treat the dead. She was involved early in the repatriation issue. She felt that if people were going to do studies, they should be willing to defend what they do. As an archaeologist, she works closely with tribes. She was nominated by both tribes and the Society for American Archaeology. Her perspective is one of openness and honesty. She has worked in California at an orthodox Russian cemetery with permission from two Orthodox groups, Alaskan Villages and California tribes. She had problems with the California State Dept. of Parks and Recreation. Everyone from the cemetery was reburied in the same graves and the graves were marked.

Roger Anyon said he was an archaeologist from Northern England. He has worked mostly in Northern Mexico, first as an archaeologist in the Mimbres area at the last sites there that have survived vandalism. It was his first experience with pot hunters and looting. He completed a degree at the University of New Mexico. He went to Zuni to work and has lived there for the last ten years. His time at Zuni has fundamentally altered his world view. His job was to develop the contract archaeology program at Zuni. The program brings in one million dollars a year in grants. Twenty to thirty tribal people are employed by the program. The tribe wanted to take control of archaeology at Zuni and wanted the program's employees to also work off the reservation. He was involved with the war gods repatriation. The contract program must obey federal regulations. The tribe needed a cultural preservation office in order to bring in their perspective on archaeology. He is now developing the historic preservation office as another independent office. There is a cultural resources advisory team of seven religious leaders. The office helps them develop policies that ensure that if excavations must take place, they are done correctly. They are now working on tribal self-sufficiency. Some tribes take on development projects in contradiction with the tribes' values. Zuni doesn't put money first. They turns down projects that are not in line with their cultural values.

Question: Reba Fullar asked if Zuni had they taken over their own State Historic Preservation Office?

Answer: Roger Anyon said Zuni is working on that.

Question: A participant asked how the Committee felt about Native American human remains

still being housed in natural history museums with the animals and rocks? Is there

anything people can do about this?

Answer: Russell Thornton said the Museum of American History didn't, until recently, have

anything in its exhibits about Indians. They are over at the NMNH with the animals and rocks. Indians were outside of American History. Because collections were at NMNH they have survived, but he agreed that that may not be the best place for them. It is important to have Indians at NMNH but also NMAI and

American History. At NMAI, Indians are defining their own roles.

Question: Cheryl Jeffries said that when Anthropology became science it became a part of

natural science departments. It is difficult to stay what Anthropology is. This is

being re-examined.

Comment: Lynne Goldstein said that one small concession that the NMNH made was to also

name the museum the National Museum of Man.

Comment: A participant said it was unfair to say that science is re-examining its role. You

should say a portion of society is re-examining the role of science. There are

others who are really entrenched.

Comment: Lynne Goldstein said that since she has been involved with repatriation and

archaeology she has seen things changed dramatically. There is small core of

people who have not changed their thinking.

Comment: This core group has the attitude some Indians are not the true Indian people, that

the reservation Indians have nothing to do with the Indians in the ground and she

doesn't see that changing.

Answer: Lynne said she thinks that's right.

Question: Do you think we're at beginning of process when Indian artifacts will be moved

from natural science museums?

Answer: Roger Anyon said he thinks its a problem and will be a long process.

Comment: Russell Thornton said he hoped people would feel free to contact the Committee.

Question: Reba Fullar asked if the Committee monitored both the NMNH and NMAI?

Answer: Russell Thornton said no, only NMNH.

Answer: Alyce Sadongei said the NMAI board serves as the repatriation committee.

XII. Role of the NAGPRA Review Committee

Tessie Naranjo, Chairwoman of the NAGPRA Review Committee said there are plans for a Keepers of the Treasures conference to discuss NAGPRA, and sacred sights. She asked if people had more questions. She said she had heard people asking each other why there had to be so many laws, why was it so complicated, why can't they keep them simple. She said we all agree we're here to have an opportunity to work on this issue. She said tribes need to learn so they can participate. She said she's one of seven members of the NAGPRA Review Committee. Three Committee members were selected from science community, three from the Indian community, and one was selected by the committee. Dan Monroe is a museum person. Jonathan Haas is a Southwest archaeologist from the Chicago Field Museum. Martin Sullivan is the Director of Heard Museum. These three people helped write the bill. Phillip Walker is a physical anthropologist from UC Santa Barbara. Rachel Craig is an Alaska - Inupiat Indian. William Tallbull is Northern Cheyenne. Tessie is from Santa Clara Pueblo, New Mexico. The Committee has been together since 1992. They have one more year to go. The meeting in LA is the ninth meeting. It is the second meeting this fiscal year. They meet two to three times a year. They can meet three more times before their time is over. It is important for tribal communities to come together for training and to take information back to their people. They must learn how to participate otherwise they may not be involved in the process of repatriation. Many tribes received summaries. Many people don't know what to do with them. In 1995, more notices will come. Grants are available. You need to write grants to take opportunities to participate in training sessions.

Question: How can we get regional training?

Answer: Tessie said the NAGPRA grants can be used for that.

Tessie said there have actually been 2,500 notices to repatriate. She said the Committee operates by consensus, they don't do things individually. She has been Chair for two years. People have come to the Committee with different skills. Some are more articulate than others, some have degrees, some are more traditional. None of them have any legal background. She feels it is important that there are Indians with legal experience to help interpret the law. She is from Santa Clara. The community has a population of 24,000 and have a long tradition of pottery making. About 500 A.D. they began to make pottery. Now it is an artistic expression, until recent times it was a functional expression. Now it is produced mostly for the collectors market. She works two days a week as a cultural preservation officer for Santa Clara. Her tribal leader suggested she submit a resume for NAGPRA appointment. Frank McManamon, NPS asked her questions. He asked if she was a religious leader. She said no, she was a community leader. She was

nominated. Being on the Committee has been good but at first she wanted to quit. She isn't a lawyer. She doesn't understand politics but she appreciates the opportunity to participate.

The workshop was adjourned.

Appendix I

Minutes of the RO-Pawnee Dispute Hearing on September 14, 1995

Final Repatriation Review Committee Meeting Minutes Sept. 14th and 15th, 1995, Denver, CO National Museum of Natural History Prepared by Gillian Flynn, November 21, 1995

Review Committee Participants:

Roger Anyon, Lynne Goldstein, Andrea Hunter (Vice-chair), Russell Thornton (Chair), and Christy Turner

Smithsonian Staff Participants:

Gillian Flynn, Repatriation Review Committee Coordinator, NMNH Thomas Killion, Program Manager, Repatriation Office, NMNH Bill Billeck, Case Officer, Repatriation Office, NMNH Lauryn Grant, Assistant General Council, Smithsonian Institution

Pawnee Tribe Representatives:

Walter Echo-Hawk, Lawyer, Pawnee Tribe Roger Echo-Hawk, Historical Consultant, Native American Rights Fund Vance Horsechief, Repatriation Committee, Pawnee Tribe Charles Lonechief, Pawnee Tribal Council, Pawnee Tribe

Thursday, September 14th, 1995

I. Introductory Remarks

Russell Thornton opened the meeting. He welcomed the Pawnee tribal representatives and the Smithsonian Institution staff. He invited everyone to introduce themselves. He stated that the present parties were there to deal with the dispute between the Pawnee Tribe and the NMNH over the repatriation of the Steed-Kisker phase human remains. The Committee had read the original reports, the supporting documentation and the responses that both sides had prepared regarding the case. He said the Committee was there to hear the oral presentations from both sides regarding their positions on the Steed-Kisker material. The Committee expected to have some questions for both sides. In the afternoon the Committee would meet in camera to discuss the merits of the case. They also expected to meet in camera on Friday morning to continue discussing the case. The Committee had had little group interaction concerning the case. He said they were starting as a Committee with minimal discussion to date on the subject. He said he hoped the meeting would not be overly formal. He asked for the presentation phase of the meeting to begin. He invited the Repatriation Office to present first.

II. Presentation by Repatriation Office

Bill Billeck made the oral presentation for the Repatriation Office. He thanked the Review Committee for the opportunity to speak. He also thanked the Pawnee for their contributions to the case. He explained that there were differences in how both parties viewed the evidence. He said he has examined the evidence and he believes that there is no one group who has sole claim to cultural affiliation with the Steed Kisker material based on a preponderance of evidence. He felt that the remains could be considered to be affiliated with several modern day groups. To advance the candidacy of one group over the others at this time would be a mistake. He said that the Repatriation Office wanted to be sure that the remains were being returned to the correct descendants. He does not feel that the Pawnee, Arikara, and Wichita are the right people. There are a number of options for considering the cultural affiliation of Steed-Kisker. One is to consider them to be unaffiliated and deny repatriation. He did not feel that this was the best choice. These are human rights issues and the remains should be returned. Another option for the repatriation of these remains is to involve all potentially affiliated candidates in the process. The Repatriation Office has proposed a physical study which could help narrow the field or identify one group. This is a complex case. There is contradictory evidence. There are difficulties in how we evaluate the cultural affiliation of the Pawnee and Steed-Kisker. There are a large number of candidates. Steed-Kisker could be related to the Middle Mississippian phase (Algonquian, Muskogean, or Siouan speakers) or the Middle Missouri tradition (the Mandan). Another possibility is the Oneota tradition (the Oto, Missouri, Iowa, Omaha, Ponca, Osage, Kansa, or The evidence supports each to a varying degree. None is supported be a preponderance of evidence. There is differing opinions by the experts. The Pawnee have argued that by a preponderance of evidence they are related to Steed-Kisker through the Central Plains tradition. The Repatriation Office disagrees.

Bill went on to review the evidence. He said that the Repatriation Office has looked at the biological, archaeological, and oral history evidence. Each has been evaluated independently and has also been evaluated in relation to each other. One line of evidence may not rebut but may also not support other evidence. Evidence can have different weights. Not all evidence is equally compelling. Biological relationships are not a requirement for establishing cultural affiliation. It is but one of many lines of evidence that can be used. The Pawnee have said that we have used an incorrect standard for evaluating the evidence. We believe it is only necessary that a preponderance of evidence exist. We are not applying the high standard of scientific certainty or a standard that requires lineal relationships or taxonomic classifications. The Pawnee claim that, under NAGPRA, there is reasonable amount of evidence in support of repatriation to the Pawnee. The Repatriation Office believes that it does not know which affiliation is most reasonable. We do not think that the Pawnee have shown a preponderance of evidence for cultural affiliation. We believe that the Pawnee are likely to be one group of many that Steed-Kisker is related to. Walter Echo-Hawk has suggested that there are several criteria by which to evaluate cultural affiliation, shared geographic proximity, unique trade pattern, peaceful relations, similar social structure, similar housing, similar subsistence patter, similar technologies. We agree that these are very general criteria, but they may not be sufficient. There may be many groups that can be seen as related under these criteria. Expert opinion has been cited. Unsupported speculation has no value in assessing cultural affiliation. For example, Donna Roper in her report said that Steed-Kisker should be included in Central Plains tradition. She does not explain how she came to this decision. She does say her opinion is controversial. This is not strong evidence. We have rejected some expert opinions that have fundamental flaws or that make unsubstantiated claims. None of the experts (including Roper and Jantz) were hired to present evidence on the Steed-Kisker phase, if so, they would be required to substantiate their claims. We would have addressed issues of methodological flaws in the studies. The experts do not all agree. Some say Steed-Kisker is related to the Central Plains tradition. Others say it is related to the Middle Mississippi.

He discussed the biological evidence. Jantz, Key and McWilliams have studied Steed-Kisker. Jantz's study has serious sampling problems. The sample is mixed (Steed-Kisker and Nebraska phase remains together). There is a lack of comparison to all potential candidates. McWilliams only compared Steed-Kisker to Caddoan speakers and believes the Central Plains tradition is not related to Steed-Kisker. He finds Steed-Kisker to be like Late Coalescence (Arikara). Therefore, the Repatriation Office believes that the biological evidence is inconclusive.

He also discussed the oral history evidence. He admitted that the Repatriation Office was not strong on oral history evidence. He said they had tried to include oral traditions in their assessment. He said he thought the oral traditions, other than the Pawnee could be interpreted to show a relationship to Steed-Kisker. None of these traditions specifically refer to Steed-Kisker, but they could be interpreted to refer to Steed-Kisker. For instance, Pawnee traditions refer to movement to the south or a movement of people up the Missouri River. The timing and exact movements are a matter of interpretation, but it is possible that these traditions are referring to the Steed-Kisker phase. It is also possible that they are not referring to Steed-Kisker. There are also Dhegihan Siouan traditions (Ponca, Kansa, Omaha, Osage, Quapaw) that suggest they moved up the Missouri River from its mouth and from further east. These traditions could be referring to the Steed-Kisker phase. It is possible that they refer to a Siouan movement out of the Cahokia site area to Steed-Kisker and to later movement further up the river. The scenario is particularly intriguing because it could account for a Steed-Kisker relationship with Siouan speakers of the Middle Mississippian and later with the Oneota. The Pawnee and Dhegihan oral traditions can be interpreted in several ways. One way is to interpret them as referring to Steed-Kisker. The Repatriation Office does not find the oral tradition evidence compelling for any one of the potential candidates because the oral tradition of several of the potential candidates could be interpreted as referring to the Steed-Kisker phase.

He discussed the archeological evidence. Around AD 1,000 there was a major change in Plains life ways. There is an introduction of corn agriculture in the Central Plains tradition. In the Middle Mississippi, the Middle Missouri, and the Oneota there are similar events occurring. Particularly at Cahokia, all these peoples are interacting with one another.

He went on to discuss specific lines of evidence within the archaeology.

- 1. Ceramics: There are strong pattern differences. Steed-Kisker ceramics tend to be low rimmed, shell tempered with designs on the shoulder, a pattern also found at Middle Mississippian sites. Roger Echo-Hawk brought up the issue of variability but this variability could be accounted for through trade. Shell tempered sherds can also be Oneota or Steed-Kisker.
- 2. Mortuary practices: Steed-Kisker burials tend to be extended and on their backs, similar to Middle Mississippian burials. There is a cemetery with burials laid out in an arch pattern. This is typical of Middle Mississippi phase not Central Plains tradition. The burials at Cahokia are very stratified and at Steed-Kisker they are very egalitarian. This is not surprising. Steed-Kisker may be a satellite community of Cahokia. It is similar to other satellite communities that do not show social stratification. There is a lot of variation in Middle Mississippian sites.
- 3. Subsistence: The evidence appears to be inconclusive. Almost all plains groups are relying on agriculture. One point people have raised is that there are no beans found at Cahokia, but beans are found at other Middle Mississippian sites. They are also found at Steed-Kisker.
- 4. Settlement pattern: Steed-Kisker settlement pattern is dispersed. It is very much like Central Plains tradition.
- 5. House form: There is a lot of variation at Steed-Kisker. There are square houses with entrance ramps, rectangular houses without entrance ramps, wall trench house forms, and a ceremonial structure. The square house form with an entrance ramp is typical of the houses found in the Central Plains tradition, while the wall-trench and rectangular houses without entrance ramps occur in Middle Mississippian. A square or rectangular house form without an entrance also occurs in early Oneota sites. Rectangular and occasionally square houses with entrance ways occur in the Middle Missouri tradition. The possible ceremonial structure with the opening on each of the corners is unlike any Central Plains tradition structure. The evidence is, once again, inconclusive.

In summary, the archaeological evidence concerning the cultural affiliation of the Steed-Kisker material points in many directions. He feels that the site is most likely related to the Middle Mississippian and they were interacting with many other people. Several candidates should be considered. The Repatriation Office is seeking the advice of the Review Committee. He suggested two options. The Committee could recommend denying repatriation or they could recommend consultation with many groups. He feels that more than one group needed to be involved in the process. He thanked the Committee for allowing him to present his information. Bill ended his presentation.

Russell thanked Bill and said he hoped that all parties could find some common ground.

There was a fifteen minute break.

III. Presentation by Pawnee Tribe

Walter Echo-Hawk expressed his appreciation at being invited to speak before the Repatriation Review Committee. He requested that the Review Committee weigh the evidence and determine if there is a preponderance of evidence that shows that the Steed-Kisker material has a relationship with the Central Plains tradition. If the Review Committee were to find that there was a relationship between Steed-Kisker and the Central Plains tradition, then the Pawnee request repatriation of those remains. Walter introduced Roger Echo-Hawk, a consultant for the Native American Rights Fund, Vance Horsechief, member of the Pawnee repatriation committee, and Charles Lonechief, Jr., chairman of the Pawnee repatriation committee and member of the business council of the Pawnee Tribe. He invited Mr. Lonechief to speak.

Charles Lonechief thanked the Committee for the opportunity to attend the meeting as a representative of the Tribe. He emphasized the ethics involved in the repatriation process. He said he placed high reverence on spirituality. Human remains are not "just sticks of furniture to be thrown around" in the same way as it wouldn't be right if it were done to us if we were to die. He asked the Committee to think about this from both a Pawnee spiritual point of view and also from a Christian ethic. These human remains need to be reburied.

Vance Horsechief said it was good to see some friends and relatives at the meeting. He said it was an honor to attend. He said he has been involved in repatriation for a long time, ever since he was on the tribal council. It was good to repatriate human remains regardless of which tribe they are related to. They need to be reburied. Indian people are very spiritual people. We have many problems (health and social) but we also have this reburial problem. There are those in the Tribe that are uneducated and don't know how important repatriation is. If repatriation occurred it would bring balance back to the Tribe. He said the Pawnee were asking the Review Committee to give a fair hearing of the evidence.

Walter said that the Pawnee have submitted written material. He pointed out that nothing that was said by the Repatriation Office in the morning changed the Pawnee's position. Roger Echo-Hawk will focus his presentation on the oral tradition. His presentation will explain some inconsistencies between different lines of evidence. Walter said that cultural affiliation is a legal standard, it is not a biological or archaeological standard. It is a statutory term that Congress developed. It is a relationship of shared group identity that can be reasonably traced through time. These definitions have to be interpreted broadly and liberally. Shared group identity is not based on biological kinship, even though there is some evidence in support of this. The archaeological evidence does support a shared group identity between the Central Plains tradition and Steed-Kisker. There are Central Plains tradition earthlodges at Steed-Kisker and the two Steed-Kisker remains are indistinguishable from Central Plains tradition remains. This is evidence of shared group identity. The Repatriation Office has not disproved this. He gave an example of group

identity; all U.S. citizens have shared group identity. This might not be the only group identity. Tribes don't need to prove they have one group identity. He went to discuss "preponderance of evidence." The Pawnee agree with this standard. The Repatriation Office has also said they agree but have not applied this standard. He feels the Repatriation Office uses a higher standard and has placed heavy weight on taxonomic issues. The Repatriation Office did not recognize the value of the archaeological evidence which shows influences from other groups. He did not believe the archaeology had to show exclusive relationships. When the preponderance of evidence standard is applied it gives weight to the Pawnee point of view. The Pawnee have a clear preponderance of evidence. It isn't necessary to have a scientific standard. All the experts retained by the Repatriation Office are in agreement that Steed-Kisker is affiliated with the Central Plains The archaeology independently supports the Pawnee's case. Even though the Repatriation Office questioned the biological studies, they failed to present any evidence in support of their position. There is insufficient archaeological evidence to suggest that the biological evidence is wrong. The Repatriation Office has developed a theory that Steed-Kisker is related to other groups. They have failed to support their theory with biological or archaeological The suggestion by the Repatriation Office to involve all groups might be worth discussing. Walter suggested writing to all potentially affiliated tribal governments saying that it has been determined that there is a relationship between Steed-Kisker and Central Plains tradition and the Repatriation Office intends to repatriate to the Pawnee. Each tribe would receive notification of the intent to repatriate and could have time to protest.

Roger Echo-Hawk presented next. He said it had been a privilege to do this work. He said he had a few specific points that should clarify the issue. He has been a student of Pawnee history for the last 16 years. He felt he needed to have academic credentials and earned a master's degree in ancient Indian history. His focus was on anthropology and archaeology, in particular. He felt that it was important to use archaeology and physical anthropology to support the oral history. The Repatriation Office acknowledges its lack of familiarity with oral traditions. Bill Billeck has characterized the Roper report as a draft. Roger does not feel that it is a draft and, in fact, the Repatriation Office in their January 1995 report discussed the Roper report. However, if is true that it is a draft, then it should not have been used. He referred to the maps in Billeck's '95 report on pages 3 and 12. These maps do not show an overlap between Steed-Kisker and the Nebraska phase. However, both parties agree that the Sugar Creek ossuary is a Nebraska Phase site. The map on page 3 does not correspond with this point. Roger referred to page 123 of the 1982 Key report (the first full paragraph) and the page 130 diagram. According to this diagram and also according to Key's opinion this is a Nebraska phase crania, not an Oneota specimen. According to Key, "Steed-Kisker falls within a group that contains both Central Plains tradition and Oneota. The crania falls within the Central Plains tradition cluster of the full sample analysis, suggesting it is a Nebraska phase specimen. The Repatriation Office says this is an improper approach. Roger agreed that it was not the best approach, but Key did not feel that Steed-Kisker crania have any relationship with Oneota. Although Jantz did not visually inspect the crania, he did confirm Key's opinion after analyzing the data. Key had visually inspected 800 crania, including a number of Oneota specimens. He was of the opinion that the two Steed-Kisker crania can only be successfully compared with the seven crania from the Nebraska phase sites. The nine crania are indistinguishable. Roger agreed that it would have been better if the Steed-Kisker crania were independently assessed.

He went on to discuss the ceramic evidence. He said the designs on Steed-Kisker ceramics are rectilinear not curvilinear. Cahokia ceramic designs are typically more curvilinear. He asked Bill Billeck to clarify this point.

Bill agreed, saying that Cahokia ceramics are more curvilinear than Steed-Kisker. But he pointed out that there are Middle Mississippian ceramic designs from the Spoon River area that are almost identical to Steed-Kisker.

Roger said that the character of Steed-Kisker ceramics is not exactly like Middle Mississippian. They can be distinguished. He referred to Bill's statement that Glenwood Phase ceramics are very different from Central Plains tradition ceramics, but points out that no one says Glenwood is not Central Plains tradition. What we have here are two Central Plains tradition groups on the east side of the Missouri River. Both have ceramic cultures unique from Central Plains tradition that do point to a shared identity with Cahokia, but that evidence is not as strong as the evidence pointing to a relationship to the Central Plains tradition. He reminded the Committee that the Pawnee are attempting to show a shared group identity not a taxonomic designation.

He went to discuss the oral evidence. He invited Bill Billeck to review his (Roger's) 1992 report where he reported on the Pawnee oral evidence. He said the Repatriation Office had failed to discuss the oral traditions with the Pawnee. The oral traditions play an important role in the determination of cultural affiliation. Oral traditions should have been looked at more closely in this case. He pointed out that in Patricia O'Brien's articles there were no references to Dorsey, Murie, or any Arikara or Pawnee oral history sources. O'Brien is familiar with this literature and has referred to it in her analysis of the Smoky Hill phase/Central Plains tradition site but not the Steed-Kisker site. It is a failing on her part. It shows that she focussed her attention on Cahokia to the exclusion to any possible relationship to the Central Plains tradition. She also did not cite Key or McWilliams. Roger has tried to show that even though the oral traditions are not extensive, they do play a key role. Without them it is impossible to reconcile some aspects of the biological and archaeological evidence. The biological evidence can be reconciled with the oral history. Bill has pointed out that the McWilliams' findings are at odds with Key and Jantz. Roger did discuss this issue in his July report to the Repatriation Office. The oral evidence explains the difference in their findings. Steed-Kisker is a diverse population. The Arikara and Pawnee oral history point to entering the Central Plains tradition area. Central Plains tradition is not homogeneous. There is some biological diversity. The Steed-Kisker phase sites on the west side of the Missouri River are more likely to be related to the Arikara. No Arikara traditions refer to the American Bottom area or Cahokia, they refer to the Rocky Mountains, or the Oklahoma There is potential for diverse biological populations. McWilliam's model can be supported by the oral traditions. Steed-Kisker groups west of the Missouri River may be related to the Arikara, while Pawnee traditions support a relationship to sites east of the river being related to the South band Pawnee.

He discussed house forms. He said the source of the two Steed-Kisker crania that are like the seven Nebraska phase crania is the Steed-Kisker site, where a Central Plains tradition earthlodge is found. This means the population was biologically related to the Nebraska phase but in terms of the material culture is also related to the Central Plains tradition. Earthlodges are not simply houses, which is how they have been consistently characterized, in contradiction to the oral history. There are three stories explaining the development of the earthlodge in the Pawnee tradition. Two of these stories are told among the Skidi band of Pawnee. One is a South band story, which says that the South band Pawnee first built earthlodges when they entered the "nemaha" region in southeast Nebraska near the Missouri River. They had not brought that architectural feature with them. The oral traditions say they split into three groups. One group remained in the area, another went north and another went south. There is a tradition that says that one group lived on the east side of the Missouri River across from the mouth of the Platte River. This is the area of the Glenwood phase of the Central Plains tradition. Steed-Kisker accounts for the southern groups. The earthlodge is a ceremonial structure. There are stories that account for two different types of earthlodges. One story talks about the adoption of a circular floor plan by the Skidi Pawnee. There is another story that talks about a different shape. The archaeological record shows that the earth lodge associated with the Central Plains tradition may be square or rectangular. This accounts for the two different types of earthlodges. Their oral tradition implies that there was a population living in the central plains region that did not have earthlodges, that lived in the area prior to the Central Plains tradition. Roger surmised that that group could be Woodland. There may have been different populations mingling in the region. The Woodland populations are different from the Central Plains tradition Caddoans. They are Siouan. How can this be reconciled? It is his opinion that finding no earthlodges could mean Woodland groups. It explains why there are some contradictions in the oral traditions. Some groups may have always existed in one place with other groups coming in and mixing, each with different oral traditions. There is another type of structure that is the primary residential structure. This structure has not been found in Central Plains tradition sites because it has not been looked This is referred to as a grass lodge. Earthlodges continued to be used as ceremonial structures. The oral tradition can help clarify these issues. If you look at the Itskari group, Loup River phase in central Nebraska, that distribution of sites conforms to Skidi oral tradition. It is Roger's opinion that Itskari and Upper Republican are the main sources for modern Skidi Pawnee groups. The Smoky Hill phase is ancestral to the Arikara and the South band Pawnees. The Nebraska phase population contributed to both the Arikara and the South band Pawnees. These groups shared cultural attributes although they come from different areas and dispersed out into three groups. All tribes are multi-cultural entities. This is true of the Pawnee. The idea of an unchanged Pawnee past is overly simplistic. These groups held a shared group identity. The Pawnee traditions and also, somewhat, the Arikara traditions can explain the archaeological and biological record. Key did not note Oneota similarities in Steed-Kisker crania, only similarities to the Nebraska Phase. There is no study that says Steed-Kisker is biologically Oneota. There is no reason to believe there are any Oneota sites located in the Steed-Kisker homeland.

Bill Billeck said there are Oneota sites by the St. Joseph region.

Roger said that Oneota traditions do have connections to the region, but where it does occur it is much later and has no connection to Steed-Kisker. Any Oneota affiliation to Steed-Kisker is only speculation. He said he felt very confident that Steed-Kisker is a Central Plains tradition group, not Middle Mississippian. The biological studies and the oral traditions have not been reviewed by those studying Steed-Kisker. This explains why there is so much speculation. He thanked the Committee for being given the opportunity to present his analysis.

Russell thanked Bill and Roger for presenting their reports. He suggested that there needed to be further exchange of information between the Pawnee and the Repatriation Office. The Review Committee probably had some questions for both parties. He thought there might be acceptable alternatives to repatriation to the Pawnee alone.

IV. Repatriation Review Committee Questions and Answers Period

Lynne asked Lauryn to give her interpretation of the definition of the preponderance of evidence.

Lauryn said that all the evidence should be taken as a whole.

Russell asked if both parties agreed on the definition of cultural affiliation.

Lauryn said that although it is a legal standard, it is not a good one because it is so imprecise. She thought that if shared group identity was defined too broadly, it would allow any Native American group to claim any Native American remains. She didn't think that was what the law intended. Shared group identity should be more specific than that, but does not only mean a biological affiliation. It lies somewhere in between these two extremes.

Russell said it has been recognized that more than one group can have a shared identity.

Lauryn said yes, but not all groups have a shared identity.

Charles Lonechief said non-natives could be eliminated.

Tom said the Committee needed to give guidance on the point at which, out of the potential candidates, some groups are no longer affiliated.

Russell said it was obvious that the Repatriation Office and the Pawnee saw the evidence differently. He asked the Repatriation Office which of the federally recognized tribes, other than the Pawnee, were more closely affiliated with these remains.

Bill said he felt the remains were more likely to be Middle Mississippian, but no specific groups have yet been identified. We have not met the preponderance of evidence requirement yet.

Lauryn said we have not reviewed all the evidence yet.

Russell disagreed and said that the Repatriation Office had been working with the evidence for a long time.

Tom said the Repatriation Office was at a point where there are several potential candidates. Consultation with those candidates would help narrow it down.

Russell asked what other candidates have been notified.

Tom said we are at the point of identifying candidates. The Repatriation Office has requests from other groups, for instance the Ponca, who may need to become part of the consultation process. There may be others. This is the point at which they should be notified.

Lynne asked Bill if he was saying that the evidence for the Steed-Kisker site being affiliated with Cahokia is not as strong as it is for it being affiliated with Spoon River.

Bill said there are ceramics that are of a Middle Mississippian type, but the majority are indistinguishable. There are ceramics that are identified as trade ware that look like ceramics from Cahokia.

Christy asked if any sourcing studies been done.

Bill said no.

Lynne asked how much Central Plains tradition collared rim ware was at Steed-Kisker?

Bill said there was none. There are a few sherds which might be recognized as Central Plains tradition.

Lynne said that not all Middle Mississippian pottery is shell-tempered; there is variability. How much shell-tempered pottery is found at Steed-Kisker?

Bill said there is a greater percentage of shell-tempered pottery. There is some grit-tempered or sherd or grog tempered. But it is difficult to know the amount because we cannot get original information about the site from the Wedel or O'Brien reports. Wedel's temper types seem very homogeneous.

Christy asked what happened to the other 81 skeletons that were excavated.

Bill said there were 83 sets of remains. The Repatriation Office has 19 catalog numbers (with as many as 20 individuals in one catalog number). Not all the remains were collected.

Christy asked if the two crania that were tested could have come from a later period.

Bill said there was very poor preservation in the cemetery. We have no reason to suspect that these two crania are not Steed-Kisker.

Lynne asked if there was a burial by burial description.

Bill said that there was some information, but a lot of provenience information seems to be missing. When you go to the collection you can only associate a few burials with the burial numbers.

Lynne asked if we could assume that information about the distribution of the burial goods was not available.

Bill said it was possible to associate only a few burials.

Roger EchoHawk said he thought some of the remains may have been reburied, which would account for the missing remains.

Bill said he assumed that not all of the remains were removed from the site.

Lynne asked Roger EchoHawk what made him decide to look at the Steed-Kisker material.

Roger said it was the Roper report that first caused him to reconsider Steed-Kisker as ancestral to the Pawnee. Jantz's conclusions were also compatible with the Pawnee oral tradition.

Lynne asked him to explain how he collected the oral tradition information.

Roger apologized for not providing an explanation of his procedures for collecting oral traditions in his report. He explained that he had reviewed the available literature. He created two categories; historical and fictional. He looked at the oral traditions that were treated by the story tellers as historical and for which there was evidence that they were from a recent time period. He felt there was another group of traditions that he analyzed in terms of the archaeological record for Central Plains tradition. He was able to distinguished a number of oral traditions were related to this period of time. There is a final group of traditions that are treated as historical in nature but it is his opinion that these relate to an even earlier time period.

Lynne asked if there were sources that he rejected.

Roger said he tried to familiarize himself with all the archival and published sources of the written oral traditions. There is an extensive published and unpublished record. He felt it was important that the collector of the oral traditions be fluent in the language but outside the cultural and religious spheres of the society. He felt James Murie was a good candidate. Murie was a Skidi

Pawnee but did not participate in Pawnee ceremonial life.

Christy noted that Roger's opinions had change over time. He wondered what his views would be if SK had never been excavated.

Roger said in his 1992 report he had tried to explain the migration south of the Kitihaki Pawnee in terms of another oral tradition that points to the Red River region. However, Steed-Kisker provides a more logical setting because it is closer, plus it is in a more southward location.

Christy asked if he was looking to the south before he began reviewing the archaeological material for Steed-Kisker.

Roger said the tradition said there was a southward movement, but the archaeological model was needed to explain it. Looking at the archaeological record and the oral traditions the Central Plains tradition provides the only logical explanation. With the Sugar Creek ossuary site being located where it is and it being accepted as a Nebraska Phase site, it is clear that there is an exact orientation that fits with the oral tradition.

Russell asked if there was any other oral evidence that dealt more with Pawnee ceremonies.

Roger said that the Pawnee oral traditions that refer to the South band Pawnee say that the use of bundles as sacred objects dates back to before the Pawnee's movement into the Central Plains area. The Pawnee have had sacred bundles for a long time. In Skidi tradition, each town's central focus was a sacred bundle. They are associated with different divisions of the Skidi people. The Pawnee priests were entrusted with sacred objects and had control over historical information. They would pass this information and the bundles down to their successors. The existence of the bundles through time explains the durability of the oral traditions through time. The two are linked. This aspect of Pawnee religious life has some time depth to it.

Russell said he was surprised that no one mentioned Holder's work. These bundles may have represented ceremonial centers.

Roger said he relied on Holder to a lesser degree. Holder relied heavily on Murie. Holder felt the bundle was the central unifying source for the community. There is great diversity among the Skidi people. Groups had their own ceremonial centers. Villages have merged over time. There used to be four clans, now there are only two. There were people who held bundles that were no longer affiliated with a distinct clan.

Russell asked if he had considered the theory about the bundles representing ceremonial centers, which became over time portable ceremonial centers.

Roger discussed the "Closed Man" oral tradition. It says he politically united diverse clans and organized the ceremonial activities into a cohesive whole and imposed a unifying system. The

bundles were an essential part of that activity. Pawnee society today is divided into two classes, royalty and commoners. Over time Pawnee society became stratified. There are social differences between more recent Pawnee lifeways and the older Central Plains tradition lifeways for which there is no evidence of social stratification.

Roger Anyon said that there were obviously two points of view. Other tribes may have rights. How would each side see this process developing?

Bill said the Repatriation Office had yet to develop a plan to consult with many groups. He needed to notify these tribes that they could be potentially affiliated and all the affiliated groups should be in agreement as to disposition.

Walter said that the groups within the Central Plains tradition, the Pawnee, Arikara, and Wichita, have presented a clear case for affiliation. He suggested that a letter be written to other potentially affiliated groups stating that a determination of cultural affiliation has been made that the Steed-Kisker phase and the Central Plains tradition are related and that the Repatriation Office was giving notice of its intent to repatriate. If other groups wish to object, they can present evidence in support of their claim. He said this procedure would follow NAGPRA. We could develop a joint letter. We could proceed without having to do extra studies. At a minimum, the Pawnee have met the preponderance of evidence requirement. He said he didn't think anyone would object. They will want to see the remains reburied.

Roger EchoHawk said that when there are multiple cultural affiliations NAGPRA does not require everyone to participate, just to be informed.

Tom said that the Repatriation Office wasn't making that suggestion, and wouldn't want to appear as if we're presenting final arrangements to these other groups.

Walter said the Pawnee were willing to tell everyone that 51% of the evidence was in their favor.

Bill said he disagreed; that there wasn't one group we can return to who held a preponderance of the evidence.

Lauryn asked if the letter had to say that a decision has been made.

Walter said that a fair reading of the evidence shows a preponderance of evidence for a Central Plains tradition affiliation allowing a return to the Pawnee. Without stating that a decision has been made, it becomes an open ended process.

Lynne said that Roger Anyon had made a strong point. She asked if both parties could outline the range of variation in mortuary treatments between the Steed-Kisker phase and Central Plains tradition, both in terms of how individuals are treated and also in terms of where they are located, whether they're in distinct cemeteries or in houses.

Bill said the Steed-Kisker site has a cemetery with 80 individuals. Nearly all are extended burials. There are two or three flexed burials, occasional isolated skulls, and occasional bundle burials. Wedel interpreted that latter two as being disturbed. The predominant pattern is extended burials. There are some Steed-Kisker artifacts in a Middle Woodland burial.

Lynne asked if the types of artifacts found with an individual was known.

Bill said most of the burial artifacts come from the Woodland mound. Otherwise, there are single pots, shell artifacts, and occasional sherds.

Lynne asked if there was ever any Steed-Kisker burials found in habitation sites.

Bill said not that he knew of.

Lynne asked Bill to discuss the range of variation in Central Plains tradition.

Bill said there was a lot of variation. Ossuaries are typical. There are a lot of flexed burials, and sometimes they are near habitation sites. There are sometimes isolated extended burials. Grave goods are not common in Central Plains tradition sites. If they do occur, they are usually shell. Very rarely are there ceramic vessels.

Roger Anyon asked if any of the oral traditions discuss changes in mortuary practices over time.

Roger EchoHawk said he has not analyzed changes overtime. There is no discussion of ossuaries as a Pawnee practice. The use of ossuaries seems to stop with Central Plains tradition. There is a change over time in the archaeological record, but there is no information in the oral tradition.

Russell said he needed to raise an issue that is in the Committee by-laws. He said that according to the by-laws, if any Committee members feels that they have a conflict of interest, they must recuse themselves. Andrea Hunter recently approached him with a concern she had. She is Osage, one of the tribes the Repatriation Office thinks may be affiliated with Steed-Kisker. She was worried that she may have a conflict of interest. Russell thought that this needed to be considered, but perhaps there wasn't any conflict of interest at this point.

Christy asked if Steed-Kisker site was more or less heterogeneous that other sites.

Bill said it was fairly homogeneous in terms of some things, but there is variation in such things as house form. This is not typical of other contemporary complexes in the area. Steed-Kisker is probably a ceremonial center.

Christy asked if the site could have been a meeting ground.

Bill said it is possible that it could have been a regional meeting center, where people were coming

in and interacting. People are visiting the location, an occurrence that is typical of Middle Mississippian sites.

Christy asked if the site had been excavated adequately.

Bill said it was not adequately excavated, otherwise there might have been more evidence of a particular group.

Russell asked if the site can be strongly linked to one group.

Bill thought it could not be assigned to one particular group.

Lynne asked if any recent work had been done. Could we be sure we weren't missing other information?

Bill said there hasn't been any recent work done, not even for the highway department.

Roger EchoHawk asked when the Fishing River Survey work was done.

Bill said it was done in the 1970s.

Charles Lonechief said that he disagreed with Christy's suggestion that the site was a meeting site. He said that people didn't build an earthlodge (mudlodge) in a meeting place. These are religious structures and needed to be maintained. There are probably more earthlodges on the site that haven't been excavated. There was probably a lot of trade. If there is other, better evidence, the Pawnee would like to see it.

Russell said that he didn't see that either party had been swayed to change their position on this issue.

Tom said all potential candidates have not been discussed. One option would be to send a letter to all other potentially affiliated groups. Another group could come forward. He thought that the Review Committee should give some guidance on how to proceed, regardless of whether or not other groups come forward. What does the Repatriation Office do about the doubts that it has had. He thought that it was too early to say that the Repatriation Office had changed its viewpoint.

Christy said he thought writing this letter was premature.

Lynne asked if there was a reason why the Repatriation Office had not included the Pawnee oral tradition information in the Steed-Kisker analysis.

Bill said he felt he could determine the Pawnee's cultural affiliation with the Central Plains

tradition without it. He had not had the time to review this information for the Steed-Kisker material.

Russell asked if this issue could be resolved if other tribes were notified.

Tom said he thought it could, but he thought the Review Committee should go through their process, because the case has some ambiguities.

Walter said he disagreed. The preponderance of evidence standard gives the latitude to resolve very close cases. He felt it was a closed case and the letter should be written, inviting other tribes to object.

Lynne pointed out that, as it stood, the Pawnee are representing the Pawnee, Arikara, and Wichita. There is also a resolution from the three affiliated tribes (Mandan/Hidatsa/Arikara) on behalf of the Arikara, but there is no representation specifically from the Mandan.

Roger Anyon said the Review Committee needed to develop a recommendation. It is clear the two sides cannot come to an agreement.

Russell said that the Committee could only make recommendations to the Secretary. It does not have to be a unanimous decision.

Walter said that they were looking to the Review Committee for guidance.

Russell pointed out that this was a group of remains that all sides agreed should be reburied.

Walter said that the Nebraska State Historical Society had used, among other evidence, geographic location. They agreed to return to the Pawnee, and because they made a good faith effort to return to the correct descendants, they couldn't be held liable for their decision. If that is an issue here, the Repatriation Office has presented evidence that shows that it made a good faith effort.

Russell said that the meeting had been useful.

Walter thanked the Review Committee for having the meeting in Denver, making it easy for the Pawnee to attend.

Russell said the Committee would make a recommendation within 45 days, unless they needed outside expert opinion, in which case, a recommendation would be prepared by December 31st, 1995.

Walter said he appreciated having had the opportunity to come before the Committee. They were happy to respond to any further requests for information or clarification by the Committee.

Charles Lonechief, speaking as Council member and chairman of the Pawnee Repatriation Committee, thanked the Committee. He said he hoped the Committee would weigh the information carefully.

The question and answer session ended.

V. Committee In Camera Session on the Pawnee case

Discussion about the Pawnee case dispute continued.

This portion of the minutes has not been made available to anyone other than the Repatriation Review Committee, at their request.

Appendix J

Final Report on the RO-Pawnee Dispute Hearing on September 14, 1995

RECOMMENDATIONS REGARDING THE DISPUTE BETWEEN THE PAWNEE TRIBE OF OKLAHOMA AND THE NATIONAL MUSEUM OF NATURAL HISTORY REPATRIATION OFFICE OVER THE STEED-KISKER PHASE HUMAN REMAINS AND FUNERARY OBJECTS

Submitted October 10, 1995 to Secretary I. Michael Heyman by the Smithsonian Institution Repatriation Review Committee

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Russell Thornton, Chair

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- Lynne Goldetein Christy 5. Turne

Andrea A. Hunter, Vice Chair

Roger Anyon

Lynne Goldstein

Christy G. Turner II

The Smithsonian Institution Repatriation Review Committee met at the Brown Palace Hotel in Denver, Colorado, on September 14, 1995, to consider the dispute between the Repatriation Office and the Pawnee Tribe of Oklahoma regarding the Steed-Kisker Phase human remains and funerary objects held at the National Museum of Natural History.

The remains and objects in question represent a minimum of fifty-three (53) individuals (in nineteen [19] sets) and one hundred and seventy-eight (178) funerary objects. They were obtained from three archaeological sites--the Steed-Kisker site itself, the Nolan C "mound" and the Shepherd "mound"--in Missouri during 1938 and 1939 by Waldo Wedel of the Smithsonian Institution. The Steed-Kisker Phase dates from about A.D. 1000 to about A.D. 1250.

The dispute between the Pawnee Tribe of Oklahoma and the Repatriation Office concerned the cultural affiliation of the Steed-Kisker Phase human remains and funerary objects. The Pawnee Tribe had requested repatriation of the human remains and funerary objects based on the belief that a preponderance of available evidence indicated that the Steed-Kisker Phase is culturally affiliated with the Central Plains Tradition and the Pawnee Tribe. The Repatriation Office disagreed with the Pawnee Tribe based on the belief that the Steed-Kisker Phase could not be assigned a cultural affiliation until further studies were conducted.

The Pawnee Tribe was represented by Walter Echo-Hawk, of the Native American Rights Fund and the attorney for the Pawnee Tribe; Roger Echo-Hawk, a consultant for the Native American Rights Fund and the Pawnee Tribe; Charles Lonechief, Chairman of the Pawnee Repatriation Committee and member of the Business Council of the Pawnee Tribe; and Vance Horsechief, a member of the Pawnee Tribe Repatriation Committee. The Repatriation Office was represented by Thomas Killion, Director; William Billeck, case officer; and Lauryn Grant, attorney for the Smithsonian, representing the Repatriation Office. The Repatriation Review Committee was represented by all five members--Roger Anyon, Lynne Goldstein, Andrea Hunter, Russell Thornton and Christy Turner--as well as Gillian Flynn, Repatriation Review Committee coordinator.

The Committee met with Pawnee and Repatriation Office representatives from approximately 9:00 A.M. to 12 noon and from approximately 1:00 P.M. to 3:00 P.M. During this period, oral summaries were presented by both sides and both sides responded to inquiries posed by individual Committee members. The Committee then met in an in camera session from approximately 3:00 P.M. to 5:00 P.M. During this period, we assessed existing evidence as presented orally and in previous written documentation. Based on this evidence, we formed conclusions regarding the cultural affiliation of the Steed-Kisker Phase. We then formulated three (via Provost Hoffmann) recommendations to Secretary Heyman regarding repatriation of the Steed-Kisker Phase human remains and objects. Our recommendations were unanimous and consensual.

Recommendation One

The Repatriation Review Committee unanimously recommends that the Steed-Kisker Phase human remains and funerary objects be repatriated to the Pawnee Tribe of Oklahoma.

The Committee concludes that a preponderance of the existing evidence indicates a cultural affiliation of the Steed-Kisker Phase with the Central Plains Tradition. The Central Plains Tradition has been previously shown to be affiliated with the contemporary Pawnee, as represented by the Pawnee Tribe of Oklahoma. other contemporary groups as the Arikara of the Three Affiliated Tribes of the Fort Berthold Reservation and the Wichita and Affiliated Tribes are also affiliated with the Central Plains Tradition.) We conclude that evidence derived from house-type, settlement pattern, geographic location, and oral traditions indicate a cultural affiliation of the Steed-Kisker Phase with the Central Plains Tradition and the Pawnee. We conclude that ceramic evidence indicates a probable cultural affiliation other than the Central Plains Tradition for the Steed-Kisker Phase. We conclude that it is not possible to establish any specific cultural affiliation for the Steed-Kisker Phase using available evidence derived from biological data, mortuary practices, subsistence, or tools. Thus, of the nine types of existing evidence examined, data from four indicate an affiliation with the Central Plains Tradition, data from one indicates an affiliation other than the Central Plains Tradition, and data from four are inconclusive in establishing affiliation. This is a clear preponderance of the evidence in favor of a Central Plains Tradition cultural affiliation for the Steed-Kisker Phase.

The existing evidence we examined and our assessment of it are presented in detail below.

Ceramics

Ceramics of the Steed-Kisker Phase are, for the most part, shell tempered, have sunburst designs on their shoulders, and are jars with low rims, in contrast to Central Plains Tradition ceramics that are mostly grit tempered, rarely have designs on their collars, and are predominantly low to high rimmed with thickened lips that are referred to as collars. Although the shell temper, the designs, and the shape of Steed-Kisker ceramics are, on the whole, much more like Middle Mississippian than Central Plains Tradition ceramics, some Steed-Kisker ceramics are grit tempered, and no Steed-Kisker ceramics have been found at Cahokia. Some shell tempered ceramics have occasionally been found on Central Plains Tradition sites, however. Even so, because the technological and stylistic differences between Steed-Kisker Phase and Central Plains Tradition ceramics are readily apparent in the vast majority of the excavated ceramics, the Committee believes that ceramics in the Steed-Kisker Phase are indicative of cultural affiliation with groups other than the Central Plains Tradition.

Geographical Location

Steed-Kisker Phase human remains and funerary objects at the

National Museum of Natural History were obtained from three locales: the so-called Steed-Kisker site itself, the Nolan C "mound," and the Shepard "mound," all in present-day northwest Missouri, along the Missouri River and its tributaries. identified Steed-Kisker Phase sites are located to the north, south, east and west (across the Missouri River in Kansas) of the three locales. This area lies roughly between the cities of Kansas City and St. Joseph, Missouri. The locations of the various phases of the Central Plains Tradition -- the Itskari, Nebraska, Smoky Hill, St. Helena and Upper Republican--are to the north and west of this geographic area. The location of the Nebraska Phase of the Central Plains Tradition is along the Missouri River, extending south of St. Joseph to the Sugar Creek Ossuary. Sites in this specific area--Sugar Creek and Cloverdale--may be classified as Nebraskan Phase, but contain clear elements of Steed-Kisker Phase as well. Thus there is actual geographical overlap between the Nebraska Phase and the Steed-Kisker Phase in the area to the south of present-day St. Joseph, Missouri. The Committee acknowledges this qeographical proximity, adjacency and even overlap as important evidence indicating an affiliation of the Steed-Kisker Phase with the Nebraska Phase of the Central Plains Tradition.

House Form

Steed-Kisker Phase house forms are variable, as evidenced by the presence of earthlodges with four interior support posts, rectangular houses with four post roofing systems, a square

ceremonial structure, and a partial wall trench house. The diagnostic type house form, used by archaeologists taxonomically identifying feature of the Steed-Kisker Phase, is the rectangular four interior post structure. Even though some authors have attributed this style to Middle Mississippian cultures, the four interior post earthlodge is characteristic of the Central Plains Tradition, and wall trench structures are more clearly associated with the Middle Mississippian culture. Excavated Steed-Kisker Phase structures total ten: six rectangular houses, two earthlodges, one (possible) ceremonial structure, and one partial wall trench house. Given the clear presence of Central Plains Tradition-style earthlodges and rectangular structures in the excavated archaeological record of Steed-Kisker Phase sites, the Committee believes that the preponderance of house-form evidence in the Steed-Kisker Phase suggests a cultural affiliation with the Central Plains Tradition.

Mortuary Practices

Mortuary data for the Steed-Kisker Phase are incomplete, with few detailed records.

The Repatriation Office outlines two primary pieces of evidence regarding mortuary practices at the Steed-Kisker Phase site cemetery: one, most burials are in an extended position; and, two, cemeteries were laid out in semi-circular rows. Both patterns are reminiscent of Middle Mississippian Tradition cemeteries in Illinois, with neither pattern similar to the Central Plains

Tradition. Although we do not question this observation, the patterning at the Steed-Kisker Phase site was not compared to the within-site pattern at Central Plains Tradition sites.

Conversely, the Pawnee argue that the lack of differentiation in the cemetery is more representative of the Central Plains Tradition than of societies of the Mississippian Tradition. The Pawnee note also that extended burials have been found in Central Plains Tradition sites, even though most Central Plains Tradition cemeteries are ossuaries. Furthermore, ossuaries are a secondary disposal practice, and bundle burials which represent such practices have been found at Steed-Kisker Phase sites. These observations are also correct; however, Mississippian Tradition cemeteries associated with small villages often have little status differentiation, and secondary Mississippian Tradition disposal practices were common in societies. Furthermore, the lack of detailed descriptions for both Steed-Kisker Phase and Central Plains Tradition cemeteries makes detailed within-site comparisons impossible.

Extended burials, secondary disposal of the dead, cemeteries, and lack of status differentiation do not, therefore, suggest one affiliation over another. (More analysis and more detailed examination of the within-site patterning of mortuary sites would be needed to do so.) The Committee concludes that the significant variability in mortuary practices by many groups during the time period in question makes it difficult to assess the existing mortuary data as indicating the affiliation of the Steed-Kisker

Phase with one tradition over another.

Oral Traditions

Oral traditions presented in the Pawnee Tribe's response to the National Museum of Natural History's report on the Steed-Kisker Phase and at the Repatriation Review Committee's hearing in Denver were extremely important and very helpful in interpreting the archaeological record. The oral traditions indicate two major Caddoan groups within the Steed-Kisker Phase which are ancestral to contemporary groups, some becoming Arikara (from the west side of the Missouri River [represented by the Calovich site]), others becoming Pawnee (from the east side of the Missouri River). oral traditions also indicate the formation of the Pawnee out of diverse peoples. For example, the Skidi Pawnee scholar James R. Murie recounts Pawnee oral traditions of the South Band Pawnees-the Pitahawirata, the Chaui and the Kitkahahki--indicating ancestors -- the Kawarakis -- who lived in the Nemaha region of southeastern Nebraska (the area of the Nebraska Phase of the Central Plains Tradition). These traditions indicate also that a group ancestral to the Kitkahahki moved south, out of the Nemaha This migration seems to have been to the Steed-Kisker Phase area east of the Missouri River, with the Sugar Creek Ossuary being a possible cemetery site. Oral traditions also indicate origins from the American Bottom, around Cahokia at the junction of the Missouri and Mississippi Rivers, for the other Pawnee bands. The Committee finds the oral traditions presented to offer a compelling argument linking the Steed-Kisker Phase to the Central Plains Tradition and contemporary Pawnee (and Arikara), particularly when used in conjunction with the archaeological evidence.

Physical Anthropological Evidence

The craniological (metric and non-metric) studies that were involved in the Steed-Kisker Phase repatriation case are either inadequate to the issue at hand, or they are methodologically flawed for identifying affiliation in any statistically significant manner, or even with the unscientific preponderance of evidence criterion. With respect to inadequacy, no assessments were made for the biological affinity of populations to the east of the Steed-Kisker Phase sites, namely Cahokian and Cahokian-outliers. This should have been done since these populations have been long linked on ceramic grounds with the Steed-Kisker Phase, and should have been included in the matrix for affinity assessment.

As for being methodologically flawed, Steed-Kisker Phase sites yielded only two measurable crania. There is no known statistical procedure that could have made a meaningful affinity assessment, given the probable variance in Plains cranial measurements and non-metric features. Moreover, the amount of environmental influence on cranial variation in the Plains has never been estimated. It is well known that within-group body and cranial dimensions change to some degree through time with changes in diet and other factors. This sort of secular change has been well documented in other

groups. Plains groups could be craniological similar due to similarities in their environments during cranial growth and development, rather than being similar due to very similar genetic backgrounds. The latter could have been estimated using dental morphology. In sum, the craniological data do not support the Pawnee case, nor do they support the Repatriation Office. These data are, for the present, inadequate and therefore irrelevant.

Settlement Patterns

Settlement data include kinds of sites and site locations in relation to one another and to the landscape. While it is true that the dispersed settlement patterns reported for the Steed-Kisker Phase area more closely resemble a Central Plains Tradition pattern than a Middle Mississippian Tradition pattern, it is also true that no one has conducted systematic archaeological surveys in the Steed-Kisker Phase region. Because no systematic or even widespread surveys have been done, it is not possible to make an informed conclusion about settlement patterning in general. Nonetheless, there is evidence for one kind of site that does support a Central Plains Tradition affiliation over a Mississippian Tradition one for the Steed-Kisker Phase: platform or pyramidal mounds have not been found in the Steed-Kisker Phase area or at Steed-Kisker Phase sites. Since such mounds are commonly and usually associated with Middle Mississippian Tradition settlements, the lack of these mounds is both notable and significant. Although it is true that no systematic archaeological surveys have been

conducted, it is very common for most mound sites to be known. Platform mounds are visible, were regularly recorded by Eurosettlers American and by both amateur and professional archaeologists, and were a major focus of investigative activity in the late 19th and early 20th centuries. While we would not be surprised if several mounds or mound groups in a region were missed, we note that if there were platform mounds in the region, it would be extraordinary to have had none reported at all. Since several specific Steed-Kisker Phase sites have been excavated and no evidence of platform mounds documented, it must be concluded that, to some degree the lack of these mounds reflects what was actually present. This represents a pattern more likely expected in Central Plains Tradition settlements. Thus, settlement data a Central Plains Tradition affiliation over a Middle Mississippian affiliation for the Steed-Kisker Phase in this respect.

Subsistence

The subsistence economy of the Steed-Kisker Phase is in accordance with the general horticultural/agricultural strategies practiced by cultures utilizing plains and woodland environments. Early investigations of archaeobotanical remains from Steed-Kisker Phase sites report the presence of Zea mays (corn), Helianthus annuus (sunflower), Cucurbita pepo (squash), Juglans nigra (black walnut), Carya sp. (hickory nut), Corylus americana (hazelnut), and Carya illinoensis (pecan). More recent studies have included

fragments of Phaseolus vulgaris (common bean) from Steed-Kisker Phase sites. The presence of P. vulgaris has been discovered at Central Plains Tradition sites, but not at Cahokia. This has been suggested as evidence for shared group identity between the Steed-Kisker Phase and the Central Plains Tradition. However, the similarities in subsistence patterns between the two is really a result of successfully adapting to a similar environment. Ρ. vulgaris fragments have been recovered from contemporaneous Mississippian Tradition sites (Olin and Hill Creek) in Illinois, as well as Oneota Tradition sites in Missouri, Illinois, Wisconsin, Subsistence is thus of no use in determining differential affiliation between the Steed-Kisker Phase and Central Plains, Mississippian and Oneota Traditions.

Tools

Bone tools from Steed-Kisker Phase sites include awls made from deer ulna fragments, worked deer mandibles and various worked antler fragments. Such bone tools have been recovered from Central Plains, Middle Missouri, Middle Mississippian and Oneota Tradition sites. Therefore, they are of no diagnostic use here.

Stone tools from the Steed-Kisker Phase include both flaked artifacts (e.g., projectile points, knives, scrapers and drills) and ground stone artifacts (e.g., abrading stones and disk fragments). Projectile points described by Wedel are similar in form to Huffaker, Harrell, and Cahokia projectile points. Huffaker points are found throughout the Plains from Oklahoma northward to

the Dakotas and as far east as Illinois. The suggested age range is from A.D. 1000 to A.D. 1500. Harrell points are widely distributed in the Great Plains from northern Texas to Canada to east to the Mississippi River valley to west to southwestern and northwestern states. The suggested age range is form A.D. 1100 to A.D. 1500. This point type is similar to, if not identical with, the Cahokia point of the Mississippi River valley. The Cahokia point is found in Illinois, Iowa, Wisconsin, Missouri, northern Arkansas and eastern Oklahoma. These points are found in most Mississippian affiliated sites along the Mississippi River and along Caddo-Mississippian trade routes. The Cahokia point ranges in age from Early to Late Mississippian, first occurring around A.D. 900.

The knives from Steed-Kisker Phase are generally ovoid in shape or retouched chipped flakes and spalls. Scrapers are described as of common snub-nosed or plano-convex types. All of these flaked stone and ground stone artifact types have been recovered from Central Plains, Middle Missouri, Middle Mississippian and Oneota Tradition sites. Thus, they, too, are not useful in locating the Steed-Kisker Phase in one of the traditions.

Recommendation Two

The Committee recommends that reasonable expenses involved in the actual return of the Steed-Kisker Phase human remains and funerary objects be covered by funds allocated to the Repatriation Office for repatriation purposes. The Committee assumes that the Pawnee Tribe of Oklahoma has encountered some financial expenses in bringing their appeal to the Repatriation Review Committee. Consequently, we wish to have the repatriation of these human remains and objects take place without any additional undue financial burden to the Pawnee Tribe.

Recommendation Three

The Committee recommends that a letter stating an intent to repatriate Steed-Kisker Phase human remains and funerary objects to the Pawnee Tribe of Oklahoma be sent to the approximately one dozen contemporary American Indian tribes that may be potentially affiliated with the Steed-Kisker Phase (as determined by the Repatriation Office), and that these tribes be given a sixty-day (60-day) opportunity to make a claim for the Steed-Kisker Phase human remains and objects and to provide supporting evidence to the Repatriation Office.

The Committee notes that cultural affiliation of the Steed-Kisker Phase with traditions other than the Central Plains Tradition and with contemporary American Indian peoples other than the Pawnee (and the Arikara and Wichita, whom the Pawnee have represented in other disputes) are possible. The Committee also notes that National Museum of Natural History Repatriation Office guidelines specify notification of all parties with a potential interest in human remains and objects that are being considered for repatriation. This notification may be through newspapers, newsletters and other news media. In this instance, a letter sent

directly to relevant tribes is also appropriate. The Committee stands ready to assist the Repatriation Office by reviewing the letter before it is sent, and by assisting in the resolution of any disputes which might arise.

THE SMITHSONIAN INSTITUTION'S NATIVE AMERICAN REPATRIATION REVIEW COMMITTEE REPORT FOR THE 1996 FEDERAL FISCAL YEAR (October 1, 1995 to September 30, 1996)

Submitted November 29, 1996 to Secretary I. Michael Heyman

Ruma & Shouton

Russell Thornton, Chair

Curdia C. Hunter Andrea A. Hunter, Vice Chair

Roger Anyon

Lynne Goldstein Christy G. Turner II

The Smithsonian Institution's Native American Repatriation Review Committee Report for the 1996 Federal Fiscal Year (October 1, 1995 to September 30, 1996)

The 1996 fiscal year was a productive period for the Smithsonian Institution's Native American Repatriation Review Committee. We are pleased with what we have accomplished. This report inventories the activities of the Repatriation Review Committee during the past year and details future concerns.

We conducted the normal monitoring and review of the operations of the Repatriation Office at the National Museum of Natural History (NMNH) throughout the year, and responded to a variety of reports the Office submitted to us. The Committee initiated a variety of outreach activities, congruent with the Committee's earlier decision to more fully engage with Native American groups and communities. Activities included the cosponsorship of a repatriation workshop and Committee members' attendance at various regional repatriation conferences. Committee members, along with Committee Coordinator Gillian Flynn, also attended the regularly scheduled meetings of the Native American Graves Protection and Repatriation Act (NAGPRA) Committee.

The Committee continued to be involved in the "Steed-Kisker Phase" case. After the Committee recommended in favor of the Pawnee Tribe of Oklahoma's claim to these remains and objects in its dispute with the Smithsonian, other potentially-affiliated tribes were notified. Several of these other tribes also made claims of cultural affiliation. The Pawnee and the other tribes are attempting to resolve the issue among themselves, and the

Committee is being kept informed of their progress by the tribes.

Finally, we present some concerns we have identified, especially those related to the pace of repatriation and the process used to amend the National Museum of the American Indian (NMAI) Act.

The meetings and trips associated with our activities are summarized in Table 1.

Monitoring and Reviewing Activities

Our mandate from Congress states, in part, that the Committee will "monitor and review the inventory, identification, and return of Indian human remains and Indian funerary objects." (This charge has been expanded to include also objects of cultural patrimony and sacred objects.) In keeping with this mandate, the Repatriation Review Committee continued to monitor and review the activities of the Repatriation Office during the year. We had three meetings--in November of 1995 and in February and May of 1996--in Washington, D.C., for this purpose. We also met for this purpose for one day in September 1996. This meeting was held before the Southeast Repatriation Workshop on the Mississippi Choctaw Reservation in Philadelphia, Mississippi; the workshop was financed by the Committee.

Our first meeting during the fiscal year was on November 15 and 16, 1995 (see attached minutes in Appendix A). Attendance during this meeting was limited to the five Committee members as the Smithsonian was on furlough. During the meeting, the Committee

Table 1. Summary of Activity

Date	Activity	Participant(s)	
	a describido de la composición del composición de la composición 		
10/7/95	California Indian Conference (Los Angeles, CA)	Thornton	
10/16-18/95	NAGPRA Meetings (Anchorage, AK)	Hunter & Flynn	
11/15-16/95	RRC Meeting (Washington, DC)	Full Committee	
1/13/96	NAGPRA Training Class (Los Angeles, CA)	Thornton	
1/24-26/96	Western Apache Repatriation Meeting (Tucson, AZ)	Anyon	
2/15-16/96	RRC Meeting (Washington, DC)	Anyon, Goldstein Hunter & Thornto	
3/11-13/96	Keepers of the Treasures (Scottsdale, AZ)	Anyon, Hunter & Thornton	
5/13/96	Procedural Review of The Repatriation Office (Washington, DC)	Anyon	
5/14-15/96	RRC Meeting (Washington, DC)	Full Committee	
6/9-11/96	NAGPRA Meeting (Billings, MT)	Hunter & Flynn	
9/10/96	RRC Meeting (Philadelphia, MS)	Full Committee	
9/11-12/96	Southeast Workshop (Philadelphia, MS)	Full Committee	

discussed developments of the "Steed-Kisker Phase" case, pending Alaskan repatriations, and several case reports. Andrea Hunter reported on her attendance at the NAGPRA Committee meeting held in Anchorage, Alaska; Roger Anyon discussed his participation (as a representative of the Zuni) at All-Apache Summit the Albuquerque, New Mexico; Russell Thornton reported his on presentation at the California Indian Conference held at UCLA; and Lynne Goldstein reported on her attendance at the NMNH/NMAI Repatriation Workshop held at Mille Lacs, Minnesota. Thornton and Andrea Hunter were reelected chair and co-chair, respectively, for the upcoming fiscal year.

The second meeting of the Committee was on February 15 and 16, 1996, in Washington, D.C. (See Appendix B.) Attending for portions of the meeting were Dennis O'Connor, the newly-appointed Provost at the Smithsonian, and his Special Assistant, Ruth Selig; Pablita Abeyta, Office of Government Relations; James Douglas and Lauryn Grant, Office of the General Counsel; Acting NMNH Director Don Ortner; Anthropology Department Chair Dennis Stanford; and Paula Malloy, acting as Repatriation Office Program Manager for Thomas Killion, who was ill and could not attend the meeting. Repatriation Office case workers Bill Billeck and Karen Mudar also attended part of the meeting.

The Committee met with Provost Connor and his special assistant, Ruth Selig. Various issues were reviewed and discussed, particularly budget concerns and the recent developments of the "Steed-Kisker Phase" case.

The Committee reviewed its expenditures, and further developed its policy on Committee expenditures. Time was spent discussing Committee procedures for assessing disputed repatriation cases, particularly that between the Pawnee and other tribes potentially affiliated with the "Steed-Kisker Phase." Discussed in detail was the issue of "ownership" of Committee documents. Also discussed was whether Committee members were subject to Smithsonian standards of conduct; it was decided that Committee members should be sent copies of the standards of conduct. Committee members affirmed adherence to the highest standards of professional conduct.

Pablita Abeyta discussed developments regarding an amendment to the NMAI Act by which the Act would reflect the repatriation provisions of NAGPRA. She told the Committee that it would be kept intact. (Acting Provost Hoffmann had earlier assured the Committee that we would be kept fully informed of potential amendments to the Act.)

Various cases were reported on and discussed, including the Cheyenne River Sioux report, the Wainwright report, the Haudenosaunee case, the Pawnee ethnographic report, the Tlingit video teleconference and other issues and cases concerning Alaska (by Karen Mudar). Reports were also given on the Western Apache repatriation meeting by Roger Anyon and the UCLA NAGPRA training class by Russell Thornton. Lynne Goldstein reported on her review of the Repatriation Office in May 1995.

Two other meetings were also held to monitor and review activities of the Repatriation Office. The Committee met again in

Washington on May 14 and 15, 1996. (See Appendix C.) Also attending were Robert Fri, the new Director of NMNH; Dianne Niedner, Acting Associate Director of NMNH; David Pawson, Acting Associate Director for Science of NMNH; Ruth Selig, Special Assistant to the Provost; Dennis Stanford, Chair of the Department of Anthropology; and Thomas Killion, Program Manager of the Repatriation Office.

The Committee met Robert Fri, the new Director of the Museum. Various issues were discussed with him. The Committee also reviewed its budget, discussed the upcoming Southeast conference, and the "Steed-Kisker Phase" case. Tom Killion reported on the NMAI amendment and updated the Committee on several cases. Goldstein reported on the Society for American Archaeology Repatriation Committee. Roger Anyon, Andrea Hunter and Russell Thornton reported on their attendance and panel presentation at the Keepers of the Treasures meeting held in Scottsdale, Arizona. Roger Anyon spent May 13 reviewing the Repatriation Office, in particular looking at ways to speed the repatriation process. reported his preliminary findings to the Committee on May 15. (This was followed on May 27, 1996, by a written report and recommendations for Committee review. [See Appendix D.]) The Committee also visited the Museum Support Center to examine the Steed-Kisker objects; "Steed-Kisker Phase" skeletal remains were examined at the NMNH.

The final Committee meeting of the fiscal year was held in Philadelphia, Mississippi, on September 10, 1996, the day before the

Southeast Workshop at the Silver Star Hotel on the Mississippi Choctaw Reservation. (See Appendix E.) Tom Killion attended part of the meeting. Andrea Hunter reported on her attendance at the NAGPRA Committee meeting held in Billings, Montana. Among issues discussed were the proposed NMAI amendment, the Committee's place Smithsonian within the organizational structure, and possibility of increasing the efficiency of Repatriation Office The Committee also discussed the "Steed-Kisker case reports. Phase, "Gros Ventre, Haudenosaunee, and various Alaskan cases. The Committee reaffirmed its commitment to interact as much as possible with Native American groups, and to monitor the meetings of the NAGPRA Committee. Russell Thornton was reelected as chair and Andrea Hunter was reelected as vice-chair of the Committee.

Reports Considered

The Repatriation Review Committee formally considered sixty four (64) reports during the year: thirteen (13) reports on human
remains; fifty-one (51) ethnographic summaries. Reports on human
remains considered were for Golovin Bay, Barrow, Wainwright,
Anaktuvuk Pass, Nana Regional Corporation, Northeast Norton Sound
(Bering Straits Native Corporation), Point Hope and Nunivak Island,
Alaska, the State of Connecticut, the Cheyenne River Sioux, the
Puget Sound and Grays Harbor Regions of Washington, the Eastern
Dakota, the Mandan and Hidatsa. Ethnographic summaries included
those for the Haida, Tlingit, Tsimshian, Zuni, Menominee, Kaw
(Kansa), Quileute, Wiyot, Ponca, Makah, Assiniboine, Yavapai,

Chippewa, Apache, Havasupai, Stockbridge, Hualapai (Wapalai), Washoe, Sauk and Fox, Quechan (Yuma), Karok, Yaqui, Yurok, Yakama, Hupa, Blackfoot, Iroquois, Salish and Salishan Groups, Alibamu and Koasati, Natchez, Choctaw, Chitimacha, Cherokee, Catawba, Caddo, Tesuque, San Felipe, Tewa, Pecos, Nambe, Pojoaque, Tigua, Santo Domingo, Santa Ana, San Juan. Sandia, Laguna, Jemez, Isleta, Acoma and Puebloan. The Committee additionally considered the report on an Iroquois request for two Wampum items.

Outreach Efforts

In keeping with the Committee's previous decision to interact more fully with Native American communities, the Committee engaged in a variety of outreach efforts during the past fiscal year.

California Indian Conference

Russell Thornton made a presentation on repatriation and the Repatriation Review Committee at the annual California Indian Conference, held on October 7, 1995. (See Appendix F.)

NAGPRA Committee Meetings

Andrea Hunter represented the Repatriation Review Committee at the NAGPRA Committee meetings in Anchorage, Alaska, on October 16, 17 and 18, 1995, and in Billings, Montana, on June 9, 10 and 11, 1996. (See Appendixes G and H.) She was accompanied at both meetings by Gillian Flynn, Repatriation Review Committee Coordinator.

NAGPRA Training Class

Russell Thornton made a presentation on the Repatriation

Review Committee at a NAGPRA training class organized by Reba Fuller, NAGPRA Project Director of the Tuolumne Me-Wuk. It sponsored by the Angeles National Forest and UCLA and held at the UCLA James West Alumni Center on January 13 and 14, 1996. (See Appendix I.)

Western Apache Repatriation Meeting

Roger Anyon represented the Repatriation Review Committee at the Western Apache Repatriation Meeting on January 24, 25 and 26, 1996, in Tucson, Arizona, and made a presentation about the Committee. (See Appendix J.)

Keepers of the Treasures

Three members of the Repatriation Review Committee--Roger Anyon, Andrea Hunter and Russell Thornton--attended the meetings of the Keepers of the Treasures on March 11, 12, and 13, 1996, in Scottsdale, Arizona. The three Committee members reported on the nature and duties of the Committee at two separate sessions of the meetings. (See Appendix K.)

Southeast Repatriation Workshop

The Southeast Workshop was co-sponsored by the NMAI and the NMNH; the Repatriation Review Committee provided support (see Appendix L for notes on the workshop). It was held on the Mississippi Choctaw Reservation on September 11 and 12, 1996, for the several Native American groups, including the Cherokee, Chickasaw, Choctaw, Creek and Seminole of both Oklahoma and the Southeast. All members of the RRC attended at least part of the Workshop. Russell Thornton served on a panel at the workshop, along

with Tessie Naranjo, chair of the NAGPRA Committee. He discussed the role of the Committee in the repatriation process at the Smithsonian. It was the consensus of the participants that the workshop was successful and was appreciated by the American Indian groups.

Dispute Resolution

Committee time and effort were devoted to the continuing dispute over the "Steed-Kisker Phase" human remains and objects. Earlier, the Committee had recommended that the "Steed-Kisker Phase" remains and objects be returned to the Pawnee Tribe of Oklahoma. The Committee had also recommended that other, potentially-affiliated tribes be notified. As a result, interest in these remains and objects was also expressed by the Iowa Tribe of Oklahoma, Kaw Nation of Oklahoma, Osage Nation of Oklahoma and the Ponca Tribe of Oklahoma. A set of procedures was developed by which the matter could be formally considered by the Repatriation Review Committee. The Committee also encouraged the tribes involved to consider resolving the claims among themselves. The tribes are currently in discussions regarding resolution.

Future Concerns

The Repatriation Review Committee continues to be concerned about the length of time involved in the repatriation process. We think ways must be found to accelerate the decision-making process significantly. For example, reports could be shortened, less extensive research could be done on human remains, and tribal

representatives could assist in the packing of remains and objects to be repatriated. This is particularly important now that the NMAI Act has been amended to bring the Smithsonian more fully in line with NAGPRA. We would like to see and review a detailed plan of how the Repatriation Office plans to meet its new deadlines.

The Repatriation Review Committee also continues to be concerned about information gaps and lags between the Repatriation Office and the Committee. We had thought that new procedures by which the Committee coordinator, Gillian Flynn, more fully participates in Repatriation Office meetings would alleviate this communication problem. This has occurred but only to an extent. We need to explore possible additional changes. One possibility might be to remove Gillian's supervision from the Repatriation Office and place it in the Office of the Provost.

Finally, the Repatriation Review Committee is extremely concerned about the process and events surrounding the Smithsonian's suggested changes in Committee membership to be incorporated in the NMAI Act amendment. We are particularly concerned that changes were recommended without our prior knowledge, after we had assurances otherwise. We look forward to a full discussion of this series of events with members of the Smithsonian administration.

NATIVE AMERICAN REPATRIATION REVIEW COMMITTEE Smithsonian Institution

December 16, 1996

Dr. Dennis O'Connor Provost Smithsonian Institution Washington, DC 20560

Dear Provost O'Connor:

Please find enclosed two (2) copies of the Smithsonian Institution's Native American Repatriation Review Committee Report for the 1996 Federal Fiscal Year. The Repatriation Review Committee is transmitting the report to Secretary Heyman via your office.

Please do not hesitate to call upon me should you have any questions about the report or the Committee's activities during the past year.

Sincerely,

Roger Anyon Pueblo of Zuni

Lynne Goldstein University of Wisconsin-Milwaukee

Andrea A. Hunter Northern Arizona University

Russell Thornton University of California-Los Angeles

Christy G.Tumer II
Arizona State University

Russell Thornton

Chair, Repatriation Review Committee (Professor of Anthropology, UCLA)

Henry Slinton

Repatriation Office National Museum of Natural History, MRC 138, Smithsonian Institution, Washington, D.C. 20560 (202) 357-1899

APPENDIX A

Minutes of Meeting on November 15-16, 1995

Smithsonian Repatriation Review Committee November 15-16, 1995 Washington Hilton Hotel

- Explanatory note: The federal government was closed and Smithsonian employees were on furlough at the time of the meeting. Given that we could not have an official meeting with employees of the Smithsonian, the Committee met on its own at the Washington Hilton Hotel. These minutes were created from informal notes and are not based on a recorded archive of the meeting.
- <u>Call to order</u>. At the beginning of the meeting, Goldstein, Hunter, Thornton, and Turner were present. Anyon joined the meeting in mid-way through the first day.
- <u>Vote on Committee Offices</u>. The Committee voted to re-elect Russell Thornton as Chairman of the Review Committee and Andrea Hunter as Vice-President.
- Pawnee case. The RO needs to draft a letter to send to those tribes who the RO determines may have an interest in the Steed-Kisker remains. The RO has determined the list of tribes to be notified, but asked for the Committee's guidance on the letter to be sent. The RO drafted such a letter, and the Pawnee responded with their suggestions. The Committee discussed its views on the letter, and asked that the RO provide examples of other such letters that it had sent to tribes. Once we see these letters, we will provide our comments and suggestions to the RO.

To date, no questions have been raised about our report.

- Publication of our report in repatriation workbook. Thornton received a query from the American Indian Ritual Object Repatriation Foundation in New York. Walter Echo-Hawk had suggested to this group that the RRC's report should be included in a repatriation workbook that this organization is preparing. The Committee had mixed feelings about such a plan. While we do not mind if Walter wants to prepare a synopsis from our report, the Committee does not really want the report published before the case is done and especially does not want the report published without context. As part of the discussion, it became clear that we would like Lauryn Grant to tell us if the document is public, and if so, when is it public?
- Volume on the Pawnee case. The Committee was agreed that the details and specifics of the Pawnee case warrant preparation of a book. There was also a Committee consensus that this book might be better edited by members of the Committee, rather than by the RO. This decision was not a commentary on the RO, but was rather based on the idea that the Committee might be perceived as being less associated with a particular side. The different sections of what might be included in such a book were discussed, and Goldstein and Thornton volunteered to edit the book, with sections written by each Committee member, the RO staff (especially Billeck), the Pawnee, and others. Goldstein will talk with the Smithsonian Institution Press while at the AAA meetings, and will prepare an outline for discussion at our next meeting.
- Discussion of case reports. The Committee briefly discussed a series of case reports, but these discussions were from a perspective of whether or not Committee members had problems with any of the reports. Reports included: Human Remains and Funerary Objects from Wainwright, Alaska; Ethnological Objects Associated with the Zia; Ethnological Objects Associated with the Taos; Assessment of Six Nations Iroquois Request to Repatriate Wampum Items; and Human Remains

from Connecticut. In general, the Committee's comments were that the RO had made great progress in improving the professional quality of the reports, and that these reports were good. However, all of the Committee members expressed confusion about the Wainwright report — there was obviously an error in preparing the report because page numbers did not match and there were a number of other things that were confused. We surmised that this was just a series of technical problems which had probably been caught by others.

NAGPRA Committee meeting in Anchorage. The Committee heard a report from Hunter about this meeting, and her remarks should be submitted separately in writing. We spent a considerable amount of time discussing this report because Hunter outlined some of the continued attacks by the NAGPRA Committee on the Smithsonian. As a part of the discussion, we also looked at a copy of the Conclusions and Recommendations of the NAGPRA Committee in their annual report to Congress.

The NAGPRA Committee's annual report includes a section on concerns over the exclusion of the Smithsonian from NAGPRA. The report is very critical of the Smithsonian, and urges Congress to pass legislation requiring the Smithsonian to comply with NAGPRA.

These continuing attacks are cause for concern from a number of perspectives (but especially for what it does to the relationships established with tribes by the RO and others), and the Committee discussed writing another letter to the NAGPRA Committee. There was also consensus that we should urge that the administration of the SI focus its energies on trying to address and stop these largely unwarranted attacks.

The Committee also recommends that, for every NAGPRA Committee meeting, the RO case worker for whatever region the NAGPRA Committee meets in should be present. This would mean that someone knowledgeable would be able to answer questions and address attacks, and it would allow the person to be better able to deal with the impact of the Committee discussions on the RO's relationships with the community.

At the second day of our meeting, Thornton reported that he had talked with Gillian Flynn on the phone, and she reported that the NAGPRA Committee discussions were not as bad as they had been in the past. She also noted that the discussion was much more promising on the day that Hunter was not at the meeting (this was coincidental and not directly related to Hunter's being absent), and suggested that perhaps we did not have to be quite as concerned with the NAGPRA Committee. However, since these problems have been ongoing for some time, the RRC would still like to have its concerns be on record.

- Report on the Apache Summit, Albuquerque. Roger Anyon reported briefly on the Apache Summit which he attended in Albuquerque. Although he was not officially there as a Committee member, he did answer questions about the RO and reported back to the Committee on the nature of the meeting. Anyon noted that this was the first time that all Apache groups had gotten together and had prepared and signed a repatriation affiliation agreement. The Committee noted it would be useful to see a copy of that agreement.
- Report on Mille Lacs Repatriation Conference. Goldstein reported on the Mille Lacs Repatriation Conference in Minnesota. Her report was also submitted in writing. Goldstein noted that the RO and RRC were well received, in part because of our excellent presentations and history of working with groups in the area, and in part because of our sponsoring of the excellent meals.

- <u>UCLA Conference on Repatriation</u>. Russell Thornton reported briefly on a repatriation conference at UCLA at which he made a presentation on repatriation and the Smithsonian Institution Repatriation Review Committee.
- Other matters. The Committee informally discussed and debated a variety of other issues. However, since we were not formally in session, the discussions were not related to agenda items, and no votes were taken, these discussions are not recorded here.

The Committee met through midday on Thursday, November 16.

Submitted by: Lynne Goldstein

APPENDIX B

Minutes of Meeting on February 15 and 16, 1996

Final Repatriation Review Committee Meeting Minutes February 15th and 16th, 1996, Washington, DC National Museum of Natural History Prepared by Gillian Flynn, May 30, 1996

Review Committee Participants:

Roger Anyon, Lynne Goldstein, Andrea Hunter (Vice-chair), Russell Thornton (Chair)

Smithsonian Staff Participants:

Pablita Abeyta, Office of Government Relations, SI
Bill Billeck, Case Officer, Repatriation Office, NMNH
James Douglas, Deputy General Counsel, Office of the General Counsel, SI
Gillian Flynn, Repatriation Review Committee Coordinator, NMNH
Lauryn Grant, Assistant General Council, Office of the General Counsel, SI
Paula Molloy, Acting Program Manager, Repatriation Office, NMNH
Karen Mudar, Case Officer, Repatriation Office, NMNH
Dennis O'Connor, Provost, SI
Donald Ortner, Acting Director, NMNH
Ruth Selig, Special Assistant to the Provost, SI
Dennis Stanford, Chairman, Department of Anthropology, NMNH

Thursday, February 15th, 1996

I. Introductory Remarks

Dennis Stanford, Lauryn Grant, and Paula Molloy attended this session.

Russell Thornton opened the meeting. He explained that Christy Turner was unable to attend the meeting due to the death of his wife, Jacqueline. Russell said he spoke for the entire committee in offering their sincerest condolences to Christy and his family. Russell explained that there had recently been inquiries from the Osage and Kansa (Kaw) regarding the Steed-Kisker material. He said he had sent replies to the two tribes explaining that, with the exception of the meeting minutes from the September 1995 meeting, all information would be provided to them. He explained to the tribes that the issue of whether or not the minutes were to be released would be discussed at this meeting. Russell asked Lauryn Grant to provide the Committee with some guidance on this issue. He also thought it was important for the Committee to develop a set of guidelines for dealing with multiple claimant disputes. He said that although Andrea Hunter could not participate in discussion regarding the Steed-Kisker claim, in particular, she could still participate in the development of general dispute resolution guidelines.

There was a brief discussion about the May, Sept. and Nov. meeting minutes. The Committee decided to approve them during the In-Camera session.

Lynne Goldstein asked Lauryn if she felt that the Review Committee report to Secretary Heyman on the Pawnee case was considered a public document. Lynne said the issue had come up when the American Indian Ritual Object Repatriation Foundation had been preparing its volume on repatriation. Walter Echo-Hawk had asked the Foundation to include the Review Committee's decision on the Pawnee case in the volume. The Review Committee members felt that they were the only ones who should decide if their material should be published or not.

Lauryn said she thought documents were public if they had been signed by the Secretary. She also thought that Committee documents could be eligible for copywrite because the Review Committee members are not federal employees. She said the Smithsonian was not obligated to comply with the Freedom of Information Act (FOIA) because it was not a federal agency¹ and that, in any case, any material that is "pre-decisional" is exempt from FOIA.

Russell asked about the notes from the meeting with the Pawnee.

Lauryn thought it would be best if Jim Douglas from the General Counsel's Office, who's an expert on FOIA, could discuss this issue with the Committee. She did not think the Committee should disclose the Pawnee's oral testimony without the consent of the tribe.

Russell asked Dennis Stanford what procedure the Anthropology Department had used to facilitate the approval of the Haudenosaunee report when one of the curators had refused to sign it.

Dennis explained that when the curator would not sign the Haudenosaunee report, the Department allowed him ten days to prepare a dissenting report giving evidence in support of his assertions. The curator was unable to prepare one and the report went through the approval process without his signature.

Paula Molloy, acting as Program Manager for Tom Killion who was ill and unable to attend the meeting, updated the Committee on new issues. She explained that the Southeast conference had been postponed until September. She also informed the Committee that a return of three crania is planned for April to the Quileute.

Russell asked Lauryn if members of the Review Committee were subject to the Smithsonian standards of conduct.

She said that the standard's of conduct technically apply only to employees (it doesn't apply to the boards of directors, or advisory boards), although she thought it was a good idea if the

¹The Smithsonian Institution is considered a federal "instrumentality."

Review Committee were to adopt them.

Russell thought the Committee should look into this and asked for the standards of conduct to be sent to each Committee member.

Lynne explained that she had visited the RO last May to review general office practices. One point she wanted to raise was the issue of researcher access to collections that had been requested for repatriation. She asked Dennis if any new policy had been established.

Dennis said that there was no official policy, but he recognized that it was an important issue.

Lauryn asked if this was an issue for both Smithsonian staff and non-staff. She also asked what guidelines researchers were given.

Dennis said that each case was different. In the case of the North Slope, the researcher was asked to get permission of the group.

Paula pointed out that David Hunt, Physical Anthropology Collections Management, normally called the Repatriation Office when he received an outside research request to check the status of a case.

Lynne asked if inside researchers have to check if a collection is subject to repatriation and, if so, are they allowed access to it.

Dennis said that the NMNH should try to be consistent.

Lynne asked what happens when a case is disputed. Are researchers allowed access at that point?

Lauryn said that, for instance, if there's a dispute because a tribe has asked for all Native American human remains to be repatriated, the Museum can't tie up the entire research collection. She thought that if there is a legitimate claim the Museum should inform researchers that they needed to receive permission from the tribe. With regard to the Steed-Kisker material, we would expect them to ask the tribe. When a case is not meritorious, it is not clear what should be done. It would probably have to be decided on a case by case basis.

Lynne said that researchers feel the collections should be available for study until they are repatriated, in case a research project could inform the Repatriation Office about the cultural affiliation of a collection.

Lauryn thought it was best to clarify the current policy.

Dennis agreed to follow-up on this issue.

Gillian Flynn reviewed the Committee's budget. She gave them an overview of the past five years, but also gave them information on how much money had been spent on travel grants for returns and consultations for tribes. She pointed out that Alaska travel was quite a bit more expensive than travel in the lower forty-eight states and that the Committee had only funded Alaskan travel so far this year. She thought they should spread the funding around more widely.

Russell reminded the Committee that expenses had been going up. He also reminded them that the new NMAI amendment may change the focus of work at the Repatriation Office.

Gillian presented Tom's request for the Committee to fund contracts for Priya Helweg and Patrice Hart.

The Committee decided to postpone making a decision until Tom made a formal presentation.

Paula updated the Committee on recent NAGPRA developments. She explained that the Smithsonian had been asked to draft the amendment language. The SI was being required to provide deadlines for the completion of the inventory process. She explained that Tom had estimated that full compliance, encompassing a shelf by shelf inventory, would not be feasible as it was estimated that it would take eight years to complete. NMAI has sent out computerized inventories but has not done a shelf by shelf inventory. NMNH intends to use the National Park Service mailing list to estimate the geographic territory for each tribe and generate INQUIRE reports to be sent out to tribes. This strategy may be acceptable. We estimate that it will take three staff persons two years to complete this process. Tom is currently working on the amendment language. There is another meeting next week with John Berry and Pablita Abeyta of the Office of Government Relations. Although the RO will be able to continue current cases, we would have to appoint three people full time to the task. We would only have to do this process for human remains and funerary objects. Chuck Smythe expects to complete the summary process for sacred objects and objects of cultural patrimony in the ethnographic collection within the year.

Roger Anyon said he thought that the ethnographic summaries were very detailed and very good.

Lauryn said it was clear that the RO was doing excellent work but needed to find a way to disseminate information. She thought that case reports should be sent to the Senate Committee on Indian Affairs, and also to other museums.

Russell asked when the amendment was likely to be adopted.

Lauryn wasn't sure.

Paula said that the RO would wait until the amendment was actually in place to begin work. The process should then take two years.

Lauryn pointed out that most of the large museums had asked for extensions.

Lynne asked Lauryn what Senator Inouye's perception was of the Smithsonian.

Lauryn said the general impression was that the Smithsonian was not making progress and that we're trying to avoid doing what other museums have to do

II. Meeting with Dr. Dennis O'Connor, Provost

Donald Ortner and Ruth Selig attended this session.

The Committee and staff introduced themselves to the new Provost.

Russell opened the discussion. He explained that the Committee had a number of concerns. They wanted to know what was happening with the budget and how the recent budget concerns would affect repatriation.

Don explained that in the categories of "all other" and "travel" budgets would be held to 90% of last year's amount. The biggest problem was with personnel costs. The Smithsonian has been told to expect \$33 million less than last year.

Dennis O'Connor said that a new accounting system was being implemented that would allow the Secretary's Office to get budget reports in a much more timely fashion. The Smithsonian is operating under a continuing resolution, until March 15th. Even though we will have less spending authority, we will have to absorb a mandated salary increase. There's an \$11 million shortfall in personnel. We expect to discuss with the museums how to deal with the issue soon. The issue of repatriation is important and we will not let it go by the wayside.

Russell said he was concerned that budget cuts would slow down the process or decrease the quality or detail of the work. The Review Committee has always been concerned about the slowness of the process, but we recognize the need to maintain quality. He wondered how the NMAI legislation would affect repatriation. The Committee will be concerned if budget issues slow down the repatriation process. They had been meeting with the Native American community and he felt that any more slow down would elicit complaints from the native community.

Don said that the Museum could expect to lose one person per year from each department. There will be fewer people to do the work. The RO has been producing high quality reports. If the rules are changed with the new legislation we will have to shift resources. We know that the Native American community has requested information but the law says we have to do inventories and we can't help that. The interaction has been constructive.

Russell said a decrease in the quality of the reports could be expected. There is no alternative.

Don thought the Committee could use the Steed-Kisker case to impress upon the Provost the complexity of the process.

Russell gave an overview of the case. He explained that the Pawnee had requested the return of the Steed-Kisker material. They felt that Steed-Kisker could be affiliated with them. This claim was part of a larger Pawnee request. The NMNH returned historic Pawnee remains last year, but there remained a dispute over the Steed-Kisker material. The Pawnee protested the decision of the RO and the Review Committee was asked to review the case. The Review Committee met with both sides and decided that the preponderance of the evidence rested with the Pawnee and the remains should be repatriated to them. However, the Review Committee indicated that the remains may also be affiliated with other tribes. Other tribes were given a sixty day notification period in which to make a claim. Secretary Heyman accepted the recommendation. Letters went out to fifteen tribes saying that the Smithsonian intended to return to the Pawnee but recognized that they may have a claim. Two tribes have responded, the Osage and the Kaw. Other tribes have until March 15th to make a claim. The Osage and Kaw have requested all written documentation. The Review Committee may have to make a decision as to which tribe the Steed-Kisker material should go. We expect to have a meeting with all tribes. One of the problems is that different types of evidence can be weighed differently. There's a possibility that many tribes could be affiliated.

Lynne explained that the Committee's decision was guided by the preponderance of the evidence that was available. One of the problems was that past researchers were not interested in the same questions we are asking and some of the research done on the material was not very good. It is not possible to do further studies on the remains.

O'Connor asked if the sixty day period is a filing period. Will there then be a review of the evidence. If the earlier research was flawed, why is it not possible to do more study now?

Russell said the time period was to allow tribes to file a claim and present evidence. There will then be a review of the evidence and the earlier evidence will be re-evaluated.

Lauryn explained that the law says that you have to look at the "available" evidence. Congress did not want museums to use the need for additional research as an excuse to delay return. No new studies are permitted. The Repatriation Office had wanted to conduct additional study. She explained the archival documentation process to the Provost.

Lynne said that considering the lack of evidence, it isn't surprising that disputes arise. She thought they might occur more frequently if the process speeds up as a result of the NMAIA amendment.

Bill Billeck said it became even more difficult as collections date further back in time.

Russell said that the dispute process was just beginning. We expect to have more disputes and, therefore, more meetings as the process speeds up.

O'Connor asked if other parties thought additional research could have helped clarify the affiliation.

Bill said the tribes are putting together their own evidence, and have not yet asked about additional research.

Don said the Steed-Kisker case is a good example of why the NAGPRA process is a poor one. It doesn't allow the level of research needed to accurately determine the most likely affiliation.

Russell said that the issue was not that the RO wanted to deny return but that they did not know to whom the material should go.

Lynne said that decisions had to be made using poor site reports and interpretations that were not correct. That information was the only available evidence.

O'Connor asked if anyone had a suggestion about what to do with the request for a filing extension. Is sixty days a reasonable amount of time in which to put together evidence?

Lynne said no, that it was to allow repatriation to go forward in the event that no one filed a claim.

O'Connor said he thought that an extension should not allow new claims to be made, but the Smithsonian did need to allow an extension.

Bill said he thought six months to one year might be appropriate.

Russell wondered what the Pawnee would say.

Lauryn pointed out that the Osage and Kaw only received the evidence from the Museum this week. They may have evidence to the contrary. She suggested a ninety day extension.

Russell said he thought that disputes among tribes were less worrisome than disputes between the Smithsonian and tribes.

Lynne pointed out that with speeding up the process there will be increased costs due to such disputes.

Dennis asked what would happen if other tribes wanted new studies done.

Lauryn said it might acceptable if all claimants agreed and the Committee's by-laws allow requests for additional information.

Russell hoped that negotiations may allow a joint claim.

O'Connor asked if some components of the anthropology collection were more important than others.

Russell said the Steed-Kisker material was not one of the most important collections.

Lynne said there were more important collections and that the RRC had been trying unsuccessfully to get the anthropology department to identify them.

O'Connor said that an extension was appropriate but he couldn't say how much of an extension should be granted. He also thought that having a joint meeting with all the claimants was a good idea.

Lauryn said that the Pawnee might decide to litigate. It might not be possible to achieve a resolution to this case.

O'Connor said that avenue was open to the Pawnee. We can't stop them. We need to act in good faith and in accordance with the statutes and should never let the threat of litigation affect our decisions. He thanked the Committee for inviting him to the meeting, offering to attend more of their meetings, if possible. He left the meeting at this time.

Ruth Selig and Lauryn Grant remained.

III. Discussion on Repatriation Issues

Lynne asked Don how he saw the NMAIA amendment process turning out.

Don said he didn't know, but thought that if the Committee had any influence they should use it.

Roger thought it was difficult to judge how much influence they could use.

Don said that other museums were upset due to their lack of a budget for undertaking repatriation. Some Native Americans feel that the SI is getting away with something.

Russell said he had telephoned Robert Hoffmann who said the Review Committee would receive drafts of the amendment language.

Don suggested the Review Committee present their issues to Congress.

Roger pointed out that under NAGPRA museums have only ninety days to respond if tribes make claims after inventories have been received. This clause makes responses very difficult. The evidence that decisions are made on is poor.

Dennis pointed out that if accession notes alone are being used a lot of incorrect information would be sent out to tribes.

Ruth said that the Secretary's Office was working on the amendment language.

Russell thought perhaps the Review Committee should write a report on Steed-Kisker to present to Congress.

Discussion continued on how to inform the Senate Indian affairs committee repatriation committee about the important work being done at NMNH.

Dennis thought that eventually the art museums would have to be involved in repatriation.

Lynne asked if the Wainwright report had ever been corrected. She said the numbers did not add up.

Russell said he had spoken with Karen who said there wasn't a problem with it.

Dennis said that the information was being broken down by village.

The Committee said they still wanted to receive all ethnographic reports.

Gillian updated the Committee on the Haudenosaunee case. She said that the Museum was ready to repatriate but the tribe had still not informed Chuck Smythe of a date. Chuck expected to escort the collection to New York. She asked if the Committee would support his travel.

They said they would.

Roger thought the Museum should schedule it as soon as possible.

Gillian explained that the Haudenosaunee wouldn't schedule a date for the return.

IV. Discussion on Repatriation Case Reports

Discussion turned to repatriation reports.

Russell thought the Cheyenne River Sioux report was good but asked if Christy's comments had been addressed. He also asked why the Tlingit video teleconference had not been mentioned in

Roger pointed out that under NAGPRA museums have only ninety days to respond if tribes make claims after inventories have been received. This clause makes responses very difficult. The evidence that decisions are made on is poor.

Dennis pointed out that if accession notes alone are being used a lot of incorrect information would be sent out to tribes.

Ruth said that the Secretary's Office was working on the amendment language.

Russell thought perhaps the Review Committee should write a report on Steed-Kisker to present to Congress.

Discussion continued on how to inform the Senate Indian affairs committee repatriation committee about the important work being done at NMNH.

Dennis thought that eventually the art museums would have to be involved in repatriation.

Lynne asked if the Wainwright report had ever been corrected. She said the numbers did not add up.

Russell said he had spoken with Karen who said there wasn't a problem with it.

Dennis said that the information was being broken down by village.

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their ethnology report.

Lynne said in the Cheyenne River Sioux report there was still a problem with the attributions of the maps.

Gillian said that Stephanie Makseyn-Kelley had addressed Christy's comments. Regarding the maps, Stephanie had said that she had created them herself thereby eliminating the need for attributions. Gillian also thought the Tlingit teleconference had probably not been put in the ethnographic summary because the teleconference had been a test and also because the ethnology summaries are really supposed to be pre-consultation.

Russell said he thought it should have been mentioned and said he would write a letter to Chuck about it.

Referring to the Connecticut report, Roger asked Paula if, in addition to the human remains being offered to the Mohegan and Mashantucket-Pequot, there were other remains not being returned.

Paula said the report was also being sent to state-recognized tribes. So far she had not heard from anyone.

Roger asked if the federally recognized tribes would make a claim on behalf of the state-recognized tribes. He also asked if there was a deadline.

Paula said that the issue of the state-recognized tribes may come up and she asked for guidance from the Committee. The remains have no temporal context. There is no deadline and no claim from any tribes.

Russell asked what reports would be completed next.

Paula said Grand Ronde and Puget Sound reports should be ready soon.

Russell asked if the Pawnee ethnographic report had gone out to the tribe.

Gillian said it had.

V. Discussion of Procedures for Disputed Cases.

Russell said the Committee needed to develop procedures for arbitrating disputed cases. They needed to get the information from the tribes, set up a hearing, and make recommendations.

Don said the Committee needed to ensure that tensions among tribes were kept to a minimum. Different tribes had different levels of sophistication and access to information. He thought the

Committee should be careful not to let sophisticated tribes control the process.

Russell said he agreed. The Committee needed to develop general guidelines to place into the bylaws.

Dennis said the letter regarding Steed-Kisker should have said that if a tribe comes forward with a valid claim, the evidence would be re-evaluated. The letter should also have asked tribes how long they needed to develop their case.

Don asked the Committee how they planned to evaluate the oral histories.

Russell thought they may not be able to determine if any one of the oral histories contained more evidence of cultural affiliation than the others and the Committee may have to suggest a joint claim.

Dennis said an arrangement could be worked out similar to the Yakama/Warm Springs claim.

Roger said the Committee would not want to encourage disputes and then use them as a way to refuse to return.

Russell asked if the "preponderance of the evidence" rule should hold.

Roger said he thought not if the Committee needed to help tribes reach a resolution.

Ruth Selig asked how these decisions would affect land claims.

No one knew.

Dennis suggested that further physical studies could help resolve the case and wondered who should pay for the studies.

Russell asked where the other materials were.

Dennis said most of them were in Illinois, Kansas and, perhaps, Missouri. He said without the physical studies the decision rested with the oral history.

Don, Bill and Ruth left the meeting at this time

VI. Report on Alaska

Karen Mudar attended the next session. She presented the Committee with an overview of the repatriation cases for the State of Alaska. She presented first on the Arctic Slope case

ARCTIC SLOPE REGIONAL CORPORATION

These cases were initiated by a representative of the regional corporation (Jana Harcharek, cultural liaison for Inupiat History Language and Culture, North Slope Borough). Several communities had withdrawn from the original joint request. We determined that the remains in the NMNH were from four communities. These have become four separate cases.

Wainwright (4 sets of remains). The case report has been sent to the community and the RO is awaiting instructions for return of the remains. We are proposing that two sets of remains be repatriated, and two prehistoric, Birnirk phase sets be retained by NMNH. There is a large assembly of objects. The community wants the objects retained by the NMNH. The proposed repatriation plan for the Wainwright material will be used as a model for the Barrow case.

Roger asked if the Birnirk material would be repatriated, if requested.

Karen said she wasn't sure, but it was clear that the material was very important scientifically.

Russell asked if the cultural affiliation of the Birnirk remains was in question.

Karen said the affiliation of the Birnirk people was not known.

Lynne asked Karen what the people from Wainwright thought about the affiliation of the Birnirk material.

Karen said she didn't know yet.

Dennis said the Birnirk material is very important scientifically. Their relationship to modern Eskimos is unclear. It is possible that they may be Siberian.

Lynne asked if Jana Harcharek had been replaced as representative.

Karen said yes. Emily Wilson, who is Inupiat, is her replacement. Ms. Wilson came to the RO last year with a group of elders.

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Inupiat, and will notify the community in Anaktuvuk Pass and communities in the Doyon Regional Corporation.

Point Hope (312+ sets of remains). This case was initiated by the Borough, and the RO began documentation of the physical remains. The cultural liaison for the Borough informed the RO that the people of Point Hope objected to the documentation. The RO stopped doing the documentation. Subsequently, we were informed that the people of Point Hope would represent themselves in repatriation matters. We then contacted the IRA Council and the village corporation, directly. They invited us to meet with them in Point Hope. After a meeting between Karen Mudar, Beth Miller, the mayor of Point Hope, and the Elders Council, the RO was encouraged to finish documentation of the physical remains. We anticipate a repatriation of these remains in August.

Dennis said that the Point Hope people may be interested in having these remains documented because they were concerned with radiation poisoning and the resultant bone tumors in the historic population. The remains from Point Hope were from the pre-nuclear age. The Museum may want to take bone samples and will want to retain them for future studies.

Lynne asked why the Point Hope people had ever agreed to be represented by the borough.

Karen said that the borough had made the original claim on all the villages' behalf.

Dennis explained that normally the native regional corporation handles all business for an area.

Karen said that the RO made a decision to work at the local level. The Point Hope artifacts have been documented and will be returned with the remains.

Barrow (approx. 150 sets of remains). The people of Barrow are also representing themselves in repatriation matters. Their repatriation representative is Jana Harcharek, who has left her former position with the Borough. The RO stopped documentation of the physical remains when requested by the regional corporation, but has not received encouragement from the community to finish the work. They have not communicated with the RO, although letters have been sent. The RO has decided to complete a report encompassing the remains from the 18th-20th century which have been documented and will be offered for return. We hope that communication over return of the historic-age remains will facilitate discussion of completion of documentation for the rest of the remains associated with this claim. We do not know if the corporation represents the villages.

Russell asked if the Committee should contact Jana at the next Keepers of the Treasure meeting.

Karen said she thought that was a good idea.

Roger pointed out that the Keepers had never acknowledged the participation of the Review

Committee in the Keepers of the Treasure-Alaska meeting in Nome.

Lynne suggested writing to Gordon Pullar to point this out.

Andrea thought this was a good idea particularly considering the Committee's commitment to doing outreach.

Karen said that agreements the NMNH can broker with native groups will have an impact on other museums. The funerary objects for the Barrow remains are not at NMNH. They are at the University of Pennsylvania. Stuart and Karen had gone to document the objects.

Dennis said there was a converse situation with another site, where the NMNH has the funerary objects and the American Museum of Natural History has the human remains.

BERING STRAITS REGIONAL CORPORATION

The regional corporation has made a request on behalf of the constituent communities, who have given authority to the repatriation coordinator, Vera Metcalf, to act on their behalf. She has requested that the repatriation work proceed on a community-by-community basis. They are, essentially, treated as individual cases.

Golovin-White Mountain-Elim-Koyuk (approx. 143 sets of remains)-These communities in northeastern Norton Sound are cooperating in the repatriation of remains from this region. They endorsed the physical documentation, but requested that the work be done in Alaska. This was completed by Richard Scott at University of Alaska at Fairbanks. Karen Mudar in conjunction with Richard Scott held a consultation in Fairbanks with a delegation from Golovin and White Mountain to discuss the findings of the physical documentation report and to plan the repatriation. The delegation was adamant in their request that the RO provide wooden boxes for all of the remains, and provide helicopter transport for the remains and the community elders to a remote area for reburial ceremonies. Karen informed them that this was not possible. At present, the Native communities are exploring other avenues for obtaining boxes and helicopter transport. We anticipate a repatriation in August, from Fairbanks, which will necessitate repacking the remains in Fairbanks. This case was the first time that scientists outside the RO had used the physical documentation protocol. They identified some problems with it. One problem identified was that there was no distinction made between when a characteristic was absent versus when missing because that piece of the skeleton was missing. This makes it difficult to perform statistical measurements on the collection. This problem has been corrected. Two staff people from the RO will have to go to Fairbanks and reintegrate the skeletons. Karen thought it would take two weeks to do this.

Russell asked if the Native people wanted to send a representative to Fairbanks.

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Russell asked if the Native people wanted to send a representative to Fairbanks.

Karen said she was discouraging it. However, if they insist, we will ask the Review Committee for support. The people do not want any support from the RO.

Russell asked if Matt Gamley was facilitating the process.

Karen said he was.

St. Lawrence Island-western Seward Peninsula (800+ sets of remains)-Vera Metcalf has requested that we repatriate the remains from this area, and has indicated that these communities do not endorse physical documentation of the remains. Karen, Tom, Steven Street (a consultant in Alaska) are going to four communities in late March to discuss physical documentation with the Native communities. Vera Metcalf and Herb Anungazuk will assist with translation. Karen could not anticipate at this time what the outcome of these consultations will be. If we are unable to get an agreement from the villagers, we will have to go back to the SI Provost and ask him how to proceed.

Russell asked if the documentation could be done in Fairbanks.

Karen said she didn't think so. She didn't think the museum could afford it. There are too many remains.

Gillian asked Karen to clarify for the Committee which aspects of this project the RO wanted the Review Committee to fund.

Karen asked the Committee to fund as much of the project as they felt they were able.

The Committee made it clear that they didn't feel that they could pay for the Repatriation Office staff to hold meetings with native people in order to convince them to allow studies to be done that the native people did not want. The Committee felt it could support translators to facilitate communication and agreed to support the travel for Herb and Vera.

Lynne felt that the Review Committee could not support RO staff in the event of a dispute arising in the future with the case, thereby causing a conflict of interest for the Review Committee.

Karen said she understood. There was the potential for a dispute arising in the future.

Gillian pointed out that the agreed upon use of this money was for native people to consult with the Museum about the progress of cases.

Roger said he thought the money should be reserved for native people to participate in consultation meetings.

Dennis said the Museum needed to think about the future of funding for Alaska travel due to budget cuts.

Bill asked if the Committee would help fund a contractor to assist with packing collections.

Russell said he thought that was within the Committee's purview. (However, a decision to do so was not made.)

NANA REGIONAL CORPORATION (Northwest Alaska Native Association)

A committee of representatives from regional entities has initiated a claim on behalf of all of the communities in this regional corporation.

Kotzebue-Kobuk-Deering-Selawick-(4-5 sets of remains). Research on this case has found that the remains are from four communities; one set of remains is potentially identifiable to family and may be handled as a known person. We are preparing a report and have informed the requesting group that authorization from all the villages will be needed before the remains can be transferred to them. They have requested that they come to Washington and escort the remains back to Alaska. One of the representatives is Rachel Craig who is a NAGPRA board member. Rachel had planned to bring two elders to the NMNH to consult on this case, but the trip had to be canceled due to the government furlough. We plan to reschedule this trip and at that time they will escort the remains back to Alaska.

Russell said that the Committee would support two visitors.

DOYON LIMITED REGIONAL CORPORATION

The repatriation coordinator has made a claim on behalf of all the communities in the region (approx. 100 sets of remains). They are in the process of providing resolutions of authorization, and we are handling this as one case. About ten communities are involved; nine have given support for physical documentation. The remaining one has encouraged inventory and observations, but not measurements or photographs. We have not addressed this issue yet. The documentation is proceeding, a report is being prepared and we anticipate a repatriation in September. The representative we are working with is Setiva Quinn.

CALISTA REGIONAL CORPORATION

The communities in this regional corporation are each making individual repatriation claims. The office has received one claim, from the community of Mekoryuk on Nunivak Island.

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Nunivak Island (153 sets of remains)- The village IRA council has made a claim for the return of human remains and funerary objects from the island. They have endorsed the physical documentation, but have requested that the work be done in Alaska. The RO has made arrangements for the documentation to be done by Richard Scott. The funerary objects are part of a collection made by Henry Collins. The Arctic Studies Program at NMNH is putting together a book on this work, which will include a catalogue of the collection and publication of Collins' diary. The RO is cooperating with Arctic Studies in this endeavor. We anticipate that the repatriation report will be part of the publication. The Review Committee supported the travel of two of the elders for the recent consultation.

The Native community is willing to leave the objects in the NMNH until the project is completed. Because the repatriation involves only the human remains, at this time, the RO feels that it can meet the August return date requested by the community. The remains will be returned from Fairbanks. A Repatriation Office staff member will have to repack the boxes for transport to Nunivak Island. Details of the return were worked out while the delegation was visiting Washington D.C. They have asked if one village member could go to Fairbanks and escort the remains home. One of their representatives came to the RO physical lab to look at the remains and learn about the protocol.

The Committee thanked Karen for meeting with them. Karen left the meeting at this time. Dennis also left the meeting.

VII. Discussion on the Steed-Kisker Volume

Bill Billeck attended this session.

Russell said Tom indicated he wanted to give the Review Committee feedback from the Repatriation Office on the Pawnee case but unfortunately he was not able to be here. The Committee needed to work out procedures for dispute resolution. Russell said he also wanted to talk about the Steed-Kisker volume.

Bill said that the RO was planning to put out a volume after the completion of the case in coordination with Walter and Roger Echo-Hawk.

Russell said he felt that the Review Committee should handle the editing of the volume. He had discussed this with Tom.

Bill was concerned with a potential conflict of interest.

Russell said it could also be a conflict of interest were the Repatriation Office to publish the volume.

Lynne said she had talked with Tom about what the focus of the volume will be.

Russell said one focus could be the dispute process. It could also include a perspective from all parties or it could focus on the situation with the Osage and Kaw and the history of the case.

Bill said perhaps the Repatriation Office, the Review Committee and the Pawnee could each present their case, however, the situation had changed with the inclusion of the Osage and the Kaw.

Russell said another possibility was to look at the whole Pawnee case and include Steed-Kisker as one component of the case.

Lynne said the Committee had prepared an outline of the volume.

Russell thought the issue should be tabled until Tom could be present.

VIII. Meeting with Lauryn Grant and James Douglas, Office of the General Counsel, SI

Lauryn introduced Jim Douglas, Deputy General Counsel, the Freedom of Information Act (FOIA) expert for the Office of the General Counsel.

Jim explained that the Smithsonian considers itself to be exempt from FOIA because the law only applies to federal agencies. The Department of Justice supports the Smithsonian. Four years ago, a district court judge ruled against the Institution on this. The case has moved to the Court of Appeals. Although there were technical difficulties which have delayed its hearing, the Court of Appeals said it thought it was a reasonable position to take. However, the Smithsonian has said it will comply with the spirit of FOIA. The Institution reviews a request and determines if the material requested falls under FOIA or not. Some information, such as "pre-decisional" and trade information, is exempt from FOIA. The Department of Justice has advised federal agencies to disclose as much as possible. The Institution agrees with their recommendation. He asked what relationship the Review Committee had with the Institution. He thought the Review Committee was an advisory board and the deliberations of the Review Committee are a function of the Smithsonian and, therefore, the rules that apply to the Smithsonian apply to the Review Committee.

Since the Review Committee was advisory to the Smithsonian and the Secretary was responsible for making the final decision, the Secretary could ask to review the information.

Russell agreed, saying that the Review Committee served at the pleasure of the Secretary. He wondered if reports to the Secretary were Smithsonian property or Review Committee property. He also asked if Jim could give the Committee guidance on whether or not minutes

to meetings were to be released. He said they were particularly interested in "in-camera" information and information that tribes may provide to the Committee to aid in decision-making.

There was some discussion about wether or not the Committee fell under the Federal Advisory Committee Act. After a review of the NMAIA, it was determined that the Review Committee was exempt. This meant that their meetings were not required to be open. If their meetings had to be open, then the minutes from those meetings would have to be made available to the public.

Jim said the Committee could make an independent decision to release their minutes. He also recommended following SI policy, which was to provide as much information to the public as possible. He felt that if the meeting minutes were "pre-decisional", they should be considered exempt from FOIA. The Secretary's decision on the case would be subject to release, but the recording of the deliberations from which that decision came would not be.

Lauryn explained that the RO has released all reports pertaining to the case and asked if the Institution could justify releasing those but not the minutes.

Jim said that minutes are different. If they are part of a deliberative process, they can be considered exempt.

Russell explained that the oral testimony of the Pawnee had not been released. He wondered if they could release it without the Pawnee's permission.

Jim asked what agreement had been made with the Pawnee.

Russell said none; that portion was not in-camera. However, they did approve the recording of the presentation.

Jim said he thought that the Institution should allow the Pawnee to decide whether or not they wanted the information released.

Lynne asked if the Committee could allow the minutes to be released but not the tapes.

Jim said that was an option. Another option was to release a summary of the minutes. He asked if there was an understanding that this information would be released.

Lauryn said no one had anticipated the need to release information.

Russell explained that the Committee expected all parties to present their oral testimony at a joint meeting. All claimants will have submitted written evidence in advance.

Jim asked if all parties' information would be assessed anew.

Gillian said she thought the intention was not to use the previous evidence to allow other tribes to refute the Pawnee, rather that the Committee intended to review all evidence as if this was a new dispute.

Roger agreed and said the Review Committee was trying to find out what evidence these other tribes have in support of their case. He asked who at the Smithsonian decides what information is to be released.

Jim said it was his responsibility. He asked if the Secretary approves the Committee minutes.

Gillian said no, he only receives them at the end of the year as part of the Committee's annual report.

Lauryn felt that all written reports should be released, but minutes and tapes should not be released. They should be considered pre-decisional.

The Committee agreed.

Russell thanked Jim Douglas for meeting with the Committee. Jim left the meeting at this time.

IX. NMAIA Amendment

Pablita Abeyta, Office of Government Relations, attended the next session. She explained that after the Senate Committee on Indian Affairs hearings on NAGPRA, she met with the staff from Senator Inouye's and McCain's offices. The Institution was told that the Senate wants the Smithsonian to prepare inventories on the human remains. They are going to allow the Institution to draft the language. The Institution has a few months in which to prepare something. We will not be included under NAGPRA, but the NMAIA will be amended to reflect NAGPRA. We would keep the Review Committee and the NMAI board in tact and all repatriation funding in tact. The Institution has also been asked to submit budget implications and a time line.

Roger asked if all of the Smithsonian would be affected or just NMNH.

Pablita said that NMAI has said they have completed their inventory process.

Paula said they have not done a shelf by shelf inventory.

Russell said that NMNH has sent out INQUIRE printouts.

Lynne asked Pablita how worried she was about turning in language that the Committee didn't like.

Pablita said that they will be given several opportunities, but it must be in a form that is acceptable to the Committee. She thought we had until March to develop the language.

Pablita and Lauryn left at this time.

X. Review of Review Committee trip reports

Dennis attended this session.

Roger presented information on his participation in the Western Apache repatriation meeting. He said the meeting went very well. He made sure people understood the differences between the NMAI and NAGPRA. He said there had been no discussion on the RO Apache human remains report, although people had seen it. Chuck Smythe had told Roger prior to the meeting that an Apache ethnographic summary was in progress. Roger informed the people at the meeting about this. He thought the Apache were well organized, particularly White Mountain and San Carlos. There were no negative comments about the Smithsonian from the participants.

Russell said he had been invited to present at a UCLA NAGPRA training class by Reba Fullar. He presented on repatriation at the Smithsonian and gave an overview of the functions of the Review Committee. Reba was very supportive of the Smithsonian. He received questions about Memorandums of Agreement among tribes, state recognized tribes, and the different types of Smithsonian collections. They were particularly interested in song recordings and wanted to know if these were subject to repatriation or could be shared with tribes. He has also been invited to present at a similar training in Sacramento. He asked the other Committee members if they thought this was a good idea.

There was some discussion on the Keepers of the Treasures meeting. Roger said he was already planning to attend because he had been invited to speak on Zuni repatriation. Russell and Andrea said they would also like to attend. It was agreed that three Committee members; Russell, Andrea, and Roger would attend and receive one day of travel and two days of meeting fees.

Russell said he had spoken with Phillip Walker, NAGPRA committee member, about the next NAGPRA hearing. He was told it would be held in June in Oklahoma.

Friday, February 16th, 1996

XI. Committee In-Camera Session

The Committee held its in-camera session and the meeting was adjourned at 2:00 pm.

APPENDIX C

Minutes of Meeting on May 14-15, 1996

Final Repatriation Review Committee Meeting Minutes May 14th and 15th, 1996, Washington, DC National Museum of Natural History Prepared by Gillian Flynn, November 13, 1996

Review Committee Participants:

Roger Anyon, Lynne Goldstein, Andrea Hunter (Vice-chair), Russell Thornton (Chair), Christy Turner

Smithsonian Staff Participants:

Gillian Flynn, Repatriation Review Committee Coordinator, NMNH Robert Fri, Director, NMNH
Thomas Killion, Program Manager, Repatriation Office, NMNH
Dianne Niedner, Acting Associate Director for Administration, NMNH
David Pawson, Acting Associate Director for Science, NMNH
Ruth Selig, Special Assistant to the Provost, SI
Dennis Stanford, Chairman, Department of Anthropology, NMNH

Tuesday, May 14th, 1996

I. Introductory Remarks

Russell Thornton welcomed the new NMNH Director, Robert Fri.

II. Review of Repatriation Review Committee Expenditures

Gillian Flynn reviewed the Repatriation Review Committee budget. The Review Committee budget has a balance of \$211,614. This amount does not include the anticipated 1996 allocation of \$106,000. Through September 1996, she anticipated an additional \$46,000 in expenditures for the Southeast conference, the NAGPRA hearings in Billings, MT, and repatriations to Golovin Bay and Kotzebue, AK, and the Quileute and S'Klallam tribes. The Committee had agreed in past meetings to reserve \$100,000 for tribal travel for repatriations and 100,000 for tribal travel for consultations.

Russell mentioned that the Review Committee might like to hold an open meeting/conference in Oklahoma next Spring.

Andrea said people in Oklahoma comment frequently that they would like a workshop on repatriation.

Russell said there was also a request for a conference in the Northeast.

Lynne asked Gillian to update the Review Committee on the Southeast conference scheduled for September.

Gillian explained that the dates of September 11 and 12 had been set for the Southeast conference. The focus will be the consultative process between the Smithsonian museums and tribes. There will be a field trip to a local archaeological site, and a traditional dinner and dance hosted by the Mississippi Choctaw. The conference will be held at the Silver Star resort, owned and operated by the Mississippi Choctaw in Philadelphia, Mississippi. Gillian is handling the contract negotiations with the hotel and Alyce Sadongei from NMAI is putting together the mailing list, preparing the agenda and developing the invitation flyer.

Gillian updated the Review Committee on the expenses expected to be incurred for the Golovin Bay repatriation. She summarized the expenses so far which included the documentation of the remains (\$48,000), travel from Golovin to Fairbanks (\$4,500), and the shipment of the remains to Fairbanks (\$1,500). She said that anticipated additional costs would include travel for two people from Golovin to Fairbanks to escort the remains back to Golovin (\$1,800), a trip to Washington DC to escort the funerary objects to Golovin (\$2,000), the shipment of the human remains collection from Fairbanks to Golovin (\$2,500), the packing of the collection in Fairbanks by two RO staff (\$5,150), the rental of a helicopter to transport the collection to remote burial sites (\$1,000) and the hiring of a boat to transport the remains to the base of these sites (\$400). She stated that minus the cost of the documentation of the remains in Fairbanks, this repatriation could cost up to \$19,000. She pointed out that it would be unlikely that the SI could pay for the use of a helicopter due to legal and insurance problems.

Russell said that the \$48,000 could not be included in the cost of this return, because this documentation was not done at the request of the tribe. He said Jack Fagerstrom, the NAGPRA representative for Golovin Bay, would be requesting funds to rebury the remains. He also wanted to escort the funerary objects from Washington to Golovin and the human remains from Fairbanks to Golovin. Russell had explained to Mr. Fagerstrom that his proposal needed to be submitted two months prior to the time he wished to undertake the repatriation.

Russell asked if it was RO policy to return remains to their original burial place. He said he thought the Smithsonian had given the Golovin people the choice of having the remains documented in Alaska or in Washington when they had objected to having the remains documented at all

Tom disagreed. He said that the Golovin people had asked for the documentation to be undertaken in Alaska.

Russell said that this was an issue of allocation of money and that some money may have to be redirected from documentation to reburial.

Lynne pointed out that it may not be possible to use a helicopter.

Roger suggested that the Committee agree to support the travel of one person to Washington, and one to Fairbanks, or the travel of two people to one of those two locations. The Repatriation Office will be paying for shipping the remains to Golovin. The only two issues that remain are the helicopter and the boat.

Dennis thought that the National Park Service or the National Guard could assist with those arrangements. He volunteered to help with this.

Tom said the RO would like to see this case close on a positive note.

Roger suggested deferring discussion of the boat and the helicopter until more information was available.

The Committee agreed to fund the travel to Washington and Fairbanks. Dennis had said he would pursue the possibility of helicopter transportation. The Committee would wait for this information and the proposal by Jack Fagerstrom before making a decision on other aspects of the request.

III. Update on the NMAIA Amendment

Tom updated the Committee on the NMAIA amendment. The NMNH, the NMAI and the Secretary's office have written the proposed amendment language. The Senate Indian Affairs Committee had wanted us to respond to their concerns about deadlines and to include the categories of sacred objects and objects of cultural patrimony. The new deadline for completion of inventories is June 1, 1998. Chuck Smythe expected to complete the production of ethnographic summaries this year. John Berry and Pablita Abeyta of the Office of Government Relations expect the Senate to require an amendment. Stuart Speaker has been promoted to Case Officer in order to produce these human remains inventories using INQUIRE printouts. He will produce simple itemized lists including geography and cultural affiliation where available.

Lynne asked if the RO planned to proceed with the production of human remains inventories even if the amendment doesn't go through or is delayed.

Tom said yes, we would complete the process ahead of the deadline in the amendment. He expected to go to the Billings-NAGPRA meeting and announce this. He said being able to commit to deadlines was important and would go a long way to allaying criticism that the Smithsonian is not compiling with NAGPRA.

Robert Fri said that the Secretary intended to send a letter to the Senate stating this policy. This letter has already been approved.

Roger thought it was important to agree to a deadline.

VI. Update on Alaska Cases

Tom updated the Committee on his trip to the Seward Peninsula. He and Karen Mudar went to the villages of Savoonga, Shishmareff, Wales, Nome, and Gambell. Vera Metcalf., representative for the Bering Straits Foundation, had said that the villages had reservations about the documentation of human remains (700 sets of remains). Steven Street went with Karen and Tom to talk about physical documentation. Vera and Herb Anungazuk (National Park Service) acted as translators. The RO had estimated that it could take up to three years for the documentation to be completed. People were troubled with how long the documentation would take and some people thought it was disrespectful to the remains. They said they wanted the remains returned by next summer. The cultural affiliation of the remains is very clear. They were victims of epidemics. There has already been extensive research done on these remains. Karen has met with the researcher who has agreed to provide the RO with his documentation for our data base. Tom will inform the SI administration that we wish to comply with the villages' request to not undertake extensive documentation. We anticipate having to scale back documentation due to budget constraints, in any event. Shishmareff, Nome, and Wales are interested in historical archaeology. Gambell and Savoonga agreed to support the documentation of sex and age for the 250-300 sets of remains.

V. Update on the Steed-Kisker Case

Tom updated the Committee on the Steed-Kisker case. The Kaw, Oto-Missouri, Ponca, Osage, Iowa, and Pawnee Tribes requested the extension of the Review Committee's deadline for submission of outlines while they try to develop a joint claim.

Russell summarized the review process for this case for Mr. Fri. He explained that the Review Committee had suggested procedures for proceeding with the review of this case to the tribes involved. The tribes received the procedures. The Pawnee held a meeting of all interested tribes with the exception of the Osage, who had a scheduling conflict. The tribes involved are trying to work out a Memorandum of Understanding (MOU) for a joint claim. There will be one more meeting.

Russell asked Gillian to distribute copies of the MOU to the other Review Committee members. He said he had spoken with James Pepper Henry (Kaw representative) about the deadline for the submission of outlines. This deadline has been postponed while they try to work out a decision. Pepper Henry said he didn't want to submit an outline during this negotiation process because some of his information could be offensive to the Pawnee and could derail the negotiation process. Russell also asked Gillian to distribute copies of the Kaw letter. He said he would telephone the tribes after their May meeting. Their decision will have to be approved by all the

tribal councils. The MOU may contain a clause that precludes any relinquishment of land claims. Pepper Henry said they didn't know where the remains would be reburied. Bill Billeck is going to a meeting in May where repatriation will be discussed.

Tom said that Bill had just distributed the Mandan-Hidatsa human remains report to the RO for internal review. The Arikara case is still in process. Bill expects to complete it next year. The Committee may want to discuss the documentation of the Arikara archaeology objects. There are approximately 14,000 -17,000 objects which will take another year to complete at a cost of \$25,000. Tom asked the Committee to assist with the funding of a contract to complete this work.

Robert Fri left the meeting at this time. Dave Pawson and Dianne Niedner also left. Ruth Selig remained.

Tom presented a draft letter that he had recently received from the Provost's Office stating the deadlines for the completion of inventories and summaries.

VI. Notification of Potentially Affiliated Tribes When Another Tribe Makes a Claim

Tom said that the Review Committee had made a suggestion that notification to other tribes should occur as soon as a tribe had made a claim. He pointed out one problem with this suggestion. He said it is difficult to send out information prior to a report being completed. It is RO policy to disseminate only accurate information

Lynne said that the real issue was that one group may not receive notification that another group has made a request. The Committee had recommended that in cases such as these groups receive notice that a claim has been made, rather than waiting until a case report has been completed.

Russell pointed out that there were three federally recognized groups of Cherokee and that if one group made a claim the others would want to know.

Tom agreed that all groups within a tribe should be notified when any group makes a request.

Lynne thought problems would be created were this not done.

VII. Research Access to Collections

Tom said that he and Dennis have spoken about this issue. It is the Anthropology Department's policy that research access to a collection does not cease when a request for repatriation is submitted. Research access is only curtailed when a report recommending repatriation has been approved by the Secretary. At that point, any researcher would need to get the permission of the

tribe.

VIII. Dissemination of Review Committee Information

Tom asked if the Smithsonian could distribute the Review Committee's decision on the Steed-Kisker case. He referred to the Pawnee's request to include the Steed-Kisker decision in the Ritual Object Foundation publication. At the time it was felt that it should not be disseminated. Can the Museum include it in information packets?

Russell said the Committee's concern was not that it not be disseminated, but that it be reproduced and disseminated without the Review Committee's permission. He suggested copyrighting the decision.

Tom agreed to check with the General Counsel's office about copyrighting.

Tom invited the Committee to review the Repatriation Office homepage at the Congressional Open House. He explained that it includes information that is normally distributed in the information packets.

IX. Budget and Personnel

Tom said he thought Roger's review day went well. He and Roger had talked about the length of time it takes to complete the documentation and review processes for a case.

He informed the Committee that the move of the physical lab up to E525 would occur in August or September.

Tom reminded the Committee that there will be some impact in taking Stuart off Alaska cases. He will be working with Ashley to develop inventories but will finish the Doyon case first.

Tom discussed personnel issues. He said the RO could not hire any more staff. Jim Harwood's, Janet Kennelly's and Tammy Bray's positions will not be re-filled. How many contracts the office can support will also have to be evaluated. We will continue to need assistance on the Arikara case.

Ruth Selig and Dennis Stanford left the meeting at this time.

X. Update on Society for American Archaeology Task Force on Indian Relations/Repatriation

Lynne gave an update on the SAA's repatriation task force. She said she was no longer chair. Bill Lovis has replaced her. The purpose of the task force is to keep track of what is happening in repatriation. It originally assisted in the drafting of language for NAGPRA. It monitors the NAGPRA Committee. Its most recent issue is the appointment of new NAGPRA Committee members. Phillip Walker is the only human remains researcher on the NAGPRA Committee. The SAA has recommended three nominees; Phil Walker, John O'Shea, from the University of Michigan, and Dean Snow. These three individuals have done extensive research on collections. The SAA thought that collections/research interests should be represented. Other member of the SAA task force include Bill Lovis (chair), Phil Walker, Vin Steponaitis, Keith Kintigh, John Ravesloot, Dick Ford, and Judy Bense (ex-officio). Tammy Bray has been invited to join.

Tom asked Lynne what happened with the regulations for the disposition of unknown human remains.

Lynne said the NAGPRA Committee hadn't expected as many comments as they received. The SAA task force meets with Frank McManamon, Department of the Interior Consulting Archaeologist, at least once a year.

The Committee discussed their representation at the Billings, Montana NAGPRA hearings. Gillian would be attending and Tom would represent the Repatriation Office. It was decided that Russell and Andrea would represent the Review Committee.

Tom informed the Committee that he and Chuck Smythe had met with Lawrence Hart to discuss the development of an exhibit on Cheyenne culture that would display Southern Cheyenne funerary objects. A tentative title for the exhibit was "Cheyenne Family Values." The funerary objects represent a child's burial bundle. The exhibit could open in Oklahoma and Montana and then be on display here at the Smithsonian. There had been a conscious decision on the part of the Southern Cheyenne not to repatriate this material in order to allow its use for educational purposes.

XI. Discussion on the Steed-Kisker Volume

Russell gave an overview of the issue. He said that the idea of doing a volume was first discussed at the Denver meeting with Walter Echo-Hawk. They thought a volume on the case would be interesting but needed to wait until after the review of the case was final. Lynne agreed to prepare an outline. It was discussed again at the Committee's November meeting.

Lynne said the idea was for Bill to have a major role but the Committee did not feel he should be an editor because it would seem too one-sided. Lynne had discussed the idea for the volume with

Dan Goodwin at SI Press who thought it was a good idea and felt it was also a good idea to have Lynne and Russell edit it.

Tom asked the Committee if they had an outline. He wondered what the volume was about.

Russell said they did have a draft outline but were not planning to continue working on it until after the case was resolved.

Tom thought that was a good idea and said that was also one of Bill's concerns.

Russell said topics for the volume might include a culture history of the Pawnee Tribe and how the Steed-Kisker case first arose. He and Lynne would prepare something on the dispute. Andrea would write an article on lithics and subsistence. Each Review Committee member would prepare something on their evidentiary reports.

Lynne said she thought that Bill would do the history of the collection and Roger Echo-Hawk would prepare something on Pawnee oral history.

Russell said Walter would prepare something on his perspective on the case.

Lynne said there would also be outside commentaries.

Russell pointed out that with the recent events that involved the Middle Mississippian tribes, the focus of the volume would have to change.

Tom thought it needed to wait until the dispute was resolved.

Russell thought Bill would be able to write a large portion of the volume.

Tom said Bill didn't want to put a lot of work into the volume and then receive little credit. So he may not want to participate.

Christy asked if other case officers have produced publications.

Tom said he and Tammy did the Larsen Bay volume. Karen is working on a volume on Alaska. There is also a Plains volume in process. Bill is working on that volume and he may not want to do another one.

Lynne pointed out that if Bill were to be an editor, then Roger or Walter Echo-Hawk would have to be an editor in addition to Lynne and Russell.

Russell said he didn't think anyone in the RO should be an editor, because this may be a model for how a dispute resolution should work. Bill will receive plenty of credit for his chapters.

Roger asked if Bill understood that he would be doing a lot of the work.

Tom said Bill didn't know what his role would be. If he doesn't want to participate, that's his own decision, because it would be work done on his own time. Tom said he would follow up with Bill.

Christy asked if Bill disagreed with the Committee decision on the Steed-Kisker material.

Tom said he probably did and that his position would most likely be reflected in his articles for the volume.

Russell suggested that Tom speak with Bill. Lynne would get in touch with Bill after Tom had had a chance to speak with him.

The Committee asked Gillian to distribute Roger Echo-Hawk's article, "Forging a New Ancient History for Native Americans."

Lynne wanted Bill to be assured of his control over the content of his articles.

The Committee also asked to receive copies of Roger Echo-Hawk's master's thesis.

XII. Committee Meeting with Tom Killion

The Committee met in-camera with Tom Killion. Part of the discussion centered on Gillian's term expiration and the Committee's support for renewal. This portion of the meeting was not recorded.

Tom left the meeting at this time.

XIII. Visit to the Museum Support Center

The Review Committee went to the Museum Support Center to look at the Steed-Kisker objects. They were escorted by Gillian Flynn and Bill Billeck.

Wednesday, May 15, 1996

XIV. Committee In-Camera Session

The Repatriation Review Committee held its In-Camera meeting.

The meeting was adjourned.

APPENDIX D

Monitoring the Repatriation Office: Summary Results and Recommendations

MONITORING THE REPATRIATION OFFICE: SUMMARY RESULTS AND RECOMMENDATIONS

Roger Anyon Repatriation Review Committee Member

May 27, 1996

On May 13, 1996, I met with selected RO staff to monitor the RO. My focus was on the time it takes to process and complete a repatriation request once it has been received at the RO, and ways that the process may be streamlined without compromising the need for adequate documentation of cultural affiliation. I formally met with the following staff; Tom Killion (Program Manager), Elizabeth Miller (Physical Lab), Chuck Smythe (Ethnography), Ashley Wyant (Documentation), Karen Mudar (Case Officer), and Dennis Stanford (Chair, Dept. Of Anthropology). At lunch I informally met with Gillian Flynn (RRC Coordinator) and Stephanie Makseyan-Kelley (Case Officer).

This report summarizes the major points that may be considered by the RO to assist in streamlining the repatriation process.

- 1) In some areas of documentation there could be the potential to lose sight of the RO's mission. The RO is dedicated to assessing the cultural affiliation of Native American human remains, funerary objects, and other cultural items, and determining the need for repatriation. The RO should strive to constantly assess the necessity of any aspect of documentation if it does not directly further the goal of assessing cultural affiliation and repatriation.
- 2) Flexibility in the documentation process will become more and more critical as the RO work load increases. With more prehistoric cultural affiliation cases on the horizon and with the need for ethnographic documentation expected to increase dramatically in the coming years flexibility in the entire process, especially documentation, will be a key element of success.
- 3) Compliance with NAGPRA inventories, soon to be a requirement of the RO through either legislation or agreement with Congress, will cause some disruption in the already established schedules as staff and resources are dedicated to the task of complying with NAGPRA. This fact should be acknowledged to affected tribes, communities, the Secretary, and Congress.
- 4) The imminent move of the Physical Laboratory into the area adjacent to that used by the RO will create some temporary downtime for the protocol documentation, and perhaps some temporary disruption of the entire RO. Once this move is completed the RO should resist any further requested moves of any portion of its operation. Stability of location will be an important aspect of future RO effectiveness.

- 5) Effective communication between RO staff, and between RO staff and the Anthropology curators, is an aspect of repatriation important to a timely and high quality product. The move of the Physical Laboratory into its new quarters should enhance communication throughout the RO. Time is of the essence in the entire process, including reviews of reports and documentation. Keeping to time frames and deadlines is a critical aspect of successful repatriation efforts. Implementing additional mechanisms to promote timeliness of product and review are encouraged.
- 6) The RO needs more funds and staff to allow it to adequately complete cultural affiliation determinations of all the NMNH holdings of Native American human remains, funerary objects, and other cultural items in a timely manner. Congress should understand that actions such as budgetary cutbacks and hiring freezes only delay the process of determining cultural affiliation and thus repatriation.

APPENDIX E

Minutes of Meeting on September 10, 1996

Final Repatriation Review Committee Meeting Minutes September 10, 1996, Philadelphia, MS Prepared by Gillian Flynn, December 5, 1996

Review Committee Participants:

Roger Anyon, Lynne Goldstein, Andrea Hunter (Vice-chair), Russell Thornton (Chair), Christy Turner

Smithsonian Staff Participants:

Gillian Flynn, Repatriation Review Committee Coordinator, NMNH Thomas Killion, Program Manager, Repatriation Office, NMNH

Tuesday, September 10, 1996

I. Introductory Remarks

Russell Thornton welcomed the Committee. He reviewed the agenda for the day. He said the Review Committee needed to discuss the Repatriation Review Committee Annual Report which was due at year's end. He said he also needed to update the Committee on the NMAIA amendment and the plan to add two new members to the Committee. He hadn't heard from Provost O'Connor. There was a plan for a delegation from the Review Committee to meet with the Provost in October in Washington, DC to discuss the issue. He thought the delegation should also meet with Pablita Abeyta and Lauryn Grant. The Committee would be meeting with Tom Killion at the present meeting to discuss this issue.

II. Review of Repatriation Review Committee Expenditures

Gillian Flynn reviewed the Repatriation Review Committee budget. She informed the Committee that their current balance was \$263,291. She also informed them that \$8,996 was spent on tribal travel for repatriation in 1995. In 1996, the amount was \$21,681. They had also spent \$16,510 on consultation grants in 1996. The Committee had originally ear-marked \$100,000 for repatriation grants, which left \$69,323 available. They had also ear-marked \$100,000 for consultation travel grants, leaving \$83,490 available. She said they should expect their 1997 budget in November and it should be \$152,000.

III. Review of May 1996 Repatriation Review Committee Meeting Minutes

The Committee read and reviewed the May 1996 meeting minutes. They were approved as amended.

IV. Update on NMAIA Amendment

Russell updated the Committee on the NMAIA amendment. He said he had sent a letter to the Provost regarding the Review Committee being uninformed about the recommendation to add members to the Committee. He said he had not heard back from the Provost. The date of October 29th had been set for a delegation of Review Committee members to travel to Washington, DC to meet with the Provost, Lauryn Grant and Pablita Abeyta to discuss the issue.

Lynne thought it was very important that the Provost be informed when the Committee was upset.

There was discussion about the makeup of the delegation to go to Washington. Russell asked who wanted to go to Washington. It was suggested that the delegation consist of Russell, Lynne, and Andrea. Russell thought at that meeting they could have a discussion about who should make up the selection committee. He explained that there had been a meeting of Tom, Pablita, Lauryn, Gillian, and Ruth Selig to discuss the procedure for the nomination and selection of the two new Committee members. This meeting produced some suggestions which were sent to the Committee members from the Provost's Office. Russell had objected to the suggestion that the Repatriation Office and the NAGPRA Committee each have a member on the selection committee and sent a reply to the Provost making other suggestions.

Lynne asked what the point was of having a NAGPRA Committee member on the selection Committee.

Gillian explained that it was Pablita's idea who thought it would alleviate the criticism that the Smithsonian had not involved the public in the selection process of the initial Review Committee. Pablita felt there was a perception that although the Smithsonian had accepted nominations from the public, the Smithsonian Secretary had controlled the selection process. The NAGPRA Committee, on the other hand, is seen as being selected by the public.

Lynne thought the call for nominations should be very public but that the actual selection committee need not be so public. She did not think that a NAGPRA Committee person should participate. She recommended that the letter to O'Connor should state both of these points.

Gillian recommended that Russell respond to the Provost's letter, explaining that the Review Committee wanted to discuss the NMAI amendment and the makeup of the selection committee. She also recommended that the Committee make alternative suggestions. This letter should be copied to John Berry and John Huerta.

Russell thought the selection committee could consist of at least Robert Fri, Dennis Stanford, and three Smithsonian Institution Repatriation Review Committee members. He thought that if the Repatriation Office needed to be represented it should be by someone such as Phillip Minthorn

because he knows something about traditional religious leaders.

Christy thought it could appear that the Review Committee was trying to control the process by having three Review Committee Members and two non-Review Committee members on the selection committee and recommended that a curator from the NMNH Anthropology Department or Rick West (NMAI) be on the Committee.

Lynne supported the idea of having Rick West sit on the committee.

Russell disagreed. He didn't support having a curator on the committee and felt that because the NMAI had their own committee and hadn't sought advice from the current Smithsonian Institution Committee members in the past, they didn't need to have someone on the selection committee either.

Christy thought that they needed to reach out to the public.

Russell thought a tribal person would be acceptable.

Roger said that the Review Committee had always argued that it was Smithsonian-wide. Phillip Minthorn would be a good choice, but it places him in an awkward position because his work is reviewed by the Review Committee. He recommended somebody from NMAI who knew about traditional people. He thought there needed to be someone with an independent viewpoint. It could also be someone from outside the NMAI, but agreed that it should not be someone from the NAGPRA Committee.

Russell wondered if it would be useful to have someone from the National Museum of American History (NMAH) because the current Repatriation Committee sees itself as having jurisdiction over NMAH. Rayna Green from the NMAH American Indian program would be good.

Gillian thought that Pablita Abeyta, Lauryn Grant, Ruth Selig, and John Berry should sit in as advisors.

Lynne wondered if it was necessary to have three people from the current Review Committee sit on the selection committee, perhaps two would be better.

Roger also agreed that two might be better.

Russell thought that the current Review Committee should have a majority on this committee, or at least an equal number of members.

After discussion, the Committee Members agreed that no one from the Repatriation Office should be on the selection committee. They felt it would be a conflict of interest.

Christy asked if the Repatriation Office was seen with favor because they were the active component of the repatriation program, and if so, wondered if it would help the Repatriation Review Committee to have someone from the Repatriation Office sit on the selection committee.

Gillian thought considering recent events, the administration would understand the Review Committee's reluctance to have someone from the Repatriation Office on the selection committee.

Russell would draft a letter to send to O'Connor.

Gillian updated the Committee on the NMAI amendment issue. She explained that there was only one more week during which this bill could be voted on before it would expire and would have to be reintroduced. The amendment might not happen. There had been an inquiry by the House of Representatives asking how much material in the ethnographic collection would be left after repatriation. There had also been an inquiry about the grants appropriation by the Senate Indian Affairs Committee. She wanted to point out to the Committee that it could be some time before new Committee members would come on board. It would probably be a year after they came on board before any increase in the Review Committee's appropriation would be seen.

V. Discussion on the Repatriation Review Committee Annual Report

Russell felt that recommendations about the amendment should be made in the annual report. He also thought a comment should be made about speeding up the repatriation process. He wanted comments from the Committee on how they thought the process could be speeded up.

Lynne asked Gillian how the Repatriation Office expected to complete the human remains inventory project by June 1998.

Gillian said that the Repatriation Office had made a commitment to completing the process on time. She suggested that they ask Tom about the particulars of the plan for completion.

Roger said the Committee needed to make recommendations about how the process could be speeded up.

Christy worried that there would be resistance by the Repatriation Office staff if the recommendations came from the Repatriation Review Committee. He suggested that instead the Committee should ask Tom to provide the Review Committee a work management plan.

The Review Committee agreed that it was a good idea.

Lynne said that, if the Repatriation Office didn't have a plan, she would be concerned. She recommended creating a priority for cases, from the most significant and largest cases to the

smallest cases.

Russell thought that some of the reports on the smaller cases were too long. The inclusion of some of the information is unnecessary for the repatriation process.

Gillian thought that any suggestions that the Committee developed should also go to the Chairman of the Anthropology Dept.

Roger suggested that recommendations be solicited from the Repatriation Office staff also.

Lynne suggested that the Review Committee, case officers, and staff from Anthropology get together to discuss this.

Russell thought something of the sort could be put together for the January meeting.

Andrea recommended that in an effort to keep more informed about cases, each Review Committee Member could be assigned to a geographic region and its case officer in order to keep up to date on cases and report back to the Review Committee.

Lynne liked the idea because unlike at the outset of the repatriation process where the Review Committee met with case officers, the Review Committee had little contact with them now. The Review Committee would be more directly monitoring repatriation. She did wonder what would happen if a dispute were to arise with regard to a case at a later date.

Andrea thought that since the Committee would just be monitoring cases, there shouldn't be a problem.

Russell suggested approaching Tom with this idea to see what he thought. He also suggested discussing it with case officers in January.

Roger didn't want the case officers to feel like they had two supervisors.

Christy worried that going outside the hierarchy of the Repatriation Office could affect morale.

Russell was concerned that the Repatriation Office had taken over the tribal dispute mediation process, a process that was supposed to belong to the Review Committee. There have been resolutions of disputes in Alaska undertaken without Review Committee involvement. If the Committee was more closely connected to the case officers, it would be more informed about disputes.

Russell asked if the Review Committee still felt it was useful to attend NAGPRA hearings, conferences, and repatriation ceremonies.

Lynne thought that attendance at NAGPRA hearings was vital. Roger and Andrea agreed. Lynne thought that if the Review Committee was invited to attend ceremonies, they should go. These events are good public relations for the Committee and presenting and attending workshops is informative.

Christy asked if the Review Committee was exempt from announcing its meetings and holding public meetings.

Gillian referred to the section in the NMAIA that stated that the Review Committee was exempt from Federal Advisory Committee Act.

Russell reminded the Committee that they had discussed holding an open meeting, perhaps in Oklahoma.

Roger pointed out that the purpose of this committee was very different from the NAGPRA committee. Holding public meetings could slow the process down. He thought the way the Review Committee was undertaking business was fine. If the Committee were to hold a public meeting, it should be for a very specific purpose.

Lynne agreed, and said that the NAGPRA Committee was responsible for many institutions and all Tribes, and was also making public policy decisions which was why it was important for their meetings to be open. If the Smithsonian Institution Committee were to hold such a meeting, it must have a very clear focus.

Russell said he also wanted to discuss the issue of research vs. repatriation in the annual report to perhaps provide recommendations. He was concerned about the Norton Sound contract. He felt that in that case research had taken precedence in time and money over repatriation documentation. He said he had asked for all the correspondence regarding this case, because he felt that a lot of the documentation was not necessary for determining cultural affiliation and that research interests were being advanced at the expense of an expeditious repatriation. He wanted to know if the Review Committee should make a statement about this issue in the annual report.

Roger thought the Review Committee should remind the Repatriation Office that its mission is to undertake an assessment of collections for the purpose of determining cultural affiliation. What research should be done on a collection should be determined on a case by case basis.

Russell asked if research should be done if it is not necessary for establishing cultural affiliation.

Roger said the mission of the Repatriation Office was clear. Research should be done that facilitates the determination of cultural affiliation.

Russell thought the Review Committee should provide the Repatriation Office with some examples.

Christy pointed out that the researchers in Alaska, working on the Norton Sound contract, had undertaken the same protocol as the Repatriation Office did and nothing extra. They just had a large sample and had done a very good job.

Russell wanted to know if doing a dental study had anything to do with determining cultural affiliation.

Christy said that, in his opinion, the people in the Repatriation Office had done a thorough review of the collection.

Lynne also said that the Alaskan researchers had used the Repatriation Office protocol. She thought they had done more analysis than the Repatriation Office normally does. She pointed out that sometimes with hindsight its easy to say that doing the full protocol wasn't necessary. However, when documentation begins there is no way to know what research will give insights into cultural affiliation.

Russell thought that the correspondence between the Repatriation Office and Richard Scott was framed in terms of research and publication.

Lynne thought that may have been because Scott was concerned about his right to publish the results. There was no need to discuss the repatriation documentation protocol because that had been agreed to in advance.

Roger said that when a federal contract is developed there is always an issue about publication rights.

Russell said that in this case the Repatriation Office went to Alaska to convince villages to agree to documentation that wasn't necessary.

Roger thought the Repatriation Office had an obligation to explain the need for the protocol to villages.

Russell thought that if villages had the option of not agreeing to have it done, and the museum would still have enough information to offer the remains for repatriation, then the protocol didn't need to be done.

Christy said it depends on what level of proof was necessary. Alaska is very complicated and some physical documentation needs to be done.

Russell asked Christy why, if he had recused himself from discussing this case because of his relationship with the researchers, he was commenting now. Russell thought that the physical protocol was also unnecessary in the Mandan-Hidatsa case and the Committee should point this out.

Lynne pointed out that its difficult to know what level research needs to be done beforehand. The museum is obligated to do a certain level of documentation prior to repatriation. Collections can't just be shipped out the door without some documentation being done.

Russell said he didn't disagree with that, but the amount required should be stated up front. The current level of research is slowing down the repatriation process.

Lynne thought that the level of research required should be determined on a case by case basis, and not necessarily be done in every case simply as part of the deaccession documentation protocol.

Roger agreed. He thought the Review Committee needed to make some suggestions about this issue in its annual report. A balance needed to be struck between research simply for the sake of data collection, and research that assists with determining cultural affiliation and is justifiable as part of a responsible institution's deaccession policy.

Christy thought that if one were to review a case report, the largest section of the report is the ethnographic documentation not the physical protocol.

Russell thought that the money spent on doing the physical protocol could be used to hire other staff to speed up the process.

Roger suggested developing some recommendations and holding a meeting to discuss them with staff.

Christy agreed. He thought recommendations should be sought from the discussion group.

Russell raised another issue he thought should be discussed in the annual report. He thought all correspondence should be included in a case report.

Gillian said that since this issue had been raised, Tom had announced that all correspondence will be included in case reports.

Lynne had also suggested that curator's comments should be recorded in the case report.

Russell thought this issue should be raised with Tom. He wanted to know if Committee Members had any other issues.

Christy thought the Committee should highlight its new initiatives such as attending conferences, and the travel grants, etc.

Russell also wanted to put something in the report about the NMAI amendment issue. He didn't think the Committee should discuss it with Tom at this meeting, but should wait until there was

further information from O'Connor. He thought Tom could update the Committee on cases. He has not responded to the letter the Committee sent criticizing him for his involvement in the modification of Review Committee membership. The Committee might want to talk with Tom before the end of the year. Russell suggested that the Review Committee hold a one day meeting at the American Anthropological Association meetings in November in San Francisco. The Committee ought to have more information from O'Connor by then. The Committee may also be able to discuss the Steed-Kisker case by then.

Roger agreed that the Committee should discuss with Tom how the amendment issue came up and why the Review Committee wasn't included.

Russell said that the Review Committee needed to discuss its place within the Smithsonian Institution's hierarchy. He pointed out that at this time, the Review Committee was under the Anthropology Department. There may not be a problem with this, but he wondered if this was the best place for the Committee. Did it facilitate communication? The Anthropology Department views the Repatriation Office as a conduit to the Review Committee. There may be a problem with Gillian working for and being paid by the Committee, but being in the Repatriation Office and reporting to Tom.

There was an unrecorded "in-camera" session about this. No recommendation regarding this issue was developed.

VI. Discussion of the Arikara Case Contract

Russell explained that the Repatriation Office had submitted a request for the Committee to fund a contract for the documentation of the Arikara funerary objects.

Lynne said given the proposal made, she didn't have a problem with the contract.

Russell said he had a problem with how the Repatriation Office prioritized its funding. He felt this contract was the type of work the Repatriation Office should fund. However, it might be all right if the work focussed on getting the case completed.

Lynne thought that if the Review Committee didn't support it, the Repatriation Office would not hire a contractor to do the work and the case officer would end up doing it, causing the case to take that much longer to complete and for that reason the Review Committee may want to consider funding it. She agreed that the Review Committee should only fund a limited range of projects. She thought this one was acceptable because it was specifically related to speeding up a return.

Christy pointed out how large the Arikara collection was.

Roger said that initially he did not want to support this contract. However, the Review Committee wants the process to speed up and this might help. He did feel the Committee should not fund any further work of this kind until the Repatriation Office has shown how it plans to streamline the process. The other Committee members were in agreement.

The Committee agreed to fund this contract.

VII. Selection of Officers

Lynne nominated Russell as Chair and Andrea as Vice-chair of the Committee. Roger seconded the motion. The Committee voted in favor of the nominations.

VIII. The Steed-Kisker Case

Because of her Tribe's (Osage) potential interest in this case, Andrea excused herself from the discussion and left the room. Russell said he had spoken with Walter Echo-Hawk who had not heard anything from the other tribes. Walter had said that the tribal representatives had been meeting. James Pepper-Henry (Kansa Tribe) had told Walter that he was working on the issue. Walter informed Russell that the Pawnee felt enough time had elapsed and were considering writing a letter to the Review Committee setting a date by which tribal councils needed to respond. Russell thought the Committee may need to discuss the issue in November. He didn't think the Osage were heavily involved. He had invited Walter to call him before the Committee met, but he had not heard from him.

Roger hoped the Review Committee would hear something by the November meeting.

Tom and Andrea attended the next session.

IX. Meeting with Tom Killion

Russell welcomed Tom and informed him that the Committee had approved the Arikara contract but that there were provisos which would be outlined in a letter sent to him.

Tom discussed the NMAI amendment issue with the Committee. He apologized for his role in the incident.

Russell said he would like to discuss it more fully at a meeting in November at the AAAs in a more informal setting.

Tom said he had no news on the Steed-Kisker case. He updated the Committee on the Eastern

Dakota cases, explaining that returns were currently taking place with the Santee, Sisseton-Wahpeton, and the Assiniboine. Tom also updated the Committee on the Northeast Norton Sound case. The Golovin people had declined to take possession of the remains this year citing inadequate funding. Tom explained that they had been offered a helicopter for this year, but he did not feel certain that it would be offered again next year. The University of Fairbanks had agreed to store the collection for another year. The Review Committee had offered the funding for a boat. He reminded the Review Committee that Karen Mudar and Gillian were going to Fairbanks to pack Nunivak and Norton Sound. He informed them that the Point Hope repatriation had been completed. The shipment of the collection cost \$10,000. The Review Committee agreed to support it with \$5,500. He discussed the St. Lawrence repatriation, which was scheduled to take place next year. He expected the shipping costs to be considerable. He explained that the University of Pennsylvania museum is discussing holding a joint return on remains from Barrow with NMNH. The Barrow people were coming to Pennsylvania this month to meet with the University and the NMNH. Tom hoped to discuss the report on the historic remains with them and get input on how they wanted to proceed with documentation. He also hoped to discuss the pre-historic remains. The Repatriation Office has held off documenting the pre-historic remains until it receives input from the people. This may require a trip to Barrow.

Russell asked if that return could take place without the physical documentation being done.

Tom said some of the curators felt there was a problem with the affiliation of the Birnirk (prehistoric) material.

Russell asked Tom how the Repatriation Office would proceed if the people of Barrow refused to allow the documentation to be done.

Tom said he didn't know. The Repatriation Office hoped to negotiate an arrangement to retain the Birnirk material. The people of Barrow may be interested in agreeing to this.

Russell said he was concerned that the Repatriation Office was receiving pressure from outside to negotiate these cases.

Tom said he had a lot of support from the Anthropology Department to negotiate this case because there was some ambiguity as to the cultural affiliation of the Birnirk material.

Russell asked if these consultations slowed down the repatriation process.

Tom said he didn't think so. He felt the Repatriation Office needed to continue to consult with tribes and had support from the previous provost to do so.

Russell asked if Tom had met with the new Provost about Alaska.

Tom said no, the Provost was being informed of repatriation cases through Ruth Selig.

Russell said the Review Committee was concerned with the Repatriation Office involving itself in research not necessary for establishing cultural affiliation, even though tribes may agree. He asked if there was a justification for using repatriation money and time for this kind of research.

Tom said that consultations to this point with the Barrow people had not addressed the issue of the cultural affiliation of the Birnirk remains or the collection's value to science.

Russell asked who would go to Barrow.

Tom said he and Karen Mudar would go. Other curators from the Anthropology Department would be invited

Russell thought the village had already written and asked for repatriation.

Tom felt that one of the roles of the Repatriation Office was to discuss alternatives to repatriation with tribes.

Russell repeated his comment that the village had made a request for repatriation and said he thought the Repatriation Office was spending time and money to convince them to do otherwise.

Lynne thought the Repatriation Office had an obligation to let the village know how important the Birnirk material may be.

Russell thought the Repatriation Office should spend its time and money doing repatriation, anything else slows down the process.

Tom felt it was important to ensure that as much information as possible goes to a group.

Christy said that after he had presented his research on dentition to tribes, he received an official request from the Hopi to continue. He felt Tom was simply providing the village with information they need to make an informed decision.

Lynne wondered if it was wrong not to share this information with Native communities.

Tom said he will ask the Barrow representatives when he met them in Pennsylvania if he could come up to the village and discuss it with them. If they are not interested, the Repatriation Office will have to rethink its strategy.

Russell asked if the office would proceed with repatriation.

Tom couldn't say. The Repatriation Office would not be the only entity in the decision making process. As it stands now, the cultural affiliation is ambiguous.

Russell asked how many remains from Alaska would be left after the Barrow material was repatriated.

Tom said after St. Lawrence there are no other requests from Alaska. There are 700 remains from St. Lawrence, 100 from Doyon, 100 from Barrow, and 300 from the Seward peninsula.

Tom had no further information on the Haudenosaunee or Gros Ventre cases. He updated the Committee on the Nez Perce case. Three sets of remains were offered for return. There was also a scalp that was actually a loan that may be affiliated with one of three named individuals. There are legal problems with repatriating loans. The Institution went ahead and offered it for return under the known individuals clause of the repatriation policy. The Repatriation Office felt that because human remains cannot be owned by individuals, the donor's title and, therefore, the Smithsonian Institution's title to the remains was clouded. The Tribe has been asked to provided a genealogy for each of the three families to which this scalp may be affiliated. The Repatriation Office will attempt to notify the descendants of the donor informing them of the decision. However, to further complicate the issue, hair from the scalp was recently analyzed by a forensic scientist at the FBI who felt that the scalp may be from a mixed race or Caucasian person and, therefore, may not be belong to any of the individuals listed in the records. The scalp had originally been taken by the Crow who did not want to claim it. However, because it was an ethnographic object that the Crow might have been able to claim, they were consulted. The Nez Perce have been informed of the hair analysis and the Repatriation Office is waiting for a response from them to see how they wish to proceed.

Russell asked if the archival documentation was clear.

Tom said there was no information available that the donor actually saw the scalp taken. The attributions of the donor (Bell) may not be very accurate.

Tom discussed the contract for the Arikara. He said the contractor would be reintegrating the collections in preparation for repatriation.

Russell said that he didn't want the Review Committee to provide funds for this kind of work while the Repatriation Office was providing funds for non-repatriation related activities. He said that earlier the Review Committee had discussed possible ways of speeding up the process. The Review Committee would like to meet with case officers to develop ideas for speeding up the process in January. He also raised the issue of each Review Committee member being assigned to a region of the country and its case officer so that they could stay in touch with them and report back to the Committee.

Lynne pointed out that the Committee was most concerned with the Repatriation Office's ability to meet the inventory deadline.

Tom said that there was a difficulty in providing staff support for the inventory project due to an

extended medical leave. He said that Chuck would meet the deadline for summaries for ethnographic objects. Other staff may have to be pulled in to assist with meeting the deadline for the inventory project.

Lynne asked Tom if he had developed a plan for completing the process.

Tom said yes, there was a detailed plan. The work was scheduled to begin on November 1 and expected to be finished by June 1st. 1998. Stuart Speaker is in charge of the inventory project but is obligated to complete the Doyon case first. Tom welcomed any input from the Committee on how to speed things up. He suggested that the working group the Committee is planning to put together include the Anthropology Chair, other division heads, and Collection's Management. He thought it was important to develop an agenda early to facilitate some discussion.

Tentative dates for the January meeting were discussed, including January 16 and 17, 21 and 22, or 27 and 28.

The meeting was adjourned

APPENDIX F

California Indian Conference, October 7, 1995



MEMORANDUM

Department of Anthropology 341 Haines Hall 155303

October 9, 1995

TO: Repatriation Review Committee

FROM: Russell Thornton

RE: Presentation at California Indian Conference

There is an annual California Indian Conference. This year it was held here at UCLA, and I was asked to make a presentation at a symposium on repatriation. As the enclosed agenda indicates, the thrust of the symposium was on NAGPRA. My presentation was a brief description of our committee along with a more detailed discussion of "Memorandums of Agreement" (as this was what I was asked to do). I specifically mentioned the Pawnee and their agreements with the Arikara and Wichita et al., the issue of the Canadian wampum, and the upcoming Wounded Knee case whereby the Cheyenne River Sioux will be representing several descendent groups.

Much interest was shown in the broad issue of "Memorandums of Agreement" between tribes and groups. There was also much interest in the issue of non-federally-recognized tribes. Several people from the Palm Springs workshop attended the symposium, including the moderator, Paul Apodaca, and a panelist, Reba Fuller. They indicated, once again, how much they enjoyed the Palm Springs meeting and how helpful they thought it was.

I also spoke with Hank Stevens who is active in the Keepers of the Treasures. He indicated the next meeting will be in Phoenix. Perhaps we should have a presentation or panel there.

SYMPOSIUM ON REPATRIATION

A progress report on the NAGPRA process

We hope this symposium will be an informative session for all those who want to make the repatriation process more effective. As institutions approach the completion of their Inventory of Human Remains and Associated Funerary Objects, there are still seemingly as many interpretations of NAGPRA as there are participants, and many substantive issues yet to be resolved. The panelists will speak briefly from the standpoints of their own experience and expertise about some of these issues, such as consultation, coalitions of groups, curation and collections, and the recognition of groups in California. There will be several periods for discussion of these topics with the audience.

2:45 Welcome and introductions

Raymond Basquez Frank Salazar Reba Fuller Russell Thornton Discussion 4:10 Reconvene

Lynn Gamble
Glenn Russell
Eugene Ruyle
Phillip Walker
Carole Goldberg-Ambrose

3:50 Break

5:10 Discussion and concluding remarks

Moderator:

Paul Apodaca, (Navajo/Mexican), is Curator of Native American Art at the Bowers Museum of Cultural Art, Professor at Chapman University, Visiting Professor at UCLA, and consultant for the Smithsonian Institution National Museum of the American Indian. His extensive community services also include his responsibilities as Book Review Editor for News From Native California, Board Member of the California Council for the Humanities, and a popular and effective moderator for panels such as this.

Panelists:

Raymond Basquez, (Pechanga Indian Reservation, Temecula Band of Luiseno Indians), traditional religious leader, is Chair of the Cultural Committee at Pechanga, and has lived on the Pechanga reservation for most of his life. Mr. Basquez has many years experience dealing with cultural resources and NAGPRA's provisions for grave protection and repatriation.

Frank J. Salazar III, (Campo Indian Reservation, Kumeyaay Band of Mission Indians), Repatriation Director for the Campo Reservation. Mr. Salazar was awarded a NPS Grant in 1994-95 to coordinate the repatriation efforts of the Campo Band Reservations. His responsibilities include developing a comprehensive plan to repatriate Kumeyaay remains and cultural objects, and educational programs about the repatriation process.

Reba Fuller, (Tuolumne Band of Me-Wuk Indians), NAGPRA Project Director, Central Sierra Me-Wuk Cultural and Historic Preservation Committee. Ms. Fuller is one of forty-one awardees of the 1994-95 NAGPRA Grants, and is currently director of a NAGPRA Compliance Project for conducting research in archaeological collections on behalf of five Me-Wuk tribes in four counties in California.

Russell Thornton, (Cherokee), Professor of Anthropology, UCLA, Chair of the Smithsonian Institution's Native American Repatriation Review Committee, monitoring the progress of the Repatriation Office at the National Museum of Natural History. Professor Thornton has earned many scholarly distinctions and has published widely; his books include American Indian Holocaust and Survival and The Cherokees: A Population History.

Lynn Gamble, Director of Research for the American Indian Studies Center, UCLA, earned her Ph.D. from UCSB for archaeological research on *Helo'*, a Chumash historic village site, and has taught both California ethnography and archaeology. Dr. Gamble has worked for many years with local California Indian communities on site preservation, and has extensive experience working with museum collections on a national basis.

Glenn Russell, Curator of The Archaeological Collections, UCLA Fowler Museum of Cultural History, earned his Ph.D. from UCLA for archaeological research on Inca Households in the Central Highlands of Peru. Dr. Russell also has done research in the Great Basin areas of California and the Southwest, and is now directing the compilation of UCLA's Inventory of Human Remains and Associated Funerary Objects.

Eugene E. Ruyle, Professor of Anthropology at California State University, Long Beach, earned his Ph.D. from Columbia University in 1971 for his research on the political economy of Japanese outcastism. He has published widely on theoretical issues and matters Japanese. Since 1992, he has been deeply involved in the Puvungna Sacred Site struggle at California State University, Long Beach.

Phillip Walker, Professor of Anthropology, UCSB, earned his Ph.D. from the University of Chicago for research in physical anthropology. Professor Walker is a member of the NAGPRA Review Committee, and Chair of the Society of American Archaeology Task Force on Repatriation.

Carole Goldberg-Ambrose, Professor of Law at UCLA, teaches Federal Indian Law and Tribal Legal Systems, and an undergraduate, introductory course to Indian Studies. Professor Goldberg-Ambrose was acting Director of American Indian Studies Center, UCLA, in 1990, and is currently chair of the Center's Faculty Advisory Committee.

Panel Organizer:

Diana Wilson, Research Associate responsible for ethnographic consultation for UCLA's Inventory of Human Remains and Associated Funerary Objects. Dr. Wilson received her Ph.D. from UCLA for research on Los Angeles museums' presentations of American Indian cultures and histories, and is a member of the Board of Directors of the Gabrielino / Tongva Springs Foundation.

APPENDIX G

NAGPRA Hearings, October 16, 17, 18, 1996

Northern Arizona University Department of Anthropology Campus Box 15200 Flagstaff, Arizona 86011

TO:

Repatriation Review Committee Members

FROM:

Andrea A. Hunter, Vice Chair

DATE:

12/5/95

RE:

NAGPRA Review Committee Meeting

I attended the last two days of the NAGPRA Review Committee meeting held in Anchorage, Alaska from October 16th through the 18th. On Monday, the first day of the meeting, the Review Committee discussed culturally unidentifiable human remains. Although I was not there, Gillian Flynn was in attendance and took notes on their deliberations.

On Tuesday, the Review Committee discussed and heard public comment on two cases. The first case concerned the Oneida wampum belts. There were two competing claims for the belts, one from the Oneida in New York and the other from the Oneida in Wisconsin. Only members of the Oneida tribe from New York were in attendance and presented comments to the Committee. Since only one of the tribal groups was present, the Committee decided to invite both tribes to present comments at their next meeting.

The second case was an individual request from Betty Washburn for a Kiowa Sun Dance shield held by the Hearst Museum, Berkeley. The Hearst Museum claims that it is not an individual right to own a Sun Dance shield, that it is an object of cultural patrimony. In addition, the tribe admits that the return of the shield would not revive the sun dance for the Kiowa. The individual requesting the shield is not designated by the tribe as their representative for repatriation issues. The Heart Museum claims that the shield could be sold and that they had fairly good records to document the transaction. The Heart Museum has a strong case to claim the shield. However, they are willing to make an extended loan with Oklahoma to the Fort Sill Museum as a show of good faith. The Committee decided 1) to send a letter to Betty Washburn requesting verification of her status as a lineal descendant, 2) to send a letter to the Kiowa tribe to ask for their support of Washburn's claim, and 3) to request a letter from the Hearst Museum stating they indeed are willing to send the shield back to Fort Sill.

The Committee also discussed the possibility of granting museums extensions on the November 16th deadline. The museums or institutions would have to demonstrate a good faith effort has been attempted on their part and the consultation process has already begun. A good faith effort would be measured by the amount of time and money already put into the process.

The remainder of Tuesday afternoon was devoted to public comment. At the end of the day, Dan Monroe stated that even though the Smithsonian was not on

the agenda he wanted time allotted on Wednesday's agenda to discuss the Review Committee's report to Congress.

On Wednesday morning several members of the Keeper's of the Treasures Alaska gave presentations on their implementation of NAGPRA in Alaska. Several of the Smithsonian's cases were mentioned during this time. For instance, Cheryl Eldimare commented on the televideo conference. She had many positive comments, stating that the conference was extremely beneficial to them. One suggestion she had was that it would have been helpful if the objects could have been turned around. A common issue mentioned by several presenters was a lack of financial resources to carry out the repatriation process. However, they do see the process as a tremendous learning experience for them about their own culture-historically and spiritually. There were questions raised concerning specific, current cases with the Smithsonian. I think it would have been extremely helpful to have had the case worker there to comment. Our Committee should suggest to the NMNH Repatriation Office that in addition to at least one Review Committee member, the regional case worker should also attend the NAGPRA meetings.

During the afternoon session, Tim McKeown handed me pages three and seven of the NAGPRA Report to Congress so that I would be ready for the upcoming comments regarding the Smithsonian.

One of the last issues discussed on Wednesday was the NAGPRA Review Committee's Report to Congress on the exclusion of the Smithsonian from the Act. Dan Monroe specifically stated that the Smithsonian was not complying with all NAGPRA provisions, there was a lack of consistent treatment of all tribes, summaries and inventories were not being sent out, the consultation process was not being initiated, and through it all they objected to a substantial amount of resources being spent. As Dan Monroe was listing these points, Tessie Naranjo waved me up to the microphone. In my comment I stated that although I could not address all their concerns and that Tom Killion was the person to do so, I could comment from our Review Committee's point of view. I stated that we were generally satisfied with the progress of Repatriation Office over the past five years, the consultation process was being implemented and that through our recent case with the Pawnee the process will even be improved upon, and the repatriation workshops jointly sponsored by NMAI and NMNH continue to open the doors for communication between tribes and the Repatriation Office. I suggested and invited the NAGPRA Review Committee to meet with our Committee at one of our upcoming meetings. Tessie Naranjo commented that she didn't want antagonism between the Smithsonian and NAGPRA Review Committees and thought the idea was a good one.

The Committee then discussed their next meeting date and place, and tentatively decided on February in Oklahoma.

NAGPRA Hearings Anchorage, AK October 16-18, 1995 Notes prepared by Gillian Flynn

NAGPRA committee members: Tessie Naranjo (Chair), Phil Walker, Dan Monroe, Jonathan Haas, Marty Sullivan, Rachel Craig, William Tallbull

Smithsonian attendees: Gillian Flynn, Andrea Hunter

NPS staff: Frank McManamon, Tim McKoewn, Mandy Murphy

Monday, October 16, 1995

Tessie Naranjo welcomed the Committee and the audience and opened the meeting.

Ted Birkedal, Program Leader, Cultural Resource Management, Alaska Field Office, National Park Service, welcomed the Committee.

I. Review of the Agenda and an Update on NAGPRA Implementation

Frank McManamon, Departmental Consulting Archaeologist, NPS reviewed the agenda for the meeting and updated the Committee on NAGPRA implementation. He said they had received over 100 public comments on the draft recommendations for the disposition of the culturally unidentified human remains. The Department of the Interior had completed its review of the NAGPRA regulations. They had been sent to the Office of Budget and Management for final review. He said OMB could take up to 90 days for review. He did not expect any substantial changes. Once the final review was complete the regulations will be published in the Federal Register. Thirty days after that they would become final. He said that since the last NAGPRA Committee meeting, NPS had provided guidance for regulations on the extension of deadlines. NPS had distributed \$2.2 million in grants. Forty-two grants had been awarded. They had been selected from 117 proposals. The total that had been requested was \$6.2 million. The NAGPRA Committee had completed its report to Congress, which is available to the public. There was no further word on the holding of oversight hearings by Senator McCain. The Smithsonian has responded to the NAGPRA letter recommending that the SI be placed under NAGPRA. NPS did not expect any significant cutbacks in NAGPRA grants or the Review Committee implementation budget, but did expect cuts in the NPS operating budget. He said twelve inventory extension requests had been received so far, only two of which have been granted.

Tim McKeown, Program Leader, NAGPRA, explained the inventory extension request criteria. A member of the governing board of the museum must make the request in writing. The letter

must include a description of the collection organized by geographic location or archaeological site location, an estimate of the minimum number of human remains, a list of Native American groups consulted, a description of the museum's funding attempts, and a written plan for completing the inventory process.

Dan Monroe asked what constituted a lack of good faith on the part of a museum. There needed to be clear criteria when implementing financial penalties.

Jonathan Haas said it was difficult to assess a good faith effort. He thought NPS should require museums to disclose what percentage of their budget had been directed toward the repatriation effort.

II. Discussion on the Recommendations for the Disposition of Culturally Unidentified Human Remains.

The Committee moved on to the discussion of the disposition of the culturally unidentified human remains.

Frank McManamon pointed out to the Committee that new legislation would be needed if the Committee wanted to make recommendations on the disposition of culturally unidentified funerary objects, sacred objects and objects of cultural patrimony.

Phil Walker agreed, stating that the Secretary of the Interior could make regulations but only within the scope of the NAGPRA law. Some of the Committee's recommendations would require additional legislation.

Jonathan Haas said that it was the Committee's job to make recommendations not to determine regulations.

Dan Monroe disagreed stating that they could make recommendations but only within the boundaries of the legislation.

Jonathan Haas pointed out that institutions must inventory culturally unidentified human remains and their funerary, but there won't be regulations for the disposition of those funerary objects.

The Committee discussed the letter they had received on the disposition of culturally unidentified human remains from Tom Killion. They were very receptive to his suggestion that regional consultations should be recommended that would assist in the identification of human remains that are from earlier time periods but may be affiliated with a number of modern groups. There was a long discussion on how those regional consultations would be developed and what would happen when, after consultation, there still remained a disagreement on the affiliation of the remains.

Jonathan Haas said that the Committee could still maintain the position that the ultimate decision for disposition of these remains should rest with Native Americans and that they should still be buried.

Marty Sullivan said that Killion's letter gave new insights, that there are different levels of affiliation, and that perhaps earlier remains may not be affiliated with one modern tribe, but might be affiliated with multiple modern tribes.

Cary Vicente, Jicarilla Apache tribal judge, advising the NAGPRA Committee on legal issues, said that NAGPRA was refinement of human rights legislation. It meant that a person had human rights even after death. They have a right to dignity in repose. He made the controversial statement that the scientific study of human remains was a "proto-Nazi" activity.

Jonathan Haas took great exception to Vicente's representation of the study of human remains as a "proto-Nazi" activity. He said that in China, modern Chinese are studying ancient Chinese ancestors, where as in the US it is a colonial power studying people who are not their ancestors, and this was one reason why this issue was such an emotional one in this country.

It was pointed out that some of the public comments suggested that additional legislation may be necessary. One concern raised by the commentors was the problem of repatriation to non-BIA recognized tribes. Remains from these tribes are technically unaffiliated because NAGPRA does not allow these tribes to claim the remains. The Committee was concerned that remains from non-recognized tribes will be categorized on inventory lists by museums as being unaffiliated. During discussion it became clear that the NAGPRA Committee was moving away from their original recommendation that repatriation of the unaffiliated be based on geographical location and toward the concept of multiple group affiliation.

Another issue raised was a concern that the inventory lists generated by museums would not be accurate.

Tim McKeown stated that NPS could not check the facts of the museum's determination of affiliation, but they could check the logic of the museum's assignment of cultural affiliation and occasionally recommend the museum consult further with tribes.

Dan Monroe summarized the discussion so far. He said the Committee agreed that there needed to a mechanism for moving remains from the culturally unidentified list to the identified list. There needs to be increased dialogue between Native Americans and the academic community on the affiliation of earlier remains.

The Committee attempted to develop a flow chart for determining cultural affiliation.

Submission of Inventories to NPS

Cultural affiliated

Unidentified

Other unidentified

Remains affiliated with non-BIA recognized groups

Come before NAGPRA on a case by case basis

Regional dialogues of multiple descended tribes

Culturally affiliated

Still unidentified

Application of local sepulcher law for the burial of unknown remains

Still not reburied

reburied

?

There was a lot of discussion surrounding the concept of applying local sepulcher law. In the end, it was decided that the application of local sepulcher law was not a very good option. Phil Walker pointed out that if these laws were useful, Native Americans would have already used them to gain the reburial of remains.

There was a public comment period. Most of the comments centered around graves protection issues.

Jana Harcharek, President, Keepers of the Treasure, Alaska, said that they had been dealing with the culturally unidentified issue. The Keepers had submitted a resolution to the Alaska Federation of Natives that states that Native Americans should determine the disposition of human remains. There are other national Indian organizations who could assist with this issue. There are also regional organizations that could help with this.

Tuesday, October 17th

III. Oneida Indian Nation, NY vs Oneida Indian Tribe of Wisconsin

The NAGPRA Committee had agreed to hear the dispute between the Oneida of NY and the Oneida of Wisconsin over a wampum belt currently held by the Field Museum. Jonathan Haas, as a Field Museum employee, did not participate in the discussion. Brian Patterson, Keller George, and Marilyn John represented the Oneida of New York. They had also brought legal council, Michael Smith. However, because the Committee had intended to discuss only the written dispositions submitted by all parties in this case, neither the Field Museum nor the Oneida of Wisconsin were represented.

Frank McManamon reviewed the procedures for disputed cases. A request to hear a case dispute is submitted in writing first to the NPS. A review of the request takes place at the NPS staff level. The case is then discussed with Tessie Naranjo, the NAGPRA Chair, to determine if there is a dispute. The Committee then requests that all parties submit documentation regarding their claim. All parties are invited to speak before the Committee to make a statement, where a question and answer period is held. Normally, the review of the written documentation and an oral hearing before the Committee takes concurrently. This time, however, the process was to be broken into two parts with the Committee reviewing the written documentation at this meeting. He summarized the history of the case. The Field Museum had sent out summaries and as a result the NY Oneida asked for repatriation. The museum does not dispute that the wampum is subject to repatriation but when they placed notification of their intent to repatriate in the Federal Register, another claim came from the Wisconsin Oneida. A dispute arose. The Field Museum also felt that the Oneida Council of Chiefs from Canada should also be involved.

The Committee stated their disappointment that the parties had not been able to reach a resolution among themselves. It was apparent that the two Oneida groups were not able to meet and discuss this issue due to other long standing disputes. Keller George was invited to speak.

Keller George, NY Oneida Wolf clan representative, explained what was at the crux of their inability to come to an agreement. Neither tribal group recognized the other as a litigimate tribal entity, although legally they were both federally recognized. The NY Oneida follow a traditional government style, whereas the Wisconsin have an elected government. The NY Oneida are matrilineal, whereas the Wisconsin are patrilineal. He said the Wisconsin do not follow the clan system and have a modern Christian leadership. They had not established a long house in Wisconsin until the 1970s. He gave an overview of how the split between the two groups came about. He said the NY Oneida felt that if the Wisconsin Oneida followed the traditional ways, the two groups would have been able to come to a resolution. The belt was created in NY, used in NY, and tells a story about NY. The NY Oneida to not recognize the Canadian Council of Chiefs. He said that the essence of NAGPRA was that objects should be returned to their place of origin and Oneida, NY was the wampum belt's place of origin.

Marilyn John said that one very serious concern among the NY Oneida was that the belt may signify a declaration of war (she wasn't sure because she hadn't been able to see the belt) and there would normally have been a war closure ceremony. If the belt was returned, they could close this declaration of war and perhaps that would bring the two Oneida together again.

Brian Patterson, Bear Clan representative reiterated Keller George's position.

Michael Smith, lawyer for the NY Oneida tribe, stated for the record that the two Oneida groups would not be able to come together to reach a consensus on this. As he saw it, the only claim that the Wisconsin Oneida have on the belt is that it supposedly resided in Wisconsin for some time, but he knows of no time before donation to the Field Museum that it resided in Wisconsin. If the accession records say it was acquired in NY and there is no evidence of use in Wisconsin, the NY Oneida are entitled to repatriation.

The NY Oneida and Wisconsin Oneida had shared the written documentation of their claims with each other.

Frank McManamon thanked the representatives. He pointed out that the purpose of this meeting was to review the written documentation. It was clear that both the Wisconsin and the NY Oneida have standing under NAGPRA. However, the Canadian group did not have standing. All the parties agreed that the wampum was an object of cultural patrimony. The area of contention is what level of affiliation is required for return. A Mr. Wyman donated the belt to the Field Museum but the location of exchange is under dispute. The museum records say it was donated from NY.

Phil Walker pointed out that the drafters of the NAGPRA legislation had wanted to include a scale of affiliation, but Congress did not do this. This means that several groups with different levels of affiliation have equal standing under the law.

Marty Sullivan suggested that the Committee ask both parties to submit evidence that asserts the use of wampum in each community, because one test of whether or not an item is an object of cultural patrimony is the manner in which it was used.

The Committee seemed to be moving in the direction of recommending that the two parties come together to determine the disposition of the belt, and appeared reluctant to make a recommendation for repatriation to only one party. They agreed to hear oral testimony at the next Review Committee meeting.

Discussion returned to the issue of authorizing extensions to museums who do not expect to be able to meet the inventory deadline.

Frank McManamon said that they needed to develop criteria for determining a good faith effort, particularly if the museum was applying for a NAGPRA grant.

Jonathan Haas returned to a point made earlier that a good faith effort could be best measured by the size of the budget allocated to the process.

Frank McManamon agreed to take this issue into account.

IV. Betty Washburn and the Hearst Museum

Frank McManamon summarized the case. He explained that written material had been presented by both parties. The Committee would review the written material. Both parties would be able to present at the next meeting. (Neither party was represented at this meeting) Ms. Washburn claims to be a direct descendent of Santanta and is claiming his sun dance shield as a direct descendent. But she is claiming the shield is an object of cultural patrimony belonging to the Kiowa tribe. She also claims that the shield could be used to reconstitute the sun dance (making is a sacred object?) and that it was obtained by the museum illegally. The Hearst Museum at the University of California, Berkeley, holds the shield. They feel that Ms. Washburn, as a lineal descendent, doesn't have standing because the shield is an object of cultural patrimony. If the shield was the personal property of Santanta then it was donated to the museum legally and there is no improper transfer. No religious leader has claimed the need for the shield. The museum contends it has the right of possession. Ms. Washburn does agree that its not clear that the shield could aid in reconstituting the sun dance. Ms. Washburn brought this case to the Committee. She is not an authorized representative of the Kiowa tribe.

The Committee once again did not appear to want to come down on either side of the issue and recommended that the museum offer the loan of the object on a long-term basis. Apparently, the Hearst has offered to make a loan but refuses to consider a permanent loan. They consider permanent loans to be in violation of their fiduciary responsibilities. They recommended an extended renewable loan. The Kiowa tribe had written a letter in support of a loan and the Fort Sill museum has agreed to curate the shield on behalf of the tribe and the Hearst Museum. There was a long discussion about whether the object was a sacred object, or object of cultural patrimony, whether the museum had right of possession, and whether Ms. Washburn had standing. However, even though the Committee agreed to write a letter recommending a long-term loan, it was felt that this could not be the final decision and that they needed to make a finding as to the standing of the claim and the category under which the object fit. They felt they needed to ask Ms. Washburn to clarify her claim. Mr. Tallbull disagreed strongly with this decision saying that the object needed to be repatriated. Although the other committee members felt uncomfortable about being unable to reach a consensus they allowed their recommendations to stand as is. (This may be the first time the Committee was unable to reach a consensus)

The Committee moved on to discussion of a letter that was to be sent to all commentors on the Committee draft recommendations for the disposition of the culturally unidentified human remains, responding to the comments.

There was further discussion on the disposition of the culturally unidentified human remains but the discussion was not fruitful and the Committee could not move this discussion forward. Most Committee members agreed that memoranda of agreement among those groups affiliated with early remains, and the establishment of consultations with those groups, would reduce the number of remains classified as culturally unidentifiable.

Phil Walker did say that perhaps they would be unable to make recommendations on the culturally unidentified. He also suggested that they could declare that there was no such category as culturally unidentified. If there are unidentified remains left at the end of the process, perhaps further legislation would be required for those remains to be reburied.

(There was a reception that evening for the NAGPRA Committee sponsored by the Keepers of the Treasures-Alaska held at the Heritage Library and Museum. I took the opportunity to speak to Rachel Craig about her up coming visit to the NMNH.)

Wednesday, October 16th, 1995

V. Public Comment on the Implementation of NAGPRA in Alaska

The Keepers of the Alaska-Treasures regional repatriation representatives were invited to update the Committee on how repatriation was proceeding in their regions. This was by far the session most heavily attended. At the other sessions there were perhaps 20 members of the public in the audience. At this session there were perhaps 60, most of whom were Native Alaskans.

Jana Harcharek presented for the North Slope borough. She discussed regional repatriation efforts geared towards educating the Native people. She also said that they currently were in negotiation with NMNH over 600 sets of remains. She said they hoped to have this case resolved by next year.

A member of the audience, Ellen Hayes, asked Jana if she knew why the 600 remains were taken in the first place.

Jana said that it was for scientific reasons. The remains were removed from a cemetery periodically until the 1960s.

Dan Monroe asked her to explain the process that they were following with the SI.

Jana said that the North Slope Borough had made a request. At the time, the NMNH was putting into place a procedure for the documentation of the human remains. The NMNH was photographing and x-raying the remains. The North Slope people objected to the process and the NMNH has agreed to stop the process until they could get a resolution from the villages. The

Borough felt that since affiliation has already been established this process did not need to be done.

Dan Monroe pointed out that the SI was exempt from NAGPRA.

Jonathan Haas did point out that the SI was following other repatriation legislation. He asked if the North Slope people were concerned that the x-rays and photographs would remain at the museum after repatriation of the remains. He made an analogy to the nude college co-ed photos recently returned to universities by the SI. He thought the SI should show equality in the handling of these two similar situations and that the North Slope people should ask for the return of photographs and x-rays.

Jana said that their objection was that the documentation was being done.

Dan Monroe asked if repatriation was being forestalled because the NMNH wished to negotiate. What did the NMNH mean when it said it was stopping the work. Are they going forward with the return?

Jana said no, the repatriation was not currently going forward.

Vera Metcalf, Bering Straits Foundation, said that the villages had received summaries. They were currently working with 300 museums. The Foundation was consulting on behalf of 11 villages. Their first priority is the human remains from the Fairbanks Museum and the SI. There are 700 remains that we are trying to repatriate to St. Lawrence Island. They were hoping for burial to take place this summer. She explained that remains from the SI from the Golovin/White Mountain/Whales villages were being documented in Alaska. She explained that there was not a consensus among villages on the documentation of human remains. The Foundation was leaving this decision to the villages.

Miranda Wright, Vice-president of the Doyon Foundation, explained that due to language difficulties, and emotional issues there have very few repatriation claims put forward from her region. Some people may not want remains returned; others do. The University of Pennsylvania, after receiving a repatriation request from the Doyon, asked them to identify the construction materials of an ethnographic object. According to the requestors, since it was not important what the object was constructed of, it could have been made from any number of materials and therefore they could not tell the university what the construction material was. (*This appears to have been some sort of authenticity test put forward by the museum and the requestors are very unhappy*) The original donor of the object claimed that the item was taken from a refuse pile, which in reality was a cache that had been allowed to collapse and deteriorate on purpose. The collector mistakenly thought it was refuse pile. She also explained that the Foundation is having funding difficulties.

Emil Norton, the Alutiiq Museum, Kodiak Island, discussed the SI Larsen Bay case. He reported

that 1,000 sets of remains had been repatriated. Their museum has the capacity to handle repatriated objects (14,000 to 17,000 square foot collection and gallery space) but lacks operating resources. The funding to build the museum came from the Exxon Valdez fund. They have developed a data base for documenting the incoming inventories.

Rachel Craig took off her NAGPRA Review Committee hat and put on her regional representative hat. She said she was an employee of the Northwest Arctic Borough Regional Corporation, and the Chair of the Kotzebue Village Council. She said that she was not actively involved in repatriation at home due to her position on the NAGPRA Committee. Some people have asked her why the Northwest Arctic Borough has been slow to negotiate with the Smithsonian. She said that she and two or three other elders were coming to NMNH to consult on four sets of remains and ethnographic objects. The Borough is currently in the middle of a disagreement with Brown University who says that it doesn't have to repatriate human remains. The University claims that because the project was funded by the federal government, the remains belong to the federal government and therefore do not have to be repatriated. Brown also claims that these remains are not affiliated with the Northwest Arctic area, but the Borough disagrees. Their museum is currently in the planning stage.

Cheryl Eldemar, Tlingit-Haida Central Council gave a synopsis of the repatriation claims completed: A wolf headdress repatriated at the last NAGPRA meeting, and cremated remains that have been reburied. Currently in progress is the repatriation of a Merlet hat and a whale pole from the US Forest Service, 30 items to the Snail house at Hoonah, and a totem pole from Cornell University. One year ago three sets of remains were repatriated from the Smithsonian (must be NMAI). She discussed the teleconferencing project sponsored by NMNH. She was very enthusiastic about the project and said it went well. She also mentioned that the SI and NPS participated in a workshop on repatriation. She said that she thought that most of the NAGPRA grants should go to tribes because museums are already well established.

Barbara Carlson, Unalaska, said they had not progressed very far with their repatriation efforts. She said non-recognized tribes are at risk of losing their identity because they cannot participate in the repatriation process. A regional Native American organization should have final disposition rights over unidentified human remains. The Smithsonian should not be exempt from NAGPRA. On-going studies of human remains should be halted and museums should have to gain permission to undertake scientific study of human remains. She made a passing reference to the NMNH guidelines on repatriation, objecting to the language in the section on sacred objects. She said that the SI should be assisting tribes in claiming sacred objects (apparently she felt the NMNH was hindering tribes according to that section of the guidelines).

There were other speakers who either spoke about graves protection issues or repatriation efforts with museums other than the Smithsonian.

There was a break for lunch after which only about ten people returned to the hearings. Most Native representatives were also involved with the Alaska Federation of Natives conference that

VI. Abenaki and the Hood Museum, Dartmouth College

The Committee moved on to discuss the disposition of human remains from the Hood Museum, Dartmouth College. The Hood Museum would have liked to repatriate these remains to the Abenaki Tribe which is not a federally recognized tribe. The Penobscot, a federally recognized tribe had written a letter to the museum in support of return to the Abenaki. The general feeling was that the Hood museum was asking the Committee for approval of the return in order to protect themselves from claims that they were going beyond their mandate and therefore were in violation of their fiduciary responsibilities. The Committee members felt that although they could recommend repatriation to the Abenaki this recommendation would not relieve the museum from all responsibility. Their final decision was that they would recommend return to the Abenaki, with the proviso that no other claimant came forward. They recommended a 30 day notification period after which return could take place.

The Committee once again returned to discussion of the disposition of the culturally unidentified. Marty Sullivan agreed to draft a updated version of the recommendations taking into account the new concept of recommending that regional consortia of affiliated tribes take place in order to move some of the earlier human remains off the culturally unidentified list. It was also recommended that the Department of the Interior solicitor's office look over the new recommendations. The discussion on this set of recommendations would continue at the next Review Committee meeting.

VII. Discussion of the Smithsonian Letter

The Committee went on to discuss the letter they had recently received from the Smithsonian in response to a letter from the NAGPRA Committee that recommended that the Smithsonian be brought under NAGPRA.

Dan Monroe stated that the Committee had reported to Congress that the SI did not fall under the provisions of NAGPRA. The NMAI is more closely following NAGPRA. The NAGPRA Committee had received two letters from the SI suggesting that the NAGPRA Committee did not need to pursue this issue. Dan said he felt that a minimum the NAGPRA Committee should respond to both letters and make it clear that the Committee appreciated that the SI is making an effort, although the NAGPRA Committee does not agree with their exemption from NAGPRA, and let the issue stand at that. The NAGPRA Committee's concern was that there was a lack of consistency with how tribes are treated with regard to the two laws. He felt that the SI's notification process, its consultation process, and its repatriation budget allocation were acceptable, but the fact that the NMNH was not sending out inventories before the NAGPRA deadline was troublesome to him. The SI is the national museum and should set the example,

although the NAGPRA Committee commended their efforts.

Tessie Naranjo asked if Andrea Hunter, Vice-chair of the SI Repatriation Review Committee wished to say anything. She wondered what would happen to the SI Review Committee if the SI were placed under NAGPRA.

Andrea Hunter spoke to the Committee. She said that the SI Committee had been in operation since 1990 and has bee reviewing the NMNH's progress. The SI Committee was satisfied with the progress the NMNH has made with regard to the inventory and consultation processes. Inventories have been sent to tribes. Recently the Committee had been focusing its efforts on the Pawnee case and approved of the amount of negotiation that the NMNH had conducted with the Pawnee. The NMNH will institute more consultations in the future.

Dan Monroe said that under current law the SI was only required to repatriate human remains and funerary objects, but they have also agreed to repatriate sacred objects and objects of cultural patrimony. Native people are confused. There are two different SI museums, the NMNH and NMAI, with two different policies. He recognized that progress was being made, but there were pledges that Congress had made that have not been honored (that the SI would be brought under NAGPRA).

Andrea Hunter said that the NMAI and the NMNH had developed joint conferences aimed at explaining their policy differences.

Dan Monroe said he commended that effort, but continues to disagree with the SI on this subject.

Jonathan Haas thanked Andrea and made an offer for the two Committees to come together. He said their committee would appreciate input from our committee on the disposition of culturally unidentified human remains.

Andrea Hunter invited the NAGPRA Committee to an SI Review Committee meeting. She pointed out that in many ways the NMAI legislation is more liberal than the NAGPRA legislation.

Dan Monroe said he was concerned with the three different sets of procedures (NMAI, NMNH, and NAGPRA).

Tessie Naranjo said she was pleased with the conciliatory tone of the discussion. She did not want this issue to create antagonism between the two committees. The NAGPRA Committee should develop a response to the SI's letter but she did not want it to create a conflict. She did not want to continue criticizing the SI's consultation and notification processes.

Jonathan Haas agreed and suggested extending an invitation to the SI Review Committee to meet with their Committee.

Dan Monroe agreed to draft the letter.

(During one of the earlier sessions Tim McKeown had approached Andrea and I and said that Dan Monroe wanted to raise the issue of the SI not being under NAGPRA, but that the rest of the Committee was reluctant to do so. He shared with us their report to Congress, which I have since established was sent in September, shortly after the NAGPRA hearings in Los Angeles. All in all, compared with previous NAGPRA hearings, I feel these meetings portrayed the Smithsonian in a positive light. It was clear from the regional repatriation representatives that we were dealing with people fairly, and we did not appear to be obstructing the process. There was an information table at the meeting where I distributed the NMNH repatriation guidelines, the 1995 Annual Report, and the travel grant. I took the opportunity to connect with the regional representatives that have had dealings with the NMNH. The discussions were extremely cordial and there were no complaints registered. Tessie Naranjo had introduced Andrea Hunter to the audience. Both the Committee and the audience seemed pleased that the NMNH was represented.)

APPENDIX H

NAGPRA Hearings, June 9-11, 1996

Native American Graves Protection and Repatriation Act (NAGPRA) hearings Billings, Montana
June 9/10/11, 1996
Prepared by G. Flynn

Sunday, June 9

Martin Sullivan opened the meeting and acted as chair because Tessie Naranjo could not be there until after lunch. Sullivan said how sad the Committee was at the loss of William Tallbull who had passed away earlier this year. There was a moment of silence in honor of Mr. Tallbull.

Sullivan asked the members of the audience to introduce themselves.

Rachel Craig gave the invocation.

Frank McManamon gave an update on the implementation of NAGPRA. He said that since the last meeting the bulk of the regulations had been published as final as of January 1996. The Senate Indian Affairs Committee had held hearings on the implementation of NAGPRA. The Park Service was asked to address the implementation process and had asked the Senate Committee to consider some technical changes to the statute. They asked that funerary objects associated with culturally unaffiliated human remains be placed within the regulatory purview of the NAGPRA Committee. They also asked that monies gained from the civil penalties levied against museums for non-compliance be utilized by the Park Service for restitution to tribes and as rewards for compliance, rather than this money simply being placed into the general treasury.

Jonathan Haas asked if these requests meant that the Park Service was asking for NAGPRA to be amended.

McManamon said yes. There could be other amendments as well.

Haas asked if the Park Service letter to the Indian Affairs Committee was in the NAGPRA Committee packets and, if not, could they receive a copy of the letter.

McManamon agreed to distribute the letter.

Monroe said that the Smithsonian had been asked to respond to testimony given at the hearings. Was there any update on that?

McManamon said that Smithsonian representatives were in the audience and would no doubt be making a statement.

McManamon referred to Section 10.12 of the regulations on civil penalties. He said that language had been drafted by the Dept. of Interior and they have asked for approval of this language as

interim regulations. This would make these regulations immediately enforceable. The National Park Service would continue with the process of receiving public comments on the language at the same time. This draft language is in the solicitor's office for review. It will then have to go to the Congressional Office of Management and Budget for review. A draft is circulating of section 10.13 on future applicability. This section deals with how museums should handle the inventory process for newly accessioned material and material newly found within the collections. The National Park Service continues to receive summaries. They have received 870 to date. These summaries deal with unassociated funerary objects, sacred objects, and objects of cultural patrimony. Agencies and museums are working actively with tribes. There have been 32 notices of intent to repatriate.

Haas said that the list the NAGPRA committee had received about the summaries said 725 had been received not 870.

Tim McKoewn said there were two lists. Some of the summaries are complete and some are partially complete. Also, there have been a few added to list since the Committee's packets were put together.

McManamon said that 31,669 unassociated funerary objects, 256 sacred objects, 20 objects of cultural patrimony, and 21 objects that have been classified as both sacred objects and objects of cultural patrimony have been listed. Approximately 600 museums and federal agencies have submitted inventories. The National Park Service is looking through the material. It is being compared with drafts of notifications so that museums can proceed with repatriation. The Park Service is assembling a list of the culturally unidentified human remains for use by the Review Committee.

Phil Walker asked what the list of the human remains would look like. Was Park Service summarizing them?

McManamon said he didn't know how they would proceed. They could produce each entry listing, but most likely they will provide a list of numbers from each institution. Seventy-six notices of intent to repatriate have been published for 2,978 sets of human remains and 131,113 associated funerary objects.

Eighty-four requests for extensions for the submission of inventories have been received. The Park Service has asked for further information from nearly all of the requestors. Fifty-six have been granted for one year or less. A smaller number of requests have been granted for an extension period of 2-3 years. Three years is the maximum amount of time that will be granted. There have been two requests denied because they were received passed the extension request deadline. Twenty institutions that asked for extensions have completed the process since their request was made. They are still waiting on two extension requests, one of which includes a California court case. The process is winding down. The Park Service requested proof that summaries had been produced and a letter from a member of the governing board of the

institution showing the board was aware of the situation.

Dan Monroe asked what the most common reason was for asking for an extension.

McManamon said that it was mostly due to financial constraints, but all the requestors had been making steady progress.

Haas asked how the federal agencies were proceeding. He was particularly interested in the Bureau of Reclamation, and the Bureau of Land Management. Is there is a provision for agencies to receive extensions? How is the Committee to know that they are complying?

McManamon said agencies cannot seek extensions. The Park Service has completed its inventories. They have been submitted to tribes. The Bureau of Land Management has been completing them at both the national level and at the regional level. There is a lot of activity but it is difficult to track.

Monroe asked if it would be possible to send a letter to these agencies and ask for a status report.

McManamon said it could be done, but the Park Service might want to do a review of what's already been received first.

Sullivan asked what the statutory authority was.

McManamon said agencies are required to submit inventories by regulation and also statute. The Review Committee has a legitimate need for the information. However, making these kind of requests, from one secretary to another, can been seen as inter-agency interference.

Haas thought there was a lot of glaring absences. Some of these agencies are Interior Dept. bureaus, such as the Bureau of Land Management and the Army Corp of Engineers.

McManamon suggested that the Committee review this issue. He went on to discuss the grants program. The Park Service has received the applications for 1996. There were \$5 million worth of requests. The Park Service has \$2.2 million in funds available. The list of those grants that were approved should be announced in July. For 1997, the Department of Interior requested \$2.2 million in funding for the grants program. The Park Service is hoping the same amount will remain in their 1997 budget.

He updated the Committee on the status of two disputes they have been reviewing. He said that the with the regard to the Oneida case, the Park Service wrote to the two tribes asking for additional information. They only received partial information from the Wisconsin Oneida and were still waiting for something from the New York Oneida. The tribes have asked for a postponement until the next Review Committee meeting. The Santana descendants and the Hearst Museum case has been closed for the moment. The Park Service has received a letter

from the claimant, Mrs. Washburn, saying that the descendants were not pursuing the case at this time.

Haas asked if there was any correspondence from the Hearst. The Committee had recommended a loan.

McManamon said they had not received anything.

Walker said that the Hearst had already sent a letter saying they were interested in a loan.

McManamon said they should sent another letter to the Hearst stating what had been decided by the claimant. He discussed the trafficking provisions of NAGPRA and a number of cases that had been resolved. One case involved the U.S. Marine Corp and fifteen claimants. The Review Committee had recommended that the Marine Corp, retain control until the fifteen claimants could resolve their differences. There have been two court cases and a new case has recently been filed. The Marine Corp, will formally decide who to repatriate the remains to in July. There was a consortium of three claimants that objected to repatriation to another consortium of twelve claimants. The three claimants have asked for an injunction. Two of these claims may be withdrawn. The Committee can get a summary of the case from the Department of the Interior solicitor's office.

McKeown reminded them that the case was now being handled by the Dept. of Justice.

Walker thought this case may have significance for the Review Committee's regulations on culturally unidentified human remains.

McManamon said that trafficking provisions are handled by the Justice Dept. There have been four trafficking convictions for cultural items and one for human remains from Little Big Horn.

Haas referred to the Navajo mask case. He said that the mask had been acquired from a Navajo individual. However, the tribe says that individuals do not have the right to alienate these objects, that they are tribal property. The tribe has pressed the case.

Sullivan moved on to discuss other issues. He said there were three issues that the Committee needed to tackle at this meeting, culturally unidentifiable human remains, public comments on NAGPRA in Montana, and draft language on future applicability. The Committee has received over 100 comments on the language for the culturally unidentified human remains. A second draft has been developed taking these comments into account. He asked to postpone discussion on the culturally unidentified issue until Tessie Naranjo could be with them.

Haas said he wanted to talk about the lack of compliance by federal agencies. Why don't they have inventories from Bureau of Land Management and Bureau of Reclamation?

McManamon said the Park Service list may not be complete. Some agencies are working with museums. Agencies may still be working on their inventories. They may have completed their inventories but may not yet have sent a copy to the Park Service. He said he didn't know of any agency's lack of compliance.

McKeown said that the Park Service had done summaries for the entire agency but the inventories were being done on a park by park basis.

Haas wanted to know why the Bureau of Land Management wasn't on the list. What is the Review Committee's role in monitoring federal agencies now that the deadline has expired?

McKeown said Park Service needed to get a better idea of what inventories have actually come in first. They could put something together within a month, after that letters could be sent.

Monroe asked for a complete list. Federal agencies needed to be asked what the status of their inventories is and when they will be completed.

Sullivan asked if there was a way to know which museums' inventories include collections controlled by federal agencies.

Walker said one problem was that there was a dispute over who those collections belong to, the museums or the federal agencies.

Monroe recommended directly approaching federal agencies and asking for information on their progress.

Walker said they should develop a way to inform tribes of this and explain that the Review Committee is aware of the problem.

Public Comment Period

Bronco LeBeau, Cultural Preservation Officer, Cheyenne River Sioux, said they had had a good working relationship with South Dakota Bureau of Land Management. They've had a letter from the North Dakota Bureau of Land Management. Although they have received an inventory from South Dakota, they have never received an inventory from North Dakota. The Bureau of Land Management in Wyoming said in 1992 that all their collections were at different museums and that the tribe should get in touch with those museums to receive inventories. The Tribe felt that this was passing the buck. Its unclear in a case like this to which institution tribes are to submit requests. Where are the collection records? They've had no further contact because they are expending their effort on museums who want to work with us. Can the Review Committee list those statutes that tribes can use to make federal agencies comply? Who keeps legal ownership of these objects? South Dakota Fish and Wildlife has a war bonnet associated with the Wounded

Knee massacre. They say they have no knowledge of this, even though the local newspaper had a photograph and article on it.

Walker said the Committee needed to establish a system to identify those agencies that have given over responsibility for a collection to a museum.

Monroe wondered if agencies still retain responsibility until they have given up full title. Until that has occurred, a tribe should be dealing with the agency.

Walker said it is almost impossible for a federal agency to give up responsibility for a collection. This is especially true when an agency holds collections from lands that it controls. This may not be the case if the federal agency simply funded the project.

Walker asked what happened when a federal agency now holds the land but a collection was removed prior to their ownership?

Monroe said that in most instances they are still responsible.

LeBeau asked if this issue would be reflected in the regulations? This should be codified in an procedural statement. He asked the Committee to please put something in writing. He said the Bureau of Indian Affairs tried to transfer a collection to a museum in Rapid City and told the tribe they didn't have anything affiliated with the tribe. They have said they don't have to comply anymore.

Terry Gray from the Rosebud Sioux Tribe recommended that a letter go out to all federal agencies listing the federal statutes under which they must comply with repatriation. There is a problem with tribes locating collections, especially when agencies transferred materials without consulting the tribes.

Haas said that in the regulations there is a paragraph that says agencies must comply with the regulations.

Renee Bower, State Archaeological Research Center in Rapid City, said that in one case a collection was transferred but ownership was not transferred. These collections were not reported by her agency. They are housed by them, but were removed from tribal land for a project funded by the Park Service.

McManamon said that in that case the tribe becomes the federal agency and must report this collection.

LeBeau said there are cases where tribes have ownership of a collection but don't even know they have ownership. The material was excavated on tribal land but without tribal permission and now the Tribe has the responsibility of reporting it.

Bower wondered why if the Park Service funded it, it would now be the responsibility of the tribe to report it.

LeBeau said that if material comes from tribal land but is not culturally affiliated with the Tribe, They still feel it is their property. Do they have to repatriate it? They feel that they do not. What do the regulations say?

McManamon used the example of the River Basin Survey. The National Park Service funded the construction project and the archaeology. The Smithsonian administered the contract. In this case, the National Park Service does not consider those collections to be theirs. Tribal land collections should be handled under existing NAGPRA collection policies, not under the inadvertent discovery section. Under these two sections responsibility differs. Responsibility is to the tribe that acts as a museum or agency.

Bower asked if this meant that in her case the Army Corp. of Engineers was responsible.

McManamon said they may be. He suggested she look at the original agreement.

Bower asked if that was her museum's responsibility?

McManamon suggested checking with the agency.

Monroe asked how a tribe was to be held responsible for collections it didn't even know it owned?

Walker said it was not clear that they would be considered a museum when they do not have physical control over or possession of the collection.

McManamon said the tribe may in actuality have control over the collection.

Nada Lefthand, Salish-Kootenai representative, said that they have received some letters stating that agencies do not hold any sacred objects or objects of cultural patrimony. How did they make that determination? Weren't they supposed to consult with tribes? She asked for clarification on the transfer of collections. The Army Corp. Kootenai collections were stored at universities. The Army Corp. has not submitted any inventories. These collections are being transferred to the Tribe and the Army Corp. has said that the Tribe will then be responsible for inventorying these collections. Is this correct?

Sullivan said that it is not appropriate for museums to determine what objects are sacred or patrimonial.

Monroe agreed, saying that there was a misunderstanding on the part of the Army Corp.

Sullivan said that they needed to ask the tribe to review their inventory and tell them if there is anything sacred or patrimonial.

Lefthand said the Tribe will receive these collections and build a repository, but there has been no inventory. The Tribe has the collection and is accessioning it. Do they have to determine if there are sacred objects or objects of cultural patrimony for all seven bands of the Kootenai? Although the Tribe possesses the collection, the Army Corp still owns it.

McManamon asked if her tribe meets the definition of "museum" for NAGPRA purposes. If they do not, then the Army Corp. is responsible.

Monroe suggested that they get legal advice and have a consultation with the Army Corp.

Tessie Naranjo arrived.

She asked if Sullivan would remain as acting chair for the rest of the afternoon.

The Disposition of Culturally Unidentifiable Human Remains

Discussion began on the comments on the regulatory language for the disposition of the culturally unidentified human remains.

Sullivan said the Committee needed to think about a number of points. At what point back prior to European contact is it possible to link ancient remains with modern tribes? The Committee needed to address the issue of the non-federally recognized tribes and the fact that remains affiliated with them end up on the culturally unidentifiable list. They also need to address the issue of placing under NAGPRA the funerary objects that are affiliated with culturally unidentified human remains.

Haas asked if anyone from the Dept. of the Interior's solicitor's office had reviewed the Committee's statutory limits.

McKeown said that if regulatory language says something "should" happen, that does not require amendment, but if the language says "must" and is not clearly written into the law, that requires an amendment.

Sullivan said that the Review Committee has been asked to make recommendations not write regulations. The Secretary will ultimately have to make the decision.

McManamon said once Interior received recommendations, the Secretary may come back to the Review Committee for comment on draft regulations or he may go to Congress to ask for an amendment. The farther the Review Committee strays from the statutory language, the more

likely it is that they must ask Congress to amend the statute. Most museums will look to the statutory language to allow them to change their policies. A recommendation may not be enough. It may require statutory amendment.

Monroe said its best to use language that matches the law. For example, "affinity" goes beyond the statutory language. Ancient remains are the critical group that are not dealt with in the law.

Walker asked how many claims received are multiple claims for affiliation?

McKeown said that the majority seem to be.

Sullivan asked what happens next. Is it appropriate to circulate a second draft? He favored doing that. He reminded the Committee that their terms expired next Spring, so there was a time constraint

McManamon said the Committee should circulate a second draft. They should receive comments back by next fall. There is still enough time to allow this Committee to complete that responsibility.

Haas said they may not need to have another review of the language. He suggested reviewing the existing language to see what needed to be done.

Monroe said he would like to discuss moving forward with the regulations for those remains that they can make recommendations for, rather than waiting for an amendment. That will take time and will be contentious.

Haas said the Committee was only required to recommend specific actions for developing a process for the disposition of culturally unidentified human remains.

Monroe said that where its possible to use terms as defined in statute they should do that. Where it is necessary to use the concept of "affinity", he proposed that the Committee deal with this separately, as it will likely need an amendment.

Haas said one critical concept that had not been defined in the regulations is "shared group identity." They could develop a concept of cultural affiliation that goes beyond tribal affiliation by giving a broad definition to shared group identity. They should encourage regional consortiums.

McKeown said that 75% of notices of intent to repatriate have multiple claimant affiliations.

Sullivan wondered what commonalities could be placed under shared group identity, in addition to language and material culture.

Walker thought that although two modern groups may not be affiliated with each, both could be

affiliated with an earlier group.

Sullivan said a preponderance of evidence should be used as proof of shared group identity.

Walker said the Committee had been unable to come up with broader definitions of cultural affiliation.

Haas said shared group identity may be based upon more than the evidentiary lists provided in the regulations.

Monroe thought defining shared group identity would create problems with how they currently use the term.

Naranjo supported Haas' idea.

Rachel Craig said that her group had been in their area for such a long time that they are not confused with other people. But there has been intermarriage between Eskimo and Athabaskan. They should begin to come together to develop a shared group identity.

Sullivan thought perhaps shared group identity is closer to "affinity" than affiliation. Where do unaffiliated funerary objects fall?

Haas said that for non-federally recognized tribes there may need to be an amendment. Associated funerary objects may also need an amendment. What do they do when the only cultural affiliation is "Indian" or "Native American?" Is there some way to address ancient remains by re-evaluating shared group identity? Can this allow us to reach back further in time to say there really is a cultural affiliation based on the expanded notion of shared group identity?

Naranjo asked if the Committee could separate those issues needing amendment and those for which the Committee could make recommendations.

Monroe said cultural affiliation is based on the terms shared group identity and tribe.

Sullivan again asked if the Committee could separate those issues needing amendment and those for which the Committee could make recommendations.

Monroe said that if the Committee couldn't come up with a way to stay within the statutory language, there must be a new amendment. To avoid that they must redefine cultural affiliation and who has the right of disposition.

The Committee continued to disagree on how to proceed.

Walker said non-federally recognized tribes cannot fit under the statute. The issue will need to

have an amendment. The Committee needs to make recommendations. Is it right to try to and stay within the statute?

Monroe said the Committee had struggled with this issue. They can't solve it within the statute. Rather than trying to work around it, it must be addressed by new legislation.

Walker said the Committee shouldn't interfere if tribes feel they have shared group identity.

Sullivan agreed.

Walker said the Committee would only be involved when the museum and tribe disagree about whether there is shared group identity or cultural affiliation or not. He didn't feel they should define these concepts.

There was some discussion about groups already doing this.

Haas pointed out that it is not being done with ancient "unknown" remains, yet.

Sullivan recapped the discussion so far. He said the Review Committee was moving toward a definition of shared group identity that went beyond tribal affiliation. The Committee had had some discussion about the issue non-federally recognized tribes and the fact that to correct this problem there would need to be an amendment. The Committee also discussed including the funerary objects associated with culturally unidentified human remains in new regulatory language.

Public Comment Period

Zona Lones-Arrow, Standing Rock Sioux Tribe NAGPRA Committee member, said that it was her responsibility to identify cultural objects for her tribe. She does not deal with human remains issues, because according to Sioux tradition, women, as child bearers, do not handle the dead. She said she had been sitting in the audience listening to the Review Committee go around in circles about the disposition of the culturally unidentified human remains. She asked the Committee to write a letter stating that the remains should be reburied. The remains need to go back into the ground. The archaeologists should not have disturbed the dead. The North Dakota Re-interment Committee that handles repatriation for eight North Dakota tribes, does not care who the remains are affiliated with. When she went to New York she found her grandfather's prayer sticks. The sticks spoke to her and said they wanted her to take them home. The Sioux don't care if the remains are unidentified, they want them to go back into the earth.

Tom Killion, Program Manager, Repatriation Office, NMNH, updated the Committee on the NMNH repatriation program. He said there was a perception that the NMNH was not complying with NAGPRA. This issue had been raised at the Senate Indian Affairs Committee hearings. The

Indian Affairs Committee made a commitment to get the Smithsonian to comply with NAGPRA. Their main issue was that although the SI is producing inventories there is no deadline for completion under the NMAIA as there is under NAGPRA and the Committee wanted this corrected. Since then, the SI Secretary has directed the NMNH to complete the summaries of sacred objects and objects of cultural patrimony by December 31, 1996 and inventories of the human remains and funerary objects by June 1, 1998. There is also an amendment to the NMAIA pending that would require these deadlines to be met by statute. This new commitment will require the Repatriation Office to move staff to the inventory project and will affect case request completion.

The Repatriation Office will have repatriated 2,500 sets of remains by the end of this summer. They have submitted inventories on over 8,000 sets of remains and cultural objects. They are currently working on 42 active requests. They have submitted ethnographic summaries to over

144 tribes. They have consulted with over 206 tribes, and received informational visits from over 180. The issues of the Smithsonian not having inventory deadlines has been an issue at past NAGPRA meetings and he was pleased that this issue was behind them. He hope that by using their experience in completing repatriations, they can assist the NAGPRA Committee and other museums in completing the repatriation process. He referred back to an earlier discussion that the Committee had had about tribal consortiums for claiming of remains. He said that it has been his experience that tribes have successfully developed these consortiums to claim both more recent and ancient remains.

Haas said the NAGPRA Committee had been in the past critical of the SI's exemption from NAGPRA, but the criticism had not been directed at the Repatriation Office. The Repatriation Office has shown great leadership. The number of remains that it has actually repatriated is admirable. Their concern had been with upper level management. They were gratified to see that the Smithsonian will be completing inventories.

Monroe said he commended the Smithsonian Secretary for his positive response. It has been a concern to both the Native community and to the NAGPRA Committee. These actions will be beneficial.

Tom said the Committee had assisted the Repatriation Office in moving the issue forward.

LeBeau returned to the issue of the definitions of shared group identity and cultural affiliation. He said part of the problem is that people are trying to define "tribe" in a way that the Native community does not define it. The museum and archaeological community use the term to mean a singular tribe, but they feel that that word could be applied to a multiple group coalition. Museums should just move forward with making repatriations. If a museum acts in good faith and repatriates to the wrong group, they cannot be held responsible. The oral history line of evidence should be the first line of evidence. His tribe was willing to accept possession of culturally unidentifiable human remains for reburial. If a museum makes a notification of the

intent to repatriate and receives no counter claims, then they must proceed with repatriation.

Myra Geason, Bureau of Reclamation, referred to the River Basin Survey collections. She said that the National Park Service says its not responsible for the inventory of those collections. The Smithsonian believes itself to responsible. Bureau of Reclamation has a memorandum of understanding with the Park Service and the Smithsonian that allows Reclamation to meet their NAGPRA obligation.

Nadema Agard, Standing Rock Sioux Tribe, spoke about the need for better communication between the Native and non-Native communities.

Monday, June 10

Tessie Naranjo opened the meeting. She said the next meeting was planned for October. A consortium of Eastern and Southeastern Tribes have invited the Committee to their next meeting which is around October 24 in South Carolina.

Non-Federally Recognized Tribes

There was discussion on the issue of the non-federally recognized tribes.

McKoewn pointed out that the Review Committee had repatriated to non-recognized tribes on a case by case basis in at least two instances.

Walker pointed out that in both cases the museums had wanted to repatriate to those tribes and had really only asked the Committee to sanction the return.

Haas suggested taking a two-pronged approach, developing new legislation giving those tribes an opportunity to participate, and while awaiting new legislation, stating that a precedent has already been set by the Review Committee that allows museums to proceed under mutual agreement to repatriate to non-recognized tribes.

Monroe asked what that new legislation would look like.

Haas said he didn't know.

Walker said that the Committee may not be able to get new legislation passed.

Monroe said the Committee hadn't been able to come up with a list of non-recognized tribes, but they can approve these repatriations on a case by case basis. He recommended the Committee continue to approve these requests on a case by case basis, while developing a procedure for recognition.

Haas said the Committee could outline strategies for museums to work with state and previously recognized tribes, but noted that there will be states where this is an unpopular decision.

Walker said museums think they're in legal jeopardy when returning to non-recognized tribes.

Monroe said both tribes and museums are worried about who has standing.

Sullivan said that there have been four cases in which the tribes did not have standing. Both parties wanted to go ahead and there were no counter claims. Perhaps the Committee should just publicize this process.

Walker said all the Committee had done is given assurance to museums that they can give remains to non-recognized groups.

McManamon pointed out that these tribes are not eligible for grants and will always have to ask for a special review of their cases. The Park Service has encouraged museums to consult broadly with both non-recognized and recognized tribes. The Committee will always have the option of getting involved in a specific case.

Haas wondered if the Committee should encourage tribes who are not recognized to work with museums to reach agreements on repatriation, and encourage museums to notify non-recognized tribes if there are remains that may be culturally affiliated with them. The Committee also should suggest that the involved parties are encouraged to consult with federally recognized tribes where they may have an interest in the same area. When a agreement is reached it should be submitted to the Review Committee for review and approval.

Sullivan thought there was a problem with the Committee approving these arrangements. Is it the role of the Review Committee to do this? Is it necessary to make a finding?

McManamon pointed out that "findings" by the Review Committee are tied to the dispute process and in these cases there is no dispute. He preferred the word "recommendation."

Culturally Unidentified Human Remains

The Committee continued to discuss this issue, with no resolution. They moved on to discussing the revised second draft of the regulations for the culturally unidentified human remains.

Monroe said the problem with the first draft is that it did not stay within the framework of NAGPRA. The Committee recognizes the importance of staying within the regulatory language. He read the second draft. Using this approach this language could be placed in the regulations and would not require amendment.

Walker pointed out that this language just states what the process is currently.

Monroe thought it resolved the problem of not being able to identify one specific tribe. This language would establish through regulation the possibility of multiple group affiliation.

Haas said it also broadened the concept of shared group identity beyond direct historical descent. There can still be a link without a direct historical line. They can have many more groups culturally affiliated with those cultures. This could raise problems in parts of the country.

Monroe said it would require multiple groups to make group claims. Until those groups reach agreement, no action would be taken.

There was a public comment period scheduled, but there were no comments.

McManamon raised an issue with the Committee that had been discussed at earlier meetings, the concept of a national clearinghouse for the inventories of the culturally unidentified human remains. He did not think it was a very good idea and recommended that tribes consult directly with museums. He also did not think that tribes should submit their evidence of shared group identity to the National Park Service. That would put the Park Service in the position of judging these claims. He thought tribes should take their evidence directly to museums.

Haas disagreed, saying that the Review Committee needed to have a clearinghouse. There are over 100,000 sets of remains classified as unidentified. Museums need a functioning list. Tribes won't know who has material potentially affiliated with them after these remains are listed as unidentified.

McManamon said that if lists of culturally unidentified human remains were sent to tribes that would solve the problem and avoid a need for another list.

Haas asked who would be responsible for establishing shared group identity.

McManamon suggested not using the word "establishing", but rather developing evidence in support of the claim. Tribes and agencies should be encouraged to work together.

Haas worried about federal agencies determining cultural affiliation. The Committee feels tribes should be developing this evidence. He wasn't sure if agencies should be consulted. They may not have the proper training to do this.

Monroe said if this language was written in such a way as to allow tribes and agencies, or tribes alone, to determine shared group identity that should solve the problem.

Haas disagreed and thought agencies would begin doing it without tribal input.

Monroe agreed, but thought that in those cases where it was advantageous to collaborate, museums and tribes should be allowed to consult.

McManamon said the Committee was discussing cooperative efforts that tribes might find beneficial

This discussion continued without resolution.

McKeown pointed out that many museums had used the Review Committee's first draft as a guide for completing their summaries, and now the language might be changed. Tribes won't have those lists of the unidentified for at least a year. Under the inventory process as it stands, only museums, agencies and courts can establish cultural affiliation and tribes can then contest it.

Haas said the Committee wanted tribes to be able to make the initial determinations.

Monroe didn't want museums to have to go back and make changes. He said that would make the process even more difficult.

LeBeau suggested quoting the lines of evidence from the law, directly. He objected to the use of the word "artistic" as a line of evidence and recommended using the word "spiritual." He said he was against suggesting that tribes and museums should have to consult. The statute requires museums to consult with tribes, but the tribe's consultation doesn't begin until after they review the inventory, where the determination of cultural affiliation has already be made.

There was no consensus on what the wording of this language should be.

Regulatory Language for Future Applicability of NAGPRA

In the afternoon, the discussion turned to the draft language developed by the National Park Service for future applicability of the law.

McManamon said that the draft had been reviewed by the solicitor's office and is believed to be consistent with the act.

Walker wondered if a museum would be required to complete the entire inventory reporting process when a new item was discovered for a collection that had previously been reported. He thought this could become cumbersome. He suggested a clause that recommended immediate informal contact with the tribe with whom the material may be affiliated. The museum could track these new discoveries and report on them once or twice, yearly.

Haas thought inventories could be reported once a year but summaries should be reported every 60 days. He also thought that museums should be notified when new tribes had become

recognized.

Walker pointed out that some discoveries are affiliated with collections previously repatriated. He would recommend in those cases a museum could proceed with immediate return.

McManamon thought museums would still need to submit notifications of the inventory completion and intent to repatriate. He didn't think the Committee should develop new procedures.

Sullivan asked what process would alert museums that new tribes had been recognized.

McManamon said notices would be placed in newsletters and other notices.

McKeown said currently the Bureau of Indian Affairs lists them in the Federal Register and 90 days later tribes become recognized. Announcements are also placed by the National Park Service.

Sullivan raised another issue. He said he could envision a museum receiving a donated collection, which does not seem to include any sacred objects or objects of cultural patrimony, but according to NAGPRA, an inventory and summary should be prepared and the tribes notified.

Haas said this was a problem and could become an unnecessary burden. He thought that summaries to tribes should be prepared only when the initial summary would be substantially altered by the addition of the new material.

Walker reiterated that when additional items from previously repatriated collections are discovered, museums should notify the tribes and the material that falls under NAGPRA should be expeditiously returned.

McManamon agreed to continue working on the future applicability language.

Culturally Unidentified Human Remains

The Committee returned to discussing the disposition of culturally unidentifiable human remains. They reviewed the changes in the revised 2nd draft.

Naranjo said that the draft would go out for public comment and the comments would be reviewed at the October meeting. At that time, it might be necessary to undergo another revision.

Zona Lones-Arrow asked what category scalps fit under.

Haas said they fit under the definition of human remains. He also pointed out that the Review

Committee had yet to tackle the issue of the ancient remains for which the only designation is "Indian" or "North American."

Naranjo wondered if their recommended definition of shared group identity wouldn't cover these remains.

Haas thought the affiliation would be too broad.

Lones-Arrow said that the issue of scalps needed to be addressed. She gave a long and eloquent speech about spirituality and the need for all human remains to be reburied.

Naranjo asked if discussion on the ancient remains could be tabled until the next meeting. The rest of the Committee agreed.

Public Comment Period

Frances Aulae, the Cultural Resource Protector for the Kootenai tribe, showed a film on the unearthing and reburial of human remains. He discussed the reburial of inadvertently discovered human remains. He said the Kootenai try to have the remains reburied as close to their original burial place as possible. All the Montana tribes have divided up responsibility for repatriation in Montana. They do not feel that the remains have to be culturally affiliated with the tribe handling their reburial. The Montana tribes have a good working relationship with the archaeological community.

Rubin McKloski, from the Rosebud Sioux, said human remains needed to be reburied with respect. Notices for workshops should be advertised 120 days prior to being held and targeted toward the local native community. (His criticism seemed to be directed at the National Park Service) Each museum has mislabeled collections that need to be corrected. NAGPRA has left many unanswered questions. He asked to be provided with a list of the Native people working for the Park Service. He did not think there were very many, but did note one National Park Service staff person in the audience. (This person turned out to be Gerard Baker, Superintendent of Little Big Horn Battlefield) McKloski said that he had asked for this list two years ago and never received it. He thought Native staff should be at all national parks. The BIA has a trust responsibility to tribes to rebury their dead due to tribal treaties with them. The Teton Sioux would like to see a central place where remains can be reburied because they traveled widely. They want the National Park Service to provide that.

Naranjo asked how many days notice people received for this meeting.

McKeown said the Federal Register notice was April 1.

Naranjo asked if it was possible to find out how many Native Americans work for National Park

Service.

McKeown said that their new Indian liaison, Pat Parker, was working on putting this information together.

Monroe said that this issue fell outside the Committee's authority, but he felt that the National Park Service needed to pay attention to this issue.

Myra Geason, Bureau of Reclamation NAGPRA Coordinator, said that while they were preparing their inventories, they found that they have documentation for remains that could not be located. They contacted the Park Service and were told that they should not report on remains that they did not have. She thought that as other museums did inventories they would not be able to find all the remains for which they have documentation.

Monroe asked if the Bureau had notified tribes that they had this information.

Geason said that they had, in most cases. They are planning on putting this list together to send to the Park Service.

Walker said there may also be cases where remains on the inventory list are not actually on the shelf.

Connie Eustep, Museum of the Rockies, said their policy was to not collect human remains, but they had a collection of undocumented human remains, most of which have unknown cultural affiliation.

LeBeau raised the issue of newly discovered remains affiliated with tribes to whom a museum has already repatriated, he thought that returning the new remains expeditiously was a good idea and did not need notification to the Park Service. His tribe had received an inventory from the Fruitlands Museum that listed human remains that could not be located. He thought that was helpful.

Nada Left-Hand, Kootenai, said her tribe was putting together an action plan to decide how repatriation will be handled with each museum.

Faith Bad-Bear asked if museums were supposed to unconditionally repatriate collections to tribes. She also wanted to say that there have been cases where remains that were unidentified had been identified through ceremonies where the spirits had come to identify the remains.

Walker said that repatriation was unconditional under NAGPRA. He also said the Review Committee was aware of the value of spiritual leaders and their testimony for identification. He referred to the Hawaiian case and their identification of unknown remains.

Tuesday, June 10

Implementation of NAGPRA in Montana-Public Comment Period

Gerard Baker, National Park Service Superintendent of the Little Big Horn Battlefield, who is Mandan-Hidatsa from Fort Berthold said he has worked for 17 years for the Park Service and had also worked 3 years for the Forest Service. He referred back to the previous day's discussion about the number of Native Americans on staff at Park Service. He said that in uniformed service out of 15,000 employees there were 550 Native Americans on staff full-time and 250 seasonal staff. He discussed the history of Little Big Horn. He said after the battle in 1876, the Indian remains were removed from the battlefield by their families, but the territory had been used extensively in the past by many tribes and there are many burials located there. There is also a mass grave of military personnel lost in the battle. They have occasionally found bones within the Park boundaries, and have had some remains anonymously returned to the site. They often do not know what the cultural affiliation of those remains is. Because the local Indian community does not want to rebury any Caucasian remains, the Park has performed some non-destructive analysis to help determine ethnicity. They have reinterred 37 of the military in the national cemetery. They have been working with the local NAGPRA Committee, especially Steve Brady (Northern Cheyenne), and John Pretty-on-Top-(Crow). It is the policy of the local tribal NAGPRA Committee and the National Park Service that any remains from the site should be reburied. The battlefield has had a lot of theft. They had one return of a set of remains (female) that supposedly came from a cave, although he did not know of any cave within the park boundaries. They had also had the return of a skull and leg bones. The skull had a hole drilled in it and had possibly been used as a candle holder. The Park has also had some objects anonymously returned (sacred objects and funerary objects). He expected this issue to be on-going. They are trying to increase their law enforcement. They are not actively seeking the return of material, but material is being returned.

Walker asked if there had been any contact from the descendants of the soldiers who had fallen there.

Baker said no.

Walker asked him what would be done with the unidentified.

Baker said they would try to rebury them in the national cemetery. They intend to invite both the local NAGPRA Committee and also representatives of the military.

Left-Hand said they had received a lot of correspondence from museums. She was nominated as the NAGPRA Coordinator. She's been trying to develop a cultural preservation program. They are developing a plan of action. Her elders have asked her to involve the younger people. They need to find out details about how their people were buried and why they died. That will tell them

a lot. They've been working with federal agencies. They've reinterred fourteen sets of remains from federal and private property. Six were reburied close to the area from where they were excavated. They're proceeding cautiously with requests for repatriation. They're waiting for the summaries to come back first. They've found human remains in one museum that are associated with funerary objects that are in another museum. They are hoping that museums are not expecting them to make contact immediately. They're dealing with local agencies first. They have visited the Field Museum. They're concerned because they have very few elders left who can help them with their ceremonies.

Sullivan asked her if their tribe had been communicating with the Canadian bands.

Left-Hand said that they had; they are included in the case requests.

Walker said that some museums have taken an absence of contact by tribes to mean a lack of interest. He recognizes that that is not always the case.

Naranjo said that her tribe had experienced the same situation.

Left-Hand said that there are many tribes that don't have ceremonies for reburials. Some tribes have ceremonies that are only done once.

Craig said she was scared because she didn't know how they're going to proceed, as they have also lost some elders. They are becoming elders themselves, but wondered if they knew enough to carry on the traditions for future generations. They don't have many spiritual leaders left and only have Christian ceremonies on which to depend.

Left-Hand said it didn't matter what denomination the remains are buried under, they just need to be reburied with respect.

Craig said they were getting together with more than one denomination because they felt the remains belong to all of them.

Terry Zontak, Bureau of Reclamation Regional Archaeologist for the Great Plains, discussed the reburial of Native American remains on federal lands where a canal project had disturbed them. He said they identified three bodies related to the Pawnee. Prior to the project, they had negotiated a reburial agreement with the Pawnee. The Pawnee wanted the remains buried in the same location and in the same orientation. There were worries about long term protection. Two ideas were to bury the remains deeply, or to secure them under the concrete slab. The irrigation manager for the canal agreed to protect these remains. The Bureau of Reclamation needed to be assured they could protect the remains.

Mark Keller, BIA Archaeologist in Billings, referred to the Committee's discussion on shared group identity. He thought the Committee should be careful not to leave the definition too

general. His worry was that political groups could use a broad definition to make claims to the detriment of the tribes. The key element ought to be geographic proximity. He was concerned that some agencies take the easy road and return remains to tribes without consulting with the legitimate claimant.

Haas said geographic proximity works in the Plains, but doesn't work elsewhere. In other regions, temporal proximity is more significant. For instance many, tribes now residing in Oklahoma would be disenfranchised were geographic proximity the only criteria.

The Committee discussed their next meeting which is tentatively scheduled for October 25,26, 27 in South Carolina.

McManamon said they needed to ensure that the Oneida tribes could attend on those dates. He recapped the actions that needed to be taken as a result of this meeting. He would investigate whether or not the language for the non-recognized tribes could be published as interim regulations which would become effective 90 days after they are published. He would also investigate the level of compliance of other federal agencies. He suggested sending them a letter. The National Park Service would begin the list of the culturally unidentified human remains. He would consult with the Oneida tribes to schedule the hearing of their case at the next NAGPRA meeting.

The meeting adjourned.

Gerard Baker sang a song in honor of William Tallbull.

APPENDIX I

NAGPRA and Associated Laws Training Class, January 13-14, 1996

BERKELEY · DAVIS · IRVINE · LOS ANGELES · RIVERSIDE · SAN DIEGO · SAN FRANCISCO



SANTA BARBARA · SANTA CRUZ

January 31, 1996

DEPARTMENT OF ANTHROPOLOGY 405 HILGARD AVENUE, BOX 951553 LOS ANGELES, CALIFORNIA 90095-1553 PHONE (310) 825-2253 FAX (310) 206-7833

TO: RRC Members and Gillian Flynn

FROM: Russell Thornton

RE: NAGPRA and Associated Laws Training Class, UCLA, January 13-14, 1996

There was a NAGPRA and Associated Laws Training Class held at UCLA's James West Alumni Center on January 13th and 14th, 1996. It was organized by Reba Fuller, NAGPRA Project Director of the Central Sierra Me-Wuk Cultural and Historic Preservation Committee, and was sponsored by UCLA and the Angeles National Forest. (Some of you may remember Reba from the Palm Springs Workshop.) It was held for tribal groups in Southern California.

I was asked--on short notice--to make a presentation regarding repatriation at the Smithsonian and the Repatriation Review Committee. I gave my more-or-less standard talk about the Committee and made available to participants the mimeographed statement about the Committee, its activities and members.

My presentation was very well-received, and Reba said some very kind words about the Committee and the SI's Repatriation Office. There was a good discussion which followed, focusing on "memorandums of agreement," non-federally-recognized tribes and types of objects held at the SI which might be subject to repatriation.

There is another class scheduled to be held in Sacramento in May for native groups of Northern California. I have been asked to attend. We can discuss this at our February meeting.



APPENDIX J

Western Apache Repatriation Meeting, January 24, 1996

MEMORANDUM

DATE: January 29, 1996

TO: Repatriation Committee Members

FROM: Roger Anyon

RE: Western Apache Repatriation Meeting Trip Report

On January 24, 1996, I represented the Smithsonian Repatriation Committee at the Western Apache repatriation meeting in Tucson, Arizona. The San Carlos, White Mountain, Camp Verde, Fort McDowell, and Tonto Apaches were represented by either their cultural committees or the official tribal repatriation representatives. San Carlos was represented by both the cultural committee and the tribal history program staff. Observers were also present from the Mescalero and Jicarilla Apaches. An agenda for the meeting is attached.

Following introductions and updates on the status of repatriation by each Apache group Tim McKeown gave his NAGPRA presentation for the remainder of the morning. He gave an overview of NAGPRA, and noted that the panelists in the Congressional NAGPRA oversight hearings of last November had requested that the grants program be increased to \$10 million. This was his only mention of these oversight hearings. He also noted that the issue of redrafting the culturally unaffiliated remains document by the NAGPRA committee is now primarily the responsibility of Martin Sullivan. Tim went through NAGPRA in some detail, and spent some time focusing on the differences between situations concerning (1) planned excavation and discoveries and (2) collections. In addition he specified that there are differences between the NAGPRA and NMAI Acts, and made note of the fact that the Smithsonian is voluntarily complying with NAGPRA. He mentioned that his office has received 451 inventories of human remains and associated funerary objects to date and expects to have about 600 by May 16. Tim had copies of the final NAGPRA regulations available for all meeting participants.

Tim was asked about international repatriation. He stated the outlines of a very interesting case. Apparently some human remains excavated on Saint Lawrence Island (AK) by a Swiss archaeologist in the 1960s are presently curated in Switzerland. However, because the island was under the control of the BIA at the time of the excavations the human remains were owned by the Federal government when excavated, and thus are subject to repatriation under NAGPRA. This repatriation is now underway (it sounds like a done deal). Unfortunately I did not get a chance to talk further with Tim about this situation while I was in Tucson, but I think we should get as much information as we can from his office regarding this issue. It has broad implications for many foreign collections.

The entire afternoon was taken up by the panel in which I participated. I laid out the basics of Smithsonian repatriation and clearly distinguished between the NMNH and NMAI, ensuring that

everyone understands that they need to contact different offices if they wish to know about these two different collections. I noted that the way to initiate a repatriation request or get information at NMNH is to write to the Repatriation Office. I mentioned that the Apache Yavapai HR report had been in their hands for some time and the RO is awaiting responses from many of them. In addition, based on information provided by Chuck Smythe just before I left Zuni, I noted that they should be receiving the Apache ethnographic summary in the next few months. I also detailed what voluntary compliance with NAGPRA means for the NMNH in terms of sacred objects, cultural patrimony, and funerary objects, and how cultural affiliation is ascribed using all the categories of information provided for in NAGPRA (this was to expand on and set straight Tim McKeown's point that the NMAI law only calls for the best available scientific and historic documentary evidence to be used by the Smithsonian, even though he did note that the SI is following NAGPRA). I noted the importance of oral history in the Pawnee dispute as a case example. I then told the meeting who the members of the Committee are, what our duties are, and explained our travel and repatriation grants to tribes.

Lilly Lane (Navajo Nation Historic Preservation Department, Traditional Culture Program) explained the Navajo program for repatriation, and noted that there should be coordination between the Athabaskan groups. She also stated that the Navajo Hataali have decided that all HR from Navajo lands need to be repatriated along with their funerary objects and be reburied.

Carey Vicenti (Jicarilla Tribal Judge for Juveniles, and one of the principal architects of the Inter-Apache Policy on Repatriation and the Protection of Apache Cultures - copy attached) made a very direct and emotional appeal to the meeting participants to implement and complete all repatriation. This, he said, will heal the cultural sickness the Apaches are suffering. He also said that he thinks repatriation will take longer than anyone attending this meeting will have - it will continue on into the next generation.

Hartman Lomawaima discussed his efforts at ASM, and that ASM sees its relationship with tribes as a government to government relationship (something that was appreciated by the Apaches). Given that repatriations were scheduled for the following day at ASM to both San Carlos and White Mountain he kept his remarks short.

Joe Joaquin basically gave the story of how he became involved in repatriation. He noted that he is working both sides of the border and that there have been a couple of repatriations from Mexico City to the O'odam, although he didn't specify whether this was the US or Mexican O'odam.

Tim McKeown gave a second, short, presentation. He mentioned that NAGPRA is civil rights legislation, and that repatriation is now a world wide phenomenon, citing his recent experiences in Australia. Is NAGPRA for ever he asked - then noted that there is no statute of limitations in NAGPRA.

The questions and answer session focused on the nuts and bolts of repatriation. How is it done, what experiences did the panelists have, etc. The workshop was focused on the practical aspects of repatriation not theory, and this is what the Apaches wanted to know about.

In summary I think it was useful for me to be at the workshop because it ensured that the SI got adequate representation and was neither maligned nor misrepresented by anyone. I gave out copies of the Committee fact sheet and the travel grant package.

Nohwiki'i Nohwanane' (Bringing Our Ancestors Home)

Western Apache NAGPRA Group Workshop

San Carlos Apache Tribe

White Mountain Apache Tribe

Camp Verde Apache

Fort McDowell Apache

Tonto Apache

Delegations of honored observers: Jicarilla and Mescalero Tribes, the Apache Tribe of Oklahoma
Supported by a grant from the National Park Service NAGPRA Program

Goals of the Workshop:

- ** Encourage cooperation and avoid competition over incompletely or incorrectly labeled Apache cultural items (human remains, funerary objects, sacred objects, and objects of cultural patrimony) held by museums and federal agencies;
- ** Educate and train Western Apache elders and cultural specialists in the preparation of repatriation claims for cultural items through presentations and a museum visits;
- ** Identify a select group of Western Apache elders and cultural specialists who will: (1) study collections of Apache cultural items through consultations with museums in Chicago, New York, Los Angeles, and elsewhere; and (2) decide which Apache tribe should repatriate which items and assist in the preparation of repatriation claims.

WORKSHOP AGENDA

Wednesday, January 24		Tucson-Rincon Room	
8:00	Coffee		
8:30	Welcome (Ramon Riley), Commencement Prayer (Bert Hinton)		
8:45	Agenda Review (John Welch)		
9:00	Remarks from Tribal Leaders (Judy Dehose, Jeanette Cassa)		
9:30	Tribal NAGPRA Program Updates and Brainstorming (all Tribes)		
10:15	Break		
10:30	Dr. Timothy McKeown ("Dr. NAGPRA"):	What Is/Not NAGPRA	
11:45 Luncl	neon for Tribal delegates and panelists	Santa Rita Room	

Wednesday, January 24 (cont.)

- 1:00 Panel: NAGPRA Experience and Advice Tucson-Rincon Room
 - * Dr. Hartman Lomawaima, Arizona State Museum Associate Director
 - * Ms. Lilly Lane, Navajo Nation Preservation Department Cultural Specialist
 - * Mr. Carey Vicenti, Jicarilla Apache Tribe Chief Judge
 - * Mr. Joe Joaquin, Tohono O'odham Nation Cultural Resources Director
 - * Dr. Timothy McKeown, National Park Service NAGPRA Program Leader
 - * Mr. Roger Anyon, Zuni Heritage and Historic Preservation Director, representing the Smithsonian Native American Repatriation Committee
- 2:45 Break
- 3:00-5:00 NAGPRA Panel Open Discussion of "How Repatriation Works":
 - * What to do before a museum visit--consultation and technical preparation?
 - * What information to gather (and give) during museum visits?
 - * What can Tribes do to strengthen their claims?
 - * What to do after museum visits?
 - * How to prepare NAGPRA repatriation claims?
 - * How to involve historians, anthropologists, museum experts?
 - * Options for taking care of repatriated cultural items--"disposition"?
 - * Questions from Tribal delegations and guests--Your chance to ask the Pros!
- 6:00 Banquet for Tribal delegates, panelists, guests

Santa Rita-Rincon Room

- * Prayers and Remarks from Tribal Leaders and Guests (Ramon Riley, M.C.)
- * Introductions of Guests and NAGPRA partners (Raymond Kane)
- * Buffet Supper
- * Native American Humor: Andrew Lacapa, White Mountain Apache & Hopi-Tewa
- * Slide show of possible ASM Apache cultural items (Mr. Alan Ferg)
- * Arizona State Museum (ASM) collections procedures (Ms. Jan Bell, Curator)

Thursday, January 25

8:00	Prayer and Summary of Day's Activities	Tucson-Rincon Room	
8:15	Western Apache Delegates Leave for Deluxe Ch	-	
8:30	Blessing at the University of Arizona, ASM (Spiritual Leader)		
8:45	Welcome from Dr. Raymond H. Thompson, AS	,	
9:00	Break into 2-3 groups to take separate tours of the Apache cultural items collections (each group was a separate tours).		
11:45	Repatriation Blessing for non-NAGPRA Apache	sacred items to be returned	
	to the San Carlos and White Mountain Apache	Tribes by ASM	
12:00	Luncheon at the Museum for Tribal delegates Recognition of non-NAGPRA Repatriation Apache Collections Researcher Access (I	n and Discussion of ASM	
2:00	Continue ASM Western Apache Cultural Item S	tudies	
3:30	Guided Tour of Arizona Historical Society Apache Collections		
5:00	Bus Trip Back to Ramada (leaving from in front of Arizona Historical Soc.)		
	Dinner on your own		
7:30	Meeting of All Apache Culture Committee	Tucson-Rincon Room	
	eport on the status of the Western Apache Data Bas	se Project (Seth Pilsk)	
* Po	ssible amendments to the Inter-Apache Policy		
* Otl	her issues and discussion items		

Friday,	January 26 Tucson-Rincon Room
8:00	Coffee
8:30	Prayer
8:45	Review and Discussion of Arizona State Museum Visit
10:00	Break
10:15	Identify Working Group Delegates (1-2 from each Western Apache Tribe)
	and Alternates (1-3 from each Tribe)
11:00	Delegates and Alternates Plan Working Group Policies, Programs, and
	Schedule of Museum Visits
12:00	Closing Prayer and Adjournment
1:30 - 4:	00 (Optional) Arizona State Museum Apache Collections Open for Visits

APPENDIX K

Keepers of the Treasures Meeting, March 11-13, 1996

March 13, 1996

TO: RRC Members

FROM: Russell Thornton, Chair

RE: Presentations at the Keepers of the Treasures Meetings, Phoenix, AZ, March 11, 1996

I joined Andrea and Roger at the Keepers of the Treasures meetings in Phoenix on March 11th to make the same presentation twice: first, from 2:30-3:30; second, from 3:45-4:45. We were speakers at a session entitled "NAGPRA/Repatriation Updates," along with Timothy McKeown, NAGPRA Program Leader, NPS, and Polly Nordstrand, a young Hopi woman who works for the American Indian Ritual Object Repatriation Foundation. This was one of four concurrent sessions; the facilitator was Tessie Naranjo, Santa Clara Pueblo Historic Preservation Project and chair of the NAGPRA Review Committee.

The presentations by Tim McKeown were summaries and updates of NAPGRA and the NAGPRA Review Committee; the presentations by Polly Nordstrand described the Foundation, its origins and current activities. My plane from L.A. on the morning of March 11th was delayed and I arrived about the middle of the first session, after Andrea and Roger had made our presentation. I did, however, respond to the one question asked of us. It was from Jana Harcharek: she asked a detailed question covering such areas as who selected the Repatriation Review Committee members, how long were our terms of appointment, what was our budget, why haven't we had "open meetings" with native communities. I responded with information about the Committee's selection process, budget and related issues, and series of workshops with NMAI. I also responded that Committee members who felt comfortable doing so had attended a variety of workshops, conferences and interactions with native peoples.

I made the second presentation. I gave an overview of the Committee, its selection, purposes and activities. I also mention the "Steed-Kicker Phase" case. There were no questions.

I think our presentations and brief attendance at the meetings were useful and went well. It was nice for me to see a number of people again--Tessie Naranjo, Rosita Worl, Jana Harcharek, etc.-- as well as meet new people (including, as it turned out, a cousin who is Osage and Cherokee and works for the NMAI) and discuss various repatriation issues. We should continue these as well as other types of outreach activities to various Native American groups and communities. Not only do we learn much from them, and hopefully they from us, we also avoid criticisms of not caring about what native groups and communities think about repatriation and related issues.

MEMORANDUM

DATE: March 19, 1996

TO: RRC members

FROM: Roger Anyon

RE: Keepers of the Treasures Annual Meeting Trip Report

Along with Russell Thornton and Andrea Hunter I attended the Keepers of the Treasures meeting in Scottsdale. All three of us made a joint presentation to the Keepers in a workshop entitled "NAGPRA/Repatriation Updates". Other presenters were Tim McKeown (NPS) and Polly Nordstrand (American Indian Ritual Object Repatriation Foundation). The workshop was repeated twice on Monday afternoon. We explained the composition and role of the RRC, and the travel and repatriation grants that we have instituted.

Jana Harachek asked a question about the RRC membership, members terms, openness of meetings. Russell fielded this question.

At another workshop on culturally unidentifiable remains a number of issues were raised:

- (1) A staff member of NMAI in New York stated that NMAI has a number of culturally unidentifiable remains but that NMAI does not yet have a policy for disposing of these remains. He noted that some of the NMAI staff want to rebury these remains, but what should be done is not yet resolved.
- (2) Tim McKeown noted that a letter had been sent to the Senate Select Committee on the morning of Wednesday March 13. This letter requests a technical amendment to NAGPRA that would include funerary objects as being subject to repatriation along with any culturally unidentifiable human remains that may be repatriated.
- (3) Tesse Naranjo noted that the terms of all NAGPRA Committee members expire in March 1997. Notices for nominations for their replacements were to have been issued in the Federal Register on March 15. Mr Tallbull will be replaced hopefully within the next 90 days. A major item for the next NAGPRA Committee meetings in Billings will be a review of the second draft of the document regarding culturally unidentifiable remains. Tesse doesn't think there will be a lot of changes from the first draft.

Tim McKeown mentioned to me during another part of the Keepers Meeting that the next NAGPRA Committee meeting is scheduled for June 9, 10, and 11 in Billings, Montana. The location was arranged to accommodate Mr. Tallbull just prior to his passing away. Tim said the Committee is retaining this location as its next meeting place in memory of Mr. Tallbull.

Northern Arizona University Department of Anthropology Campus Box 15200 Flagstaff, AZ 86011 (520) 523-9656

TO:

Repatriation Review Committee Members

FROM:

Andrea A. Hunter, Vice Chair

DATE:

3/22/96

RE:

Keepers of the Treasures Conference, 3/96

I participated in the first two days of the Keepers of the Treasures Fifth Annual Conference held in Scottsdale, Arizona, from March 10th to the 14th. Russell Thornton, Roger Anyon and I participated in panel session D "NAGPRA/Repatriation Updates," scheduled on Monday at 2:30 and repeated at 3:45. Our presentation included an introduction of all Repatriation Review Committee members, overview of the Committee's role and activities, repatriation workshops, and grant opportunities for tribes. Each presentation ended with a question and answer period. Approximately 50 to 60 individuals attended the 2:30 session and 20 attended the second session. Since scheduling of sessions and activities was tight, there was not a lot of time to talk to individuals after our panel sessions. However, Tuesday I spoke with several individuals concerning the Smithsonian repatriation procedures:

Richard Begay, Navajo Nation Arletta Davids, Munsee Band of Mohicans Vernelda Grant, San Carlos Apache Al Livingston, Navajo Nation Tessie Naranjo, Santa Clara Pueblo Steve Thornton, Osage/Kiowa Christine Wheeler, Pine Ridge Gordon Yellowman, Southern Cheyenne 2 Spiritual Runners, Gila River Cherokee woman from Hawaii

Several of these individuals plus other tribal members, whose names I did not write down, mentioned to me that our presentations were extremely helpful. Two individuals asked if we were going to be giving the presentation again because there was so much more they wanted to know about the procedures. I think it is important for us to hear such comments. Even though we are in our sixth year of this process, there are tribes that still need help understanding the legislation and the procedures. As the Smithsonian's repatriation workshops and Keepers of the Treasures meetings reach different regions of the country, we continue to encounter individuals who are just starting the repatriation process. The RRC's tribal outreach

and liaison work is certainly not waning when we have tribal members asking us for more information on when and where our next repatriation workshop is going to be held.

As with the previous Keepers of the Treasures meeting I attended, I consider the time spend at the conference interacting with tribal representatives to be extremely useful. As tribal representatives see RRC members at repatriation workshops and meetings, the more comfortable they feel speaking with us. I consider our time at these meetings well spent and would support RRC members attending the conferences in their entirety to allow tribal representatives access to Committee members. Considering the intend of both pieces of legislation, NMAIA and NAGPRA, is to not only repatriate human remains and material objects, but to recreate positive relations between the museum/anthropology and Indian communities; our Committee can contribute substantially to this endeavor. With RRC members representing both the professional and Indian communities, our Committee can service as a resource for NMNH repatriation information and help establish a good rapport with tribal representatives. Many tribes feel intimidated by the National Museums and in some cases still have negative feelings toward them due to past relations. The RRC members can be instrumental in reestablishing good faith working relationships with tribes by interacting with representatives and supplying information in a "non-threatening" environment at these workshops and meetings.

Again, many tribes still do not fully understand the basic procedures for NMAIA and NAGPRA. The majority of questions continue to be fundamental: what is the difference between the two laws, how do we find out if the Smithsonian has any remains or objects of theirs, how do we request materials to be returned, and who do we contact? Plus, tribal representatives continue to request more workshops.

In summary, the RRC's participation and interactions with tribal representatives at the Keepers of the Treasures Fifth Annual Conference was perceived as a positive and welcomed contribution.

APPENDIX L

Southeastern Repatriation Workshop, September 11-12, 1996

AGENDA

Repatriation Workshop

Co-sponsored by the Smithsonian Institution's
National Museum of the American Indian,
National Museum of Natural History, Repatriation Office
and Repatriation Review Committee

Tuesday,	Septe	mber	10

5:00 - 6:00 pm Registration at Silver Star Conference Center

Breakout rooms 1 and 2

6:30 pm Traditional Dinner hosted by the Mississippi Band of

Choctaw Indians at tribal dance grounds.

Performance by tribal dance troupe

Wednesday, September 11

8:00 - 8:30 am Registration at Silver Star Conference Center

Breakout Rooms 1 and 2

8:30 am Catch shuttle vans at the hotel or drive to site

9:00 am Tour of Nanih Waiya Mound

Ken Carleton, Tribal Archaeologist, Mississippi Band of Choctaw Indians

10:30 am Depart Nanih Waiya Mound, return to conference center

11:00 am Facilitator introduction by Russell Thornton, Chair,

Repatriation Review Committee

Overview of workshop and participant introductions, Richard Grounds, Assistant Professor of Anthopology, University of

Tulsa

12:00 pm Catered lunch sponsored by NMNH Review Committee.

Served in Breakout Room 2

1:00 pm Participant status reports continued

2:00 pm Break

3:00 pm Preparing for Repatriation, Carey N. Vicenti, Chief Judge,

Jicarilla Tribal Court

4:00 pm

Break

4:30 pm

Questions

5:00 pm

Adjourn

Thursday, September 12

7:00 - 8:30 amm

Breakfast sponsored by NMNH Review Committee, Served

in Breakout room 2

9:00 am

Institutional Profiles: Repatriation Policies and Procedures

National Museum of Natural History, Paula Malloy, Southeast Case Officer and Chuck Smythe, Ethnologist

9:30 am

National Museum of the American Indian

Betty White, Repatriation Manager

Patrick Tafoya, Researcher

10:00 am

National Park Service

Frank McManamon, Department Consulting Archaeologist

Archaeology and Ethnography Program

10:30 am

Break

11:00 am

National Museum of Natural History

Repatriation Review Committee

Russell Thorton, Chair

NAGRPA Review Committee, Tessie Naranjo, Chair

11:45 am

Questions

12:00 pm

Lunch sponsored by the NMNH Review Committee

Served in Breakout room 2

1:00 pm

Participant discussion

3:00 pm

Break

3:15 pm

Review/questions/evaluations

4:00 pm

Adjourn

FINAL REPORT REPATRIATION WORKSHOP SEPTEMBER 11-12, 1996 PHILADELPHIA, MISSISSIPPI

GOALS:

To discuss Native views of repatriation; to share inter-tribal and intra-tribal processes for repatriation; to provide sources of information on Smithsonian Institution repatriation policies and activities.

RATIONALE:

This workshop was the fourth in a series of meetings co-sponsored by the National Museum of the American Indian, Repatriation Office and the National Museum of Natural History Repatriation Office and Repatriation Review Committee. The workshop was held to fulfill the long range goal of conducting repatriation workshops in different regions across the country. Previous workshops have been held in Washington DC, Palm Springs, California and Mille Lacs, Minnesota.

STRUCTURE:

The workshop was conducted over two days and was loosely structured to accomodate more general discussion. A traditional dinner and cultural dance presentation was hosted by the Mississippi Band of Choctaw the evening before the workshop began. Also, trips to two sacred mound sites were incorporated into the agenda. Participant status reports were given priority and were held on the first day. This was followed by staff reports outlining policies and procedures which were given the second day.

TARGET AUDIENCE:

The workshop was developed for tribal NAGPRA representatives from the southeastern region. Those tribes whose ancestral homelands were located in the southeast were also encouraged to attend.

EVALUATIONS:

(12 evaluations returned)

Tour of Nanih Waiya Mound very useful 7 useful 5

Participant status reports very useful 6 useful 6

Preparing for Repatriation - Carey Vicenti very useful 10 useful 1 n/a 1 Institutional Profiles: Repatriation Policies and Procedures
NMNH, Southeast Case Officer, Paula Malloy
very useful 4
useful 8

NMNH, Ethnologist, Chuck Smythe very useful 3 useful 8 n/a 1

NMAI, Betty White, Repatriation Manager very useful 3 useful 9

National Park Service, Frank McManamon very useful 4 useful 8

NMNH Repatriation Review Committee very useful 2 useful 9 not very useful 1

NAGPRA Review Committee, Tessie Naranjo very useful 6 useful 6

Participant Discussion very useful 8 useful 3 n/a 1

Did the workshop meet your expectations?
The majority of the respondents indicated that the workshop met their expectations. Only a few described their expectations.

"Yes. It exceeded my expectations. We could not have made this issue known as a real thing to deal with in our tribe otherwise."

"The aspect I liked about this workshop was noting the distinction between NMAI, NMNH, NAGPRA and the NAGPRA Review Committee. These groups can get confusing and this seemed to make things easier for me."

"Yes. I thought having the Native American NAGPRA representatives speak on the first day was good."

"The packets contain a lot of information that I will be able to use. I was able to make contacts that will be very helpful in the course of my work. Overall, this workshop met my expectations."

Please comment on the logistics: hotel, meals, etc.

Most of the respondents indicated that the meals and hotel were excellent. One commented that they were glad the workshop was held in an Indian facility.

What would you recommend to improve the workshop?

"The workshop has been well organized. However, an extra day should be set aside just in case more time is needed to continue repatriation issues among the participants."

Participants offered few recommendations on how to improve the workshop. A few evaluations indicated that they wished the workshop could have been better attended.

SUMMARY:

This workshop focused more on providing a forum for the tribal NAGPRA representatives to present information to the Smithsonian and the National Park Service and to also discuss repatriation related issues among themselves. The evaluations indicate that this shift in focus was appreciated by the participants. Formal presentations by museum staff and boards were very brief but allowed participants to learn about basic processes regarding repatriation. There were very few questions from the participants regarding procedures and most of those in attendance appeared to possess a working knowledge of NAGPRA. Although not a specific goal of the workshop, some discussion on cultural affiliation as it related to southeast collections was anticipated but it did not occur, at least in the formal workshop Future workshops should be structured to provide more of an opportunity to consult with tribes on specific issues that would be mutually beneficial to the tribes and the museum. Future meetings should also continue to be held within tribal communities.

Submitted by:
Alyce Sadongei, NMAI
Attachments
Agenda
Participant List
Announcement/mailer
Evaluation Tool

THE SMITHSONIAN INSTITUTION'S NATIVE AMERICAN REPATRIATION REVIEW COMMITTEE REPORT FOR THE 1997 FEDERAL FISCAL YEAR (October 1, 1996 to September 30, 1997)

Submitted December 10, 1997 to Secretary I. Michael Heyman

Russell Thornton, Chair

Andrea A. Hunter, Vice Chair

Cudiea C. Hunter

Roger Anyon

Lynne Goldstein Christy G. Turn

The Smithsonian Institution's Native American Repatriation Review Committee Report for the 1997 Federal Fiscal Year (October 1, 1996 to September 30, 1997)

The 1997 fiscal year was a typically busy and productive period Smithsonian Institution's Native for the American Repatriation Review Committee, including some particularly and accomplishments. significant activities This report inventories all the activities and accomplishments of Repatriation Review Committee during the past year and details some concerns.

We conducted the normal monitoring and review of the operations of the Repatriation Office (RO) at the National Museum of Natural History (NMNH) throughout the year, and responded to a variety of reports the RO submitted to us. A variety of outreach activities were initiated congruent with the Committee's reaffirmation to engage with Native American groups and communities. This included our contribution to a repatriation workshop organized by the National Museum of the American Indian (IAMN) and Committee members' attendance repatriation at conferences and a repatriation ceremony. Committee members, along with Committee Coordinator Gillian Flynn, also attended the regularly scheduled meetings of the Native American Graves Protection and Repatriation Act (NAGPRA) Committee.

Reflecting the 1996 amendment to the NMAI Act, Committee members also participated in the selection of two "traditional

Indian religious leaders" to serve as additional members of the Committee. This was a particularly significant activity during the period.

The Committee continued to monitor the "Steed-Kisker Phase" case, which was finally settled during the fiscal year. After the Committee having decided in favor of the Pawnee Tribe of Oklahoma's claim to these remains and objects in its dispute with the Smithsonian, other potentially-affiliated tribes were notified. Several of these other tribes also made a claim of cultural affiliation: the Iowa Tribe of Oklahoma, the Kaw Tribe of Oklahoma, the Osage Tribe of Oklahoma, the Otoe-Missouria Tribe of Oklahoma, and the Ponca Tribe of Oklahoma. The tribes eventually resolved the issue among themselves. (The remains and objects were repatriated jointly to the tribes on October 22, 1997.)

Finally, we have both continuing and new concerns we have identified that require consideration during the 1998 fiscal year.

Our activities involved meetings and trips, as summarized in Table 1.

Monitoring and Reviewing Activities

Our Congressional mandate, in part, states that the Committee will "monitor and review the inventory, identification, and return of Indian human remains and Indian funerary objects." This was expanded by the NMAI Act amendment to include objects of cultural patrimony and sacred objects. In keeping with this mandate, the Committee continued to monitor and review the activities of the

Table 1. Summary of Meetings and Trips*

Date	Meeting/Trip	Participant(s)
11/1-3/96	NAGPRA Meetings (Myrtle Beach, SC)	Anyon & Flynn
11/20/96	RRC Meeting (San Francisco, CA)	Full Committee (Christy Turner absent)
1/16-17/97	RRC Meeting (Washington, DC)	Full Committee
3/25-27/97	NAGPRA meetings (Norman, OK)	Hunter, Thornton & Flynn
5/29-31/97	Keepers of the Treasures (Anchorage, AK)	Anyon
6/4-5/97	RRC Meeting (Washington, DC)	Full Committee
7/28-8/1/97	Potential RRC Member Visit (St. Paul & Ponemah, MN)	Hunter & Thornton
8/13-15/97	Potential RRC Member Visit (Hoonah, AK)	Thornton
8/30-9/1/97	SLI Repatriation (Savoonga, AK)	Anyon & Thornton
9/16-19/97	Repatriation Workshop (Warm Springs, OR)	Anyon, Hunter & Flynn

^{*}Thornton also traveled to Halliday and Twin Buttes, North Dakota, to visit another potential RRC member; however, this occurred after the end of the 1997 fiscal year.

Repatriation Office during the year.

We had three meetings--in November of 1996 in San Francisco (immediately preceding and at the site of the American Anthropological Association 1996 meetings) and in January and May of 1997 in Washington, D.C.--for this purpose.

Our first meeting during the fiscal year was on November 20, 1996 (see attached minutes in Appendix A). Attendance during this meeting was limited to the Committee members, Gillian Flynn, and Tom Killion of the Repatriation Office, as the meeting was held in San Francisco. During the meeting, the Committee discussed the issue of the NMAI Act amendment, communication problems between the Committee and other units of the Smithsonian, developments of the "Steed-Kisker Phase" case, pending repatriations, several case reports and also other matters, in camera. Roger Anyon reported on his attendance at the NAGPRA Committee meeting held in Myrtle Beach, South Carolina.

Russell Thornton and Andrea Hunter were reelected chair and co-chair, respectively, for the upcoming fiscal year.

The second meeting of the Committee was on January 16 and 17, 1997, in Washington, D.C. (See Appendix B.) Attending for portions of the meeting were Dennis O'Connor, the Provost at the Smithsonian, and his Special Assistant, Ruth Selig, Pablita Abeyta, Office of Government Relations, Lauryn Grant, Office of the General Counsel, NMNH Director Robert Fri, Anthropology Department Chair Dennis Stanford, Repatriation Office Program Manager Thomas Killion, and RO case officers Bill Billeck, Paula Molloy, Stuart

Speaker and Charles Smythe.

The Committee met with Provost Connor and his special assistant, Ruth Selig, concerning issues of miscommunication between the Committee and other units of the Smithsonian, budget concerns, and also the Committee's mandated monitoring of repatriation at all units of the Smithsonian, not only the NMNH. These issues were also discussed with Director Fri, as were issues concerning Gillian Flynn's supervision.

The Committee reviewed its expenditures and the budgetary implications of adding two additional members to the Committee. Time was spent discussing the dispute between the Pawnee and other tribes potentially affiliated with the "Steed-Kisker Phase" and also the forthcoming St. Lawrence Island and other Alaska repatriations. The reduction in RO physical lab personnel was discussed as was the inventory completion process.

Various cases were reported on and discussed, including Point Barrow, Haida, Arikara, Menominee and Winnebago, Wounded Knee, Ponca, Tunica-Biloxi, Nez Perce, Blackfoot, and the Ontonagan Boulder case and the Southern Cheyenne loan agreement.

The Committee met again in Washington on June 4 and 5, 1997. (See Appendix C.) Also attending were NMNH Director Fri, Ruth Selig, Special Assistant to the Provost, Dennis Stanford, Chair of the Department of Anthropology, Deborah Hull-Walski, Anthropology Collections Manager, Thomas Killion, Program Manager of the Repatriation Office, David Hunt, Museum Specialist, and Case Officers Elizabeth Miller (head of the physical laboratory) and

Charles Smythe (ethnology).

As usual, the Committee reviewed its past expenditures; it noted approvingly that the Committee's original \$250,000 budget had been restored. The Committee further discussed the selection process for adding the two additional members to the Committee and Andrea Hunter and Russell Thornton reported on the activities of the Nomination Selection Committee. The Committee also reviewed the RO's 1996 Annual Report, and noted that the ethnographic summary process was completed in February of 1997. The Committee was updated by Ruth Selig on the progress other Smithsonian museums were making toward meeting the inventory mandate of the NMAI Act.

The Committee additionally discussed the "Steed-Kisker Phase" case. Tom Killion reported on the NMAI amendment and updated the Committee on several cases. Andrea Hunter, Russell Thornton and Gillian Flynn reported on their attendance at the NAGPRA hearings held in Norman, Oklahoma. Roger Anyon reported on his presentation at the Keepers of the Treasures meetings in Anchorage, Alaska.

Among other issues discussed were the Wounded Knee case report, the Smithsonian repatriation inventory process, the NMAI Act amendment, and the Committee's place within the Smithsonian's organizational structure. The Committee met in camera with Dennis Stanford to discuss Gillian Flynn's term renewal.

A particular topic of concern was a letter received from Gerald Soonagrook, Sr., President of the IRA Council for the Native Village of Gambell, Alaska. It alleged that the RO and the NMNH had acted improperly by "studying" the human remains from St.

Lawrence Island, after assuring the community that they would not be studied. It was concluded that some unfortunate miscommunication had occurred about what constitutes the nature of "study." (Apparently, some remains were briefly examined and photographed, but no full, deaccessioning protocol was done upon them.)

Reports Considered

Besides the RO's Annual Report, the Repatriation Review Committee formally considered 111 reports during the year: 7 reports on human remains; 101 ethnographic summaries; the Ontonagon Boulder report; the Response to Repatriation Request for Objects Associated with Wounded Knee; and the Ethnology Listing of Culturally Unidentified Objects. (The Committee also considered addenda to ethnology reports of uncatalogued collections for 36 groups.) (See Appendix D.)

Outreach Efforts

In keeping with the Committee's previous decision to interact more fully with Native American communities, the Committee engaged in outreach efforts during the past fiscal year.

NAGPRA Committee Meetings

Roger Anyon represented the Repatriation Review Committee at the NAGPRA Committee meetings in Myrtle Beach, South Carolina on November 1, 2 and 3, 1996, and Andrea Hunter and Russell Thornton represented the Committee at the NAGPRA meetings in Norman, Oklahoma on March 25, 26 and 27, 1997. Both meetings were also attended by Gillian Flynn, Repatriation Review Committee Coordinator. (See Appendixes E and F.)

Keepers of the Treasures

Roger Anyon attended the meetings of the Keepers of the Treasures on May 29, 30 and 31, 1997, in Anchorage, Alaska. He made a presentation on behalf of the Committee at the meetings. (See Appendix G.)

NMAI Repatriation Workshop

A repatriation workshop sponsored by the NMAI was held in Warm Springs, Oregon, with the Repatriation Review Committee providing some support. (See Appendix H for notes on the workshop). Along with Gillian Flynn, Roger Anyon and Andrea Hunter represented the Committee. They made a presentation on the role of the Committee in the repatriation process at the Smithsonian.

Savoonga Repatriation

Roger Anyon and Russell Thornton attended the Savoonga Repatriation ceremony held on St. Lawrence Island on August 31, 1997. Funeral services were held at the local Presbyterian Church; Russell Thornton was asked to say some words about the repatriation. Sincere thanks were expressed by many community members to both Roger and Russell for their attendance.

Meetings with Potential RRC Members

As members of the selection committee for the two additional members of the RRC, Andrea Hunter and Russell Thornton traveled to interview the four finalists. (Other members consisted of Robert

Fri, Dennis Stanford and Gordon Pullar.) Andrea Hunter and Russell Thornton traveled to St. Paul and Ponemah, Minnesota (on the Red Lake Reservation), to interview two candidates; Russell Thornton traveled alone to Hoonah, Alaska, to interview another candidate. (Russell Thornton also traveled after the end of the fiscal year to Halliday and Twin Buttes [on the Fort Berthold Reservation], North Dakota, to interview the fourth candidate.) Based on the interviews and other materials, it was thought that any of the candidates could be a valuable member of the Committee.

Grants Programs

The two grant programs—the Repatriation Grant Program and the Consultation Grant Program—established by the Repatriation Review Committee continued to assist Native American groups. Groups assisted by the Repatriation Grant Program were the Alaskan Inuit communities of Northeast Norton Sound (Elim, Golovin, Koyuk and White Mountain) and St. Lawrence Island (Gambell and Savoonga), the Mandan—Hidatsa, the Mashantucket—Pequot, and the S'Klallam. Groups assisted by the Consultation Grant Program included the Colville, the Standing Rock Sioux, the Wanapum, and the Yavapai—Apache.

Dispute Resolution

Committee time and effort were devoted to the continuing dispute over the "Steed-Kisker Phase" human remains and objects.

Earlier, the Committee had recommended that the "Steed-Kisker Phase"

remains and objects be returned to the Pawnee Tribe of Oklahoma. The Committee had also recommended that other, potentially-affiliated tribes be notified. As a result, interest in these remains and objects was also expressed by the Iowa Tribe of Oklahoma, Kaw Nation of Oklahoma, Osage Nation of Oklahoma (which made a request but later withdrew it), the Otoe-Missouria Tribe of Oklahoma, and the Ponca Tribe of Oklahoma. A set of procedures was developed by which the matter could be formally considered by the Repatriation Review Committee. The Committee also encouraged the tribes involved to consider resolving the claims among themselves. The tribes achieved a resolution to the dispute during the fiscal year. (The remains and objects were repatriated on October 22, 1997.)

Concerns

The Repatriation Review Committee continues to be concerned about the length of time involved in the repatriation process. We still think ways must be found to accelerate the decision-making process significantly. As we indicated last year, reports could be shortened, less extensive research could be done on human remains, and tribal representatives could assist in the packing of remains and objects to be repatriated.

The Committee has been concerned about communication problems between the Smithsonian Institution, the Repatriation Office and the Committee. During the 1997 fiscal year, changes were made whereby Gillian Flynn's supervision was moved from the Repatriation

Office to the Department of Anthroplogy, and communication during the 1997 fiscal year became more effective. We continue to be alert to possible communication issues, however.

The Committee is concerned that the upcoming move of the Repatriation Office does not interfere with the repatriation process, and that ample space is provided for the sundry activities of the RO. The Committee is furthermore very concerned that no personnel term renewals are being made beyond the year 2000 A.D. The repatriation task of the Smithsonian will obviously not have been completed by then, and a continuity of personnel into the next century is necessary for the orderly completion of repatriation requirements.

The Review Committee is fully cognizant of its congressional mandate and thus legal responsibility to monitor repatriation activities of all the museums and units of the Smithsonian Institution. We are particularly grateful for Provost O'Connor's memorandum of January 28, 1997, concerning the repatriation requirements of each and every Smithsonian museum and unit holding collections. (See Appendix I.) We envision the 1998 fiscal year has having increased activities by the Committee in monitoring repatriation at all Smithsonian museums and units.

Conclusion

The 1997 Fiscal Year was an unusually interesting and significant one for the Repatriation Review Committee. We are satisfied that we responded appropriately to the various issues and

challenges. The Committee looks forward to the 1998 Fiscal Year.

APPENDIX A

Minutes of Meeting on November 20, 1996

Final Repatriation Review Committee Meeting Minutes November 20th, 1996, San Francisco, CA Prepared by Gillian Flynn, February 3, 1997

Review Committee Participants:

Roger Anyon, Lynne Goldstein, Andrea Hunter (Vice-chair), Russell Thornton (Chair)

Smithsonian Staff Participants:

Gillian Flynn, Repatriation Review Committee Coordinator, NMNH Thomas Killion, Program Manager, Repatriation Office, NMNH

Wednesday, November 20th, 1996

I. Introductory Remarks

Russell Thornton welcomed the Committee. He reviewed the agenda for the day.

Gillian Flynn informed the Committee that Christy Turner would not be able to attend the meeting as he had taken ill at the last minute.

II. Discussion of the NMAIA amendment with Tom Killion

The Review Committee met with Tom Killion to discuss the issue of the NMAIA amendment and the inclusion of language adding two new members to the Review Committee.

Russell said he had hoped to receive more information concerning this issue from Dennis O'Connor, Pablita Abeyta, and Lauryn Grant but that had not been possible. He had been told that the Provost would meet with the Review Committee at their January meeting.

Lynne asked Tom if he could explain how the decision to add the two new members came about.

Tom said it all began at the December 1995 NAGPRA Senate hearings on repatriation when the Smithsonian's non-compliance with NAGPRA was brought up. The SI was supposed to speak at those meetings but Constance Newman asked to be excused because there was no one available at a high enough level knowledgeable about repatriation to give testimony. Therefore, the NMNH was not able to explain its repatriation process and accomplishments. The result of those hearings was that the Indian Affairs Committee agreed to speak with Secretary Heyman about complying with NAGPRA. Pablita Abeyta began negotiating with the staff of the Indian Affairs Committee. She had hoped to put forward a letter promising that the SI would comply with NAGPRA and set deadlines for inventory completion. She had been told that the Indian Affairs Committee was

developing a plan to bring the SI under NAGPRA. The Govt. Relations Office became concerned that the SI Repatriation Review Committee would be abolished. When Tom later read the Review Committee notes in which Pablita had said that this Committee would remain intact, he took that to mean that there was a plan to ensure that the SI wouldn't come under NAGPRA. A meeting was held with Lauryn, Pablita, Karen Mudar, Chuck Smythe, Paula Molloy, and himself to talk about how long it would take to complete the inventories. John Berry had wanted to just send out INQUIRE lists. But Tom had felt that tribes should be provided with more information. This group talked about the inventory completion deadlines. That was all that meeting was about.

Russell reminded Tom that he had talked with the Review Committee about putting together a committee to write the amendment language and the Committee had asked to have Gillian sit in on those meeting.

Lynne said she also remembered having that conversation.

Russell noted that that did not happen. The Committee then received Tom's memo saying that he had suggested adding two new members to the Committee. In that memo, Tom had said he had discussed it with Repatriation Office staff, informally.

Tom said that the meeting he was referring to was not about adding two new members. At that meeting, they only discussed the inventories. After that point he heard nothing. At a later point the Indian Affairs Committee asked for input on the amendment language. He spoke to Chuck Smythe, Candace Greene, Dennis Stanford, and Lauryn Grant and asked them did they think new members needed to be added to the Committee to address the categories of sacred objects and objects of cultural patrimony. He didn't actually recommend adding two new members to the Committee, just asked if anyone had thought about the need for it. At the time, he had not seen the Review Committee's comments on the amendment language. There was another meeting with the Indian Affairs Committee that he was not able to attend. Pablita and Lauryn met with the senior advisor to the Indian Affairs Committee, who decided to add two new Committee members and make them traditional religious leaders. There had been an early meeting with an Indian Affairs senior advisor where he said he was critical of the makeup of the Committee and felt there needed to be more Native Americans on the Committee.

Russell and Lynne pointed out that the Review Committee had made their feelings known about the current Review Committee remaining intact on several occasions. Even at the very first Review Committee meeting, there was discussion about this committee taking on responsibility for sacred objects and objects of cultural patrimony and the Review Committee stated that they felt that the current committee would be able to adequately handle those types of cases. They agreed that in the event specialized information was needed, outside experts could be hired to assist the Committee. In particular, it was noted that the flexibility of adding a person with specific expertise for a case would better serve Native American tribes.

Tom explained that sometimes he is invited to meetings on the hill and sometimes he isn't. He

said he realized that making that suggestion was a tactical error and had apologized to the Review Committee for that. He wanted the Committee to be assured that there wasn't a conspiracy to undermine them. He thought there might be a larger issue of the Committee being left out of the communication and decision making loop at higher levels at the Smithsonian.

Lynne noted that the Review Committee existed to advise the Secretary. The fact that no one consulted the Committee on this issue was very insulting. Communication among the Review Committee, the Repatriation Office, Gillian and Dennis Stanford could be worked out, but above that level she didn't know how to improve it.

Tom agreed that he, Dennis Stanford, Gillian, and the Review Committee could try to communicate better, but above that level he, too, did not know how to improve things.

Russell felt there was still a communication problem with Gillian, the Review Committee and Tom. Tom didn't talk this issue over with the Review Committee or mention it to Gillian, but did discuss it with other RO staff, Dennis and Lauryn. The Review Committee was only informed one day before the amendment language was finalized and were told it was too late to change it, even though Tom knew about it for two weeks.

Lynne said that the Review Committee isn't always informed even after the fact on some matters.

Russell said that he was particularly upset that Gillian was not involved in the amendment language construction process.

Tom agreed that there was a failure on his part to promptly communicate with the Review Committee. He said there wasn't ever an amendment language committee. He didn't think there had been a history of not keeping the Committee informed. There's the larger problem of the Committee being out of the communication loop with top level administration. The Committee needs to communicate this to the new Director of the Museum. It is also necessary to find out what role Mr. Fri will be playing in the new member selection process.

Russell said he had spoken with Mr. Fri. He plans to attend the Review Committee's January 17th meeting.

Roger asked Tom what measures he planned to take to ensure that communication between the RRC, RO, the Government Relations Office, and the General Counsel's office is improved.

Tom said he would try to give all information to Gillian. He used to wait until the Committee held meetings to communicate with them but will inform them earlier than that from now on. Communication with higher level offices is a problem for which he didn't have an answer.

Roger pointed out that the Repatriation Office represented all of the Smithsonian, with the exception of NMAI. He asked who was authorized to speak on issues of repatriation.

Tom said that at the moment anyone was.

Roger asked if there was one person who was authorized.

Tom said that NMNH would say it was him, but he isn't always invited to higher level meetings.

Lynne asked if it was Pablita who always went up to the hill.

Tom said it was Pablita or John Berry. Tom felt Govt. Relations tried to keep everyone informed.

Roger asked Tom if he agreed that he wasn't hearing everything. Tom agreed.

Lynne asked who else was in Government Relations.

Tom said John Berry was the Director and, besides Pablita, there are two or three other people. Pablita handles most Native American issues. He explained to the Committee that it was sometimes difficult to coordinate the desires of NMNH, NMAI and the Castle.

Lynne noted that Rick West was not left out of the loop.

Tom agreed, but pointed out that Rick was NMAI Director. He thought it might be necessary to get Mr. Fri more involved in repatriation and to clarify the Review Committee's position with the Director and the Provost. He agreed that he needed to clarify his role as spokesman on repatriation. As it stands now, he speaks with full authority to tribes on repatriation matters.

Lynne pointed out that as soon as a tribe complained to its senator, Tom no longer spoke for repatriation, Government Relations did.

Tom agreed, but didn't know what the solution was. He wondered if he needed to focus more on external issues.

Roger asked how the repatriation program could be represented without the Program Manager in attendance.

Tom thought that when his supervision was moved out of the Director's Office his place in the hierarchy changed.

Roger asked if that changed his relationship with Pablita and Lauryn.

Tom said no. In fact by them coming directly to him, others may be left out of the loop.

Lynne asked how often Tom spoke to Pablita.

He said he hasn't spoken to her very often since the amendment issue. He speaks much more frequently to Lauryn.

Roger was concerned that against the wishes of the Review Committee, a selection committee would be put together that included someone from the NAGPRA Committee because communication had broken down again.

Tom said he had been speaking with Lauryn, Pablita, and Ruth Selig. He felt that RO staff (including Phillip Minthorn) should not be involved in the selection process. The RO would be accused of manipulating the process.

Russell said the Review Committee agreed. The RRC also did not want a NAGPRA person to sit on the selection committee.

Tom said he was also concerned about having SI Repatriation Review Committee members sit on the committee. He thought having a NAGPRA member on the selection committee would be acceptable. However, he understood the Review Committee's objection to that. He felt that the selection process should be unbiased.

Lynne pointed out that since the type of tribal member who is allowed to be selected is limited by law, the process is already biased and the selection process is restricted.

Russell said he was worried that the Review Committee would be left out again. He didn't want some of the people who were responsible for amending the makeup of the Review Committee to sit on this committee. He pointed out that Tom and Lauryn were very much involved in making the recommendations for the makeup of the selection committee.

Roger recommended that Tom not give any advice on this process but alert Gillian immediately when any information came down about it, so that she could report it to the Committee. The RRC was very concerned with how the selection committee gets put together.

Gillian circulated the most recent nomination solicitation letter that Lauryn Grant had prepared. The Committee had no comments.

Gillian recommended that Pablita be informed of the Committee's objection to a NAGPRA Committee member sitting on the selection committee.

The Review Committee members expressed their surprise at the fact that the SI would want someone from the NAGPRA Committee, a Department of Interior Review Committee, sitting on an SI panel.

III. Review of Repatriation Office Cases

Tom informed the Committee that he and Paula Molloy had recently returned from a consultation trip to tribes in the Northwest. They visited the Wanapum, Warm Springs, Yakama, Colville, Umatilla, and the Nez Perce. One of the most frequently asked questions was why the Smithsonian was blocking the repatriation of the Kennewick remains¹. He had had to explain that the Smithsonian is not party to the suit. Tribal representatives had asked if they could get that in writing and Tom said he would ask the General Counsel to write a response once he had received a written request from Tribes for that information. He said the consultations were successful. He wanted the Committee to know that there may be a dispute between the Colville (representing the Colville Nez Perce on their reservation) and the Nez Perce Tribe of Idaho, both of which are federally recognized tribes. These two tribes are coordinating their efforts with regard to the Kennewick remains but are not doing so for remains the NMNH holds. He and Paula had spoken with the Colville and the Nez Perce about the Chief Joseph Band remains. Both groups feel that they are the rightful representatives of the Chief Joseph band of Nez Perce. At first Paula and Tom thought the Colville just wanted to participate in the repatriation of these remains, but it has become clear that both groups want exclusive rights to control the process. Tom felt this case may come to the Committee.

Russell reminded Tom that the Committee had a role to play in the dispute resolution process.

Roger asked if a dispute already existed. He wanted to know if it was the Colville tribal government who objected.

Tom said that in writing the Colville only asked to halt the repatriation. The Colville government is supporting the Nez Perce at Colville.

Lynne asked if they had been told that they have the option of coming to the Repatriation Review Committee.

Tom said that they had. They are reluctant to go through another process.

Russell asked if Tom had thought about bringing it to the Committee.

Tom said he had, but was waiting until he had more information from the General Counsel's

¹The Kennewick man case involves the 9,000 years old set of remains currently held by the Army Corp. of Engineers. The Corp. had arranged to have the remains repatriated to a group of Mid-Columbia tribes. There has been an assertion by a physical anthropologist that the remains look Caucasian. A class action suit has been filed against the Army Corp. by a group of scientists that includes Dennis Stanford and Doug Owsley, who filed as private citizens, to halt the repatriation so that the remains could be studied. They have gained a temporary injunction to halt repatriation and a judge is reviewing the case. Even though the plaintiffs filed as private citizens, the SI and the Repatriation Office are still perceived to be involved in the case.

Office.

Russell thought that if the Repatriation Office decided in favor of one tribe, the case may come to the Review Committee, in any case.

Tom said he was recommending getting the Review Committee involved now. He thought the Committee should receive the information that the General Counsel's office develops.

Russell said that the Review Committee was supposed to be doing dispute resolution, but instead the RO and the General Counsel's office were doing it.

Tom said he was recommending that the two Nez Perce groups have a meeting. They are working together on the Kennewick Man case, so they could conceivably work together on this case. Tom referred back to a discussion that he had had with the Review Committee at the September meeting about holding an open session with Repatriation and Anthropology staff to discuss ways to streamline to repatriation process. He said he and Dennis thought this project should be clarified further before holding an open meeting.

Lynne asked if the Repatriation Office had a work plan for the completion of the inventory process.

Tom said he did, and recommended that the Committee review it.

Lynne suggested that the Committee review the work plan and put together a group to discuss it at the January meeting.

Tom said he thought the Committee was concerned about the physical protocol and report format.

Lynne said they were not as concerned about that as they were about the inventory project. She expected that after the inventories had been sent out, the RO would receive a new influx of repatriation requests and she wondered how they planned to manage them.

Tom explained that the inventory project would be staffed with people working only on that project. The rest of the staff will continue to work on case reports. He agreed to send the Review Committee the inventory work plan. He also agreed to write a summary of pending cases that need to be completed this next year.

Tom and the Review Committee agreed that this issue would again be taken up at the January meeting.

Tom updated the Committee on the Alaska cases. He explained that the Office was almost finished responding to repatriation requests. Half of the returns have been completed. The

remainder (St. Lawrence, Doyon, and Barrow) will be finished this summer. Bering Straits has made a request, but the Bering Straits villages wish to act for themselves, although they have not moved forward on any requests. There are no other requests. Karen Mudar has asked for a year's leave of absence. She will finish the St. Lawrence and Barrow reports before she leaves. This frees up salary that can be used for cases that need more immediate attention. Tom will be in charge of the Alaska cases. The staff person who was supposed to assist with the inventory project has been on medical leave for the last three months and it could be another three months before he returns to work full-time.

Roger pointed out that Bering Straits had made a request and wondered why the Repatriation Office had not prioritized the case.

Tom explained that the RO had a request in from the Bering Straits Foundation but each community wants to handle repatriation for themselves. The RO hasn't received a written request from the people of Barrow. We do have a requests from St. Lawrence and are expecting requests from Nome, Shishmareff, and Wales. The RO received a letter from the people of Barrow in which they said they realized that they have not communicated with us about how they want to proceed. They explained that they are writing a policy on repatriation and will hold off consulting with us until that process has been completed. The RO trip to Barrow has been postponed. Tom informed the Committee that the National Anthropological Archives had closed it doors two days a week due to budgetary constraints. The other three days per week access is available by appointment only. The Repatriation Office is no longer funding an archives position. However, we have been assured that we may still bring visitors to the Archives. No date has been scheduled yet for the Iroquois material, although Chuck does call them weekly to see if they wish to set a date. The Repatriation Office is trying to finalize a response to the Cheyenne River Sioux on the Wounded Knee material by year's end. The Anthropology Department does not feel it can be returned under the repatriation policy, but thinks it may be possible to return it because the SI title in unclear. Chuck is working on the Ontonagan copper boulder case. A partial set of remains affiliated with a set of remains repatriated in 1993 was recently returned to the Oglala Sioux. With regard to Steed-Kisker, he had heard that Walter Echo-Hawk was trying to bring it to closure.

Russell said he had telephoned Walter Echo-Hawk. The Kaw may sign the memorandum of agreement. The Pawnee feel the process has gone on long enough and may send a letter to the Osage stating that the case needs to be resolved within 30 days. If the tribes cannot come to an agreement, they may bring the case back to the Committee. Russell asked if Andrea would leave the room while the case was discussed further. He said the Ponca and Iowa aren't really interested in claiming the material. The Osage have not indicated their wishes.

Lynne said that Bill Billeck had told her that the Pawnee no longer represented the Arikara and Wichita in repatriation claims. This could be a problem. The Kaw were upset with the way the Pawnee had phrased their letter.

Russell wondered if someone from the Review Committee should go out to the Osage to discuss the case with them. He had heard from James Pepper Henry that other tribes may try to get involved in the case.

Roger wondered if it was worthwhile to go out to visit the Osage to facilitate a resolution, rather than having to bring it formally before the Review Committee.

The Committee agreed to wait to see the letter the Pawnee are writing to the Osage before they contact them. Russell did note that he had been unable to get the Osage to return telephone calls. Members of the Committee wondered if Andrea could help facilitate a resolution with the Osage. She could represent the Osage in the dispute resolution.

Tom informed the Committee that the Wichita had recently submitted a letter to the RO stating that they were claiming south-central plains material back to the Paleo-Indian period, which would include Spiro Mound. The Tunica-Biloxi may also claim Spiro. He said he would provide the Committee with a copy of the letter. He referred to the Tlingit-Haida letter regarding the use of Tlingit clan motifs. The Committee had received a copy of that letter.

Tom left the meeting at this time.

IV. Review Committee In-Camera Session

The Review Committee held an in-camera meeting regarding Review Committee business. This portion of the notes are not circulated.

APPENDIX B

Minutes of Meeting on January 16 and 17, 1997

met with a number of the tribal representatives involved in the Steed-Kisker case, Charles Lonechief, James Pepper Henry, and Marianne Long, to talk about the Steed-Kisker agreement. The tribal representatives had told him they were still looking for a reburial site. They discussed who should be bear the expense of this repatriation. Charles Lonechief noted that the Repatriation Review Committee's Steed-Kisker decision had said reasonable expenses for the return should be born by the Repatriation Office. Tom said the Repatriation Office anticipated paying for the shipment of the remains. Russell said the representative, who may come to Washington to monitor the packing will be James Pepper Henry. He said the Steed-Kisker representatives publicly thanked him and Bill Billeck for their work in bringing about this repatriation. Tessie Naranjo publicly acknowledged the members of the Review Committee and the Repatriation Office who were attending the meeting.

Andrea also gave an overview of the NAGPRA meeting. She said that during the public comment period tribal representatives said they did not want the NAGPRA Committee to give repatriation recognition to the non-recognized tribes. The recognized tribes offered other options, such as allowing the non-recognized tribes to be sponsored by recognized tribes.

Russell noted that one reason for the strong sentiment against recognition of non-recognized was expressed at the meeting was that the Oklahoma removed tribes had left remnants of the tribes back home. The feelings toward these leftover non-recognized tribes are much more negative than it is in places like California where a large number of tribes had been recognized, but then terminated. In California there is a lot more sympathy for non-recognized groups.

Christy asked if making repatriations to groups that have non-recognized factions means that museums could be repatriating to the wrong tribes. Russell said that each repatriation needed to be considered on a case by case basis. There are state recognized tribes. There are tribes that are currently seeking recognition. Lynne pointed out that the law required repatriation to the federally recognized groups and it would difficult to determine which of the non-recognized tribes were legitimate. Russell said that the NMNH's procedure is to deal with federally recognized tribes first and then state and non-recognized groups and only then in cases where there are no federally recognized groups. Christy asked how this was tied to the issue of the unidentified remains. Tom pointed out that if a group was not federally recognized, remains affiliated with that group were listed in the inventories as unknown. The Repatriation Office cannot be responsible for determining what is or is not a legitimate tribe. The NMNH tries to encourage the non-recognized groups to work with a recognized group. Roger pointed out that NAGPRA states that museums must work with federally recognized tribes, but the NMAIA allows greater discretion. Tom gave the example of the Piscataway Tribe. They are currently seeking federal recognition. The Repatriation Office recommended that they wait the outcome of that process before proceeding with their repatriation claim. The NMNH felt that NMNH recognition of the tribe could affect the federal recognition process. Referring back to Christy's question, Lynne noted that the law says that if a good faith effort is made to repatriate to the correct tribe, then the museum cannot be held liable. Russell said that there are times when two groups with the same tribal affiliation are seeking the same federal recognition and if a museum returns to one, it could

legitimize that group's claim to recognition.

Andrea continued reporting on the NAGPRA meeting. She said some Cheyenne speakers voiced their unhappiness with Lawrence Hart's appointment to the NAGPRA Committee. There was also a problem with the Yellowman nomination to the NMNH Committee. Some Cheyenne do not recognize Hart and Yellowman as religious leaders. Christy asked if the Review Committee was being brought into this problem. Andrea said not directly, but there was a statement made by one of the Cheyenne that they were going to request that the remains that the NMNH repatriated to the Southern Cheyenne be dug up and returned to the NMNH until a proper analysis of their cultural affiliation could be undertaken. Russell also said that there were some nominations to the Review Committee from both of these Cheyenne factions. However, none of the Cheyenne had been considered for the short list.

Tom asked if information had been brought to the Selection Committee claiming that Yellowman was not the proper representative of the Southern Chevenne. Russell said yes, but noted that these kind of problems occur within many tribes. He felt the Smithsonian had to follow the law and work with the federally recognized government. The Northern Cheyenne repatriation had similar problems but they were worked out. He thought that if two factions of a group couldn't eventually reach an agreement, the museum had to work with the federally recognized tribal government. Tom noted that the museum had an agreement in place with the current Southern Cheyenne government regarding the loan of some funerary objects and the Repatriation Office needed to be careful not to stir up any disputes among the Cheyenne. Andrea thought this was an important consideration when planning the Oklahoma conference. Roger said he could envision a request in the future for the repatriation of those loaned objects. Christy noted that at Hopi the traditional people didn't recognize the federally recognized tribal government. Roger thought those types of decisions needed to be worked out internally within each tribe. He asked if there was any discussion about the Forest Service Cultural Affiliation Report. Gillian stated that after hearing all parties, the NAGPRA Committee recommended that the Forest Service consult again with the Hopi and the other Southwest tribes.

VII. Report on the Keepers of the Treasures Meeting

Roger presented on the Keepers of the Treasures meeting in Anchorage, AK. He said it was a good meeting for the Smithsonian. The Institution was not criticized. Vera Metcalf had positive things to say about the St. Lawrence repatriation. He gave a presentation on repatriation at the Smithsonian, drawing a distinction between the NMNH and the NMAI. People asked him why there wasn't someone from NMAI on the panel. He told them he didn't know, but as Betty White (NMAI Repatriation Program Manager) was there, he introduced her. He noted that there was continued confusion between NAGPRA and NMAIA, and NMNH and NMAI. He thought it was still useful for Review Committee members to attend these types of meetings. He said he had been invited to be on the Keepers advisory board to the board of directors and would like to accept. Gillian said the next NAGPRA meeting was scheduled for mid-October in Washington,

DC in order to allow representatives from federal agencies to attend and report on how repatriation was progressing within their agencies.

VIII. Physical Documentation Protocol and Researcher Access Issues

Bob Fri, Deb Hull-Walski, Dave Hunt, and Beth Miller attended this session.

Russell opened the discussion stating that issues surrounding the physical documentation protocol and research access to the human remains collections had been an on-going issue for the NMNH and the Repatriation Review Committee. He thought the discussion in this session should focus on the St. Lawrence case and the procedures that are in place to ensure proper communication between the Repatriation Office physical lab and the Department of Anthropology Division of Physical Anthropology when a tribe requests that no research be done on the remains. A concern arose when the St. Lawrence people claimed that against their wishes and in violation of the agreement between the Repatriation Office and the St. Lawrence villages research was done on the St. Lawrence remains. Russell wanted to discuss the procedures that were in place to ensure that when the Repatriation Office and a tribe made an agreement not to document remains that everyone within the Anthropology Department was kept informed and agreed to abide by that agreement. He also wanted to find out what exactly happened with the St. Lawrence case. He said it was his understanding that the Repatriation Office had agreed that only minimal physical documentation would be done on the remains and that the remains would be packed for shipment. This was done before the report was approved. However, during the case report preparation it was discovered that there were 22 Old Bering Sea and Punuk remains (prehistoric). These remains were unpacked from the shipment and a letter was sent from the Anthropology Department to the St. Lawrence communities seeking permission to document them and that as a result of this the repatriation was delayed.

Bob said that actually the decision to delay shipping out the collection was made by him because he needed time to sort out what exactly the problem was. He had been told that the shipment would still arrive on time to St. Lawrence.

Russell said that all that seemed acceptable. The real problem arose because the Department may not have been properly informed that an agreement existed between the Repatriation Office and the St. Lawrence people to not have any documentation done on the remains prior to repatriation, so that although the Repatriation Office did not do the physical protocol, it does appear that some research was done on some of the remains. He understood that the curators may have thought it was all right to study these remains, if they were unaware that an agreement had been made. He wanted to know what the procedure was for informing the research staff at the NMNH of these kinds of agreements.

Dennis said the Department knew about the agreement. As they understood the agreement, the protocol would not be done, and it was not. Tom said an agreement was never finalized at the St.

Lawrence consultations. Information was gathered and disseminated to the Anthropology division heads. Dennis said that the Anthropology Division heads at NMNH had agreed to the decision not to do the protocol on the remains with the understanding that the remains were all 19th century. It was later discovered during deaccessioning that 22 sets of remains were older. If the protocol had been done, it would have come to light then that these older remains were among the inventory. The Department had hoped that the St. Lawrence people would give permission for the study for the these older remains. In anticipation of receiving permission, those 22 sets of remains were unpacked. When the St. Lawrence people refused permission, the remains were repacked. Tom said that the letter stating that the RO had violated its agreement with the St. Lawrence people from Gambell had surprised him, because when he had spoken with Vera Metcalf of the Bering Straits Foundation, she had said that the people at Gambell had overreacted and that everything was all right. She said she understood that the Department's letter was a request to document and not a statement that the remains had been documented.

Russell said he had spoken to Vera and she had said she thought they had overreacted, but she was concerned that the remains would be studied and that the unpacking was a signal that they were about to be studied. Russell had told her he would look into the matter and write back to the St. Lawrence people. He was concerned that the St. Lawrence people might not have understood the agreement. They may not have understood the difference between curators taking some photographs and "looking at" the remains and having the full protocol undertaken.

Lynne wanted to know why Vera wrote to Senator Stevens before the Gambell people did. She read Vera's letter. Lynne noted that when Tom e-mailed Vera a few days later after receiving the Gambell letter Vera didn't mention that she had written a letter to Stevens. Russell pointed out that the letter said the St. Lawrence people wanted no study or examination of any kind. He suspects the curators did look at the remains and some photographs were taken and from the standpoint of the St. Lawrence people that constitutes study and was a betrayal of the agreement. Lynne didn't understand how the St. Lawrence people came to believe that the remains had been studied. Dennis re-read the letter that he had written to them requesting permission to do the research on the Old Bering Sea remains, and he thought his letter could have been misunderstood. Bob said that much of the problem seemed to stem from proceeding in a non-standard way. The NMNH made an agreement believing the affiliation of these remains was clear but when the report was completed other older remains were identified. This lack of procedure created some confusion. Russell said he agreed, but thought that if the St. Lawrence people knew what had actually happened they might say the NMNH hadn't stuck to the agreement.

Lynne asked Deb how Collections Management knew when there was an agreement not to do the protocol. Deb explained that that was really an issue for the Repatriation Office and Beth Miller in the RO physical lab Collections Management only got notice that a collection was closed when they received a deaccession packet from Gillian.

Gillian asked Deb to clarify when and how Collections Management knew when a case report was signed off on and a collection was closed to researchers, per the Anthropology Research access

policy. Deb said that there wasn't a clear procedure at the moment. There was a Repatriation Advisory Board in the Department, but Collections was not given official notice that a report was signed off on. Usually it wasn't an issue because as soon as a report is signed the collection is usually packed.

Tom that these issues came up with this case due to the urgency of the case. The RO didn't want to miss the shipping deadline because it would have meant another year before the repatriation could take place and the RO had also lost its case officer for Alaska. The case report was finished by a team of people. Dennis said he felt the Department did everything it could to live up to the agreement and ship this summer and the obligation to not do the protocol had been met. Russell thought that a phone call to the Bering Straits Foundation rather than a letter might have eased the situation. He also thought the Department should have received a letter from the Provost stating that these remains were off limits to research. He thought there needed to be a clarification on what "research" means. Tom said that the only part of the protocol that was done was a count of the elements, and aging and sexing. He had no knowledge of any other research. Russell said that if the Repatriation Office makes agreements that research won't be done, then the RO had a responsibility to ensure that no research was done and that if the Repatriation Office couldn't assure a tribe that no research was going to be done on the remains, then they should not be making those kinds of agreements.

Russell asked all those present if anyone knew if any other research in addition to counting elements, and sexing and aging was done. Dave Hunt said yes, additional research was done, but it was not the protocol and it was not done by the Repatriation Office. He said the Physical Division's understanding was that nothing was closed to research access until a report was completed. They had not received anything from the Repatriation Office stating that these remains were off limits. There was no letter from the Provost or the Chairman that said the collection was closed. The curators had simply updated old research data. That wasn't considered part of the protocol. The Physical Division would need a letter stating that a collection was off limits. Russell said he understood but felt that assurances were given to the St. Lawrence people that were not followed through. Tribes didn't understand the difference between the Repatriation Office protocol and other kinds of data collecting. David said he thought the Repatriation Office did meet its obligation. Other research is allowable. It was not surreptitiously done. No agreement was intentionally broken. Russell said that the communities felt that they were told that no research was going to be done and they may not accept that the agreement was kept. Tom said there was a problem because tribes made no distinction between the Repatriation Office, the Anthropology Department and the Smithsonian Institution. Russell agreed. The Repatriation Office should not assure tribes that remains were not going to be studied it that agreement couldn't be kept.

Lynne asked what has happened subsequently. Tom said he wrote a letter to Vera but has received no response. Bob said the Smithsonian Office of Government Relations spoke to Senator Stevens who told them the St. Lawrence people had said everything had been resolved.

Dennis said he didn't think a situation like this would arise again. The Department won't sign reports without following procedure. The Physical Division has been notified that the decision not to document the Barrow Birnirk material will be adhered to. That collection is closed and Dave has been notified.

Gillian asked about the Doyon case. Beth said there was a single village in the Doyon case that had only agreed to documentation of sex and age. These remains are still in storage. The other Doyon villages' remains are being documented. Karen Mudar was supposed to continue negotiating with the Doyon representatives and these negotiations are on-going.

Lynne suggested the Department develop a procedure for how agreements would be formulated with tribes and how the Department staff would be informed about those agreements. Dennis agreed. Russell read the policy access statement and Tom agreed that the process for informing the staff was unclear. Russell thanked Deb Hull-Walski and David Hunt. It was agreed that the issue was closed, but the Review Committee would write a response to the St. Lawrence people. Bob said he would continue working out a procedure for the documentation process. Christy said he didn't think Dennis' letter alone could have created this confusion and wondered if someone from within the NMNH had called the St. Lawrence people. Lynne and Russell agreed that Dennis' letter alone could not have created this confusion. Roger thought the memo to Vera Metcalf may have been misinterpreted and he didn't believe that the confusion was necessarily because someone from the Repatriation Office had called the St. Lawrence people.

Bob said that the new supervisory arrangement had worked. Gillian had been able to come to him and alert him to the problem, and he had been able to alert the Provost's Office and take action before it all got out of hand. Tom thought Dan Dreyfus was also very helpful in working through this problem. Russell said he would draft the letter to the St. Lawrence people and he would circulate it to the Committee, Dennis and Bob.

Lynne raised the issue of all term appointments expiring in the year 2,000. She didn't think the process would be finished and that as the deadline approached the RO would begin to lose valuable staff.

Tom explained to Bob that the Repatriation Office had received a memo from the Office of Personnel Management stating that when terms were being extended, they could only be extended until the year 2,000. Bob said he wanted to speak to Tom further about the matter.

IV. In Camera Session

The Review Committee met in-camera to discuss various Review Committee issues. This portion of the minutes is not circulated.

APPENDIX D

Reports Review By the Repatriation Review Committee

REPORTS REVIEWED BY THE REPATRIATION REVIEW COMMITTEE	
October 1996	Ethnographic Summaries for: Natchez, Choctaw, Chitimacha, Cherokee, Catawba, Caddo, Alibamu-Koasati, Creek, Seminole
November 1996	Inventory and Assessment of Associated Funerary Objects in the National Museum of Natural History Affiliated with the Assiniboine
February 1997	Inventory and Assessment of Native American Human Remains from the Western Great Basin, Nevada Sector in the National Museum of Natural History
	Ish-ta Cha-ne-aha (Puffing Eyes), A Chief of the Two Kettles Lakota
	Inventory and Assessment of Human Remains and Funerary Objects from Northwestern Oregon in the National Museum of Natural History
	The Ontonagon Boulder: Sacred or Secular?
	Ethnology Reports for: Eskimo (I) and (II), Cheyenne, Crow, Osage, Comanche, Omaha
March 1997	Ethnology Reports for: Ahtna, Achumawi, Atsugewi, Bannock, Cahuilla, Cayuse, Chemehuevi, Chetco, Chickahominy, Chinook, Chumash, Cocopah, Colville, Costanoan, Gabrielino, Gosiute, Huchnom, Iowa, Juaneno, Karankawa, Kitsa, Kitanemuk, Klikitat, Luiseno, Maidu, Maricopa, Mattaponi, Mohegan, Modoc, Mono, Naltunnetunne, Nanticoke, Nez Perce, Niantic, Nisenan, Nomlaki, Oto-Missouri, Panamint, Ottawa, Penobscot, Powhatan, Rappahannock, Schaghticoke, Serrano, Shasta, and Siletz
April 1997	Ethnology Reports for: Navajo, Iroquois, Aleut, Kutchin/Tanana, Mohave, Shoshone, Pomo, Pauite, Athapaskan, Miwok, Sioux, Spokane, Takelma, Tanaina, Tipai-Ipai, Timucua, Tolowa, Tonkawa, Tubatulabal, Umatilla, Wailaki, Waksachi, Walla Walla, Wampanoag, Warm Springs, Wasco, Wenatchi, Wichita, Wintu, and Winnebago
May 1997	Ethnology Reports for: Papago, Pima, Karok, Delaware, Pamunkey, Makah, Kiowa, Arapaho, and Kickapoo
June 1997	Inventory and Assessment of Human Remains from St. Lawrence Island, Alaska in the National Museum of Natural History
	1997 Repatriation Office Annual Report
	Response to Repatriation Request for Objects Associated with Wounded Knee, Submitted by the Cheyenne River Sioux Tribe
August 1997	Inventory and Assessment of Human Remains and Funerary Objects from the Lower Columbia River Valley, Oregon and Washington States, in the National Museum of Natural History
September 1997	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Oglala Sioux Tribe, in the National Museum of Natural History

October 1997 Ethnology Listing for Culturally Unidentified Objects Addenda to Ethnology Reports of uncatalogued collections for the following cultures and areas: Acoma, Apache, Blackfoot, Cherokee, Chippewa, Choctaw, Cochiti, Cree, Creek, Hopi, Ipai/Tipai, Iroquois, Kiowa, Koasati, Kutchin, Navajo, (northeastern tribes), Osage, Pauite, Papago, Pima, (Plains region), San Ildefonso, San Juan, Santa Clara, Santo Domingo, Sioux, Tesuque, Makah, Mohave, Mohawk, Zia, Zuni, Eskimo, Haida, and Athapaskan

APPENDIX E

NAGPRA Meeting, November 1-3, 1996

ROGER ANYON Cultural Resources Consultant

3227 North Walnut Avenue Tucson, Arizona 85712 520-881-4258

November 5, 1996

Russell Thornton
Department of Anthropology
341 Haines Hali
UCLA
Los Angeles, CA 90024

Re: NAGPRA Committee Meeting, Myrtle Beach, South Carolina

Dear Russell:

On November 1, 2, and 3, 1996. I attended the NAGPRA Committee meeting in Myrtle Beach, South Carolina. A copy of the agenda is attached. The major issues were (1) culturally unidentifiable human remains, (2) the Oneida wampum belt dispute, and (3) the Hawaiian figure dispute.

Culturally Unidentifiable Human Remains (Nov 1)

This issue continues to vex the Committee. They received about 55 sets of comments on their most recent draft as published in the Federal Register on August 20, 1996. Most of the comments zeroed in on the topics of how shared group identity is defined and determined, and the proposed regulations for returns to non-federally recognized tribes.

The Committee clearly feels uncomfortable with the situation. They don't want their efforts to disrupt developing relationships between museums and tribes. They are uncomfortable with some determinations being published in the Federal Register by certain agencies, and the recent Tonto National Forest publication was noted quite pointedly, especially by Haas. They decided to go back to the drawing board on the culturally unidentifiable human remains issue by trying to organize a "summit" or working group. This working group would be convened for a special conference to try and draft up more acceptable language. They want this group to have broad representation. In individual conversations later at the meeting I heard the names Keith Kintigh, Pomina Yellowbird, and Roger Anyon being suggested as possible attendees at

the "summit". They are looking for foundation funding and would like to convene this group within the next six months before the next scheduled Committee meeting.

The Committee asked for tribal comment on the non-federally recognized tribes topic. The southeastern federally recognized tribes gave them an earful - much the same sentiments as were expressed at the Choctaw Mississippi workshop. Michael Haney, Earl Barbary (Chair, Tunica-Billoxi), Eddie Toolis (sp.?), (Chair, Poarch Creek Band of Alabama), and Philip Martin (Chair, Mississippi Choctaw - letter read by Ken Carlton), all had comments. The USET Conference held immediately prior to the Committee meeting passed a resolution on this issue (Resolution No. 97-12). Michael Haney also mentioned that at the recent Phoenix meeting of the NCAI an independent commission was established to look at the repatriation issue, and a resolution was passed regarding the non-federally recognized issue. (I think it would be useful for us to have more information on this commission and these resolutions).

The Committee noted the comments received but stated that different regions of the country faced different aspects of this problem, and specifically mentioned the issues that arise in California.

Oneida Wampum Belt Dispute (Nov 2)

Haas was recused from participating as a Committee member and sat in the audience with the Field Museum's counsel. Sullivan chaired the dispute session. As you know the dispute is between the Wisconsin and New York Oneida over a belt at the Field Museum.

The Wisconsin Oneida presented first. Debra Dockstadder (Chair) presented the delegation and their lawyer. She stated how important this issue is, differences exist between the WI and NY Oneida, that this dispute is in no way linked to the ongoing land claims strugle between the Oneida groups, and that the wampum belongs to all the Oneida. They followed with a lengthy oration in their language followed by a translation into English (an interesting strategy to clearly establish their claim to Oneida cultural identity - and thus, presumably, the wampum) by a member of the Canadian Oneida. The gist of this presentation was that wampum is central to the Oneida, and that sharing is the Oneida way but to share they need to be able to talk with the wampum. Dr. Carol Cornelius (tribal member) then gave the history of the wampum, and the WI Oneida, and why the wampum should be returned to the WI Oneida. Their lawyer (a tribal member) then established the unbroken links of the WI Oneida with all Oneida history. Debra Dockstadder then summarized the WI Oneida position and their claim to the wampum.

The general counsel of the Field Museum then made a presentation. He made the following points. The museum offered return to the WI and NY Oneida, even though the Board of Trustees had favored a return to the NY Oneida while clearly noting the interest of the WI Oneida. The Board is willing to revisit this issue. The museum offered to make the return under compromise of claims. The Federal Register notice of March 1995 was

intended to move the process along not decide the issue - it stated the intent to repatriate to NY and noted the competing claim of WI. Both claims are timely under NAGPRA. The records in the museum are unclear as to the origin of the wampum. On November 1, 1996, the museum received a claim from the Onandaga of NY claiming they are the wampum keepers, and if they make a formal NAGPRA claim for this belt the museum will include them as a claimant. (At issue here seems to be whether this is a nation or a confederacy belt).

The NY Oneida then made their presentation. Their lawver began. The wampum was made in NY and thus should be returned there. The Oneida are now different sovereign nations under law, and they are at war, and the wampum is part of this. He detailed all the land disputes and noted that the WI Oneida had just bought land in NY and claimed to be the true Oneida government. Casinos are a major issue. NY does not dispute the WI right to exist. But for the wampum he stated, it was made in NY, shows a NY confederacy, the WI Oneida did not exist when the belt was made, the belt was originally communal property in NY and thus could not have been alienated from NY. He noted that the NY Oneida have recently presented an offer and proposal made in good faith to resolve this dispute. Chief Kellor George then spoke. He noted NY Oneida history, their loss of land. their loss of language, but that they have maintained their traditions throughout all their troubles. He also noted that only the Seneca and Mohawk (older brothers) can do condolences for traditional chiefs of the Oneida and Onandaga (younger brothers), and that this dispute should be resolved by the Oneida not the NAGPRA Committee. Brian Patterson (Bear Clan) noted that when the WI Oneida sold their NY homeland and relocated to WI they sold the bones of their ancestors.

Then a truly startling thing happened. Patterson invited the native speaker of the WI Oneida to give a formal closing of the entire discussion. The gentleman from WI was momentarily taken by surprise and was unsure if he had heard this request correctly. He quickly recovered and formally closed the presentations in his language with a translation by the Canadian Oneida representative.

The NAGPRA Committee then deliberated. Sullivan noted that they are asked to make a finding which is analogous to a probate court deciding who should have custody of a gift from the past, even though the finding in no way is a judicial decision. He said there are three questions to be resolved: Does wampum fall under NAGPRA? Do the claimants have standing? How should the custody of the wampum be retained? It was agreed that the wampum is cultural patrimony and thus is subject to NAGPRA, and that both the WI and NY Oneida have standing. The issue of the Canadian Oneida was then raised - three Canadian Oneida were present. Sullivan asked the Field counsel if the museum could repatriate to the Canadians. Counsel's answer was that the Field has a pre NAGPRA policy on human remains and sees NAGPRA as a modification to this policy. The Field can have discussions with any group and is concerned that US law only applies to federally recognized groups in the US. If all parties agree they can discuss the issue with the Canadians. Walker asked Field counsel if WI or NY had the stronger claim. He answered that both groups have a claim. Craig asked if the Oneida had all worked

together to resolve this issue. The WI attorney stated that all three Oneida communities are successors. Sullivan then asked the WI and NY Oneida how they would make the belt available to all Oneida; how would it travel and what visitation rights would be established? WI said this was a must. NY mentioned their proposal. WI said they had not responded to the proposal because of the land claims, and they don't like the NY wording. The WI lawyer asked if it was necessary for the NAGPRA Committee to decide one way or another on where the belt should go.

Monroe noted the willingness of the parties to talk. Hart noted the powerful symbolism of the NY asking the WI to close the discussion earlier, and that for the NAGPRA Committee to make a finding one way or the other would be a horrendous mistake. The Committee determined that the Field will support repatriation, and that the NY and WI Oneida must continue to work toward an agreement amongst themselves.

Hawaiian Figure Dispute (Nov 3)

Haas chaired this part of the proceedings (penance for sitting out the Oneida dispute he noted somewhat pointedly out with humor). The dispute concerns a wooden carved figure. Hua Malama and the Office of HI Cultural Affairs were both represented and allied against the Museum of Natural History at Roger Williams Park in Rhode Island. The HI delegation (at least six Hawiians) was led by Eddie Ayau and another HI native lawyer, and supported by Jack Trope who was also present. The museum was represented by the RI Parks Director, the Museum Director and the Museum Curator.

HI presented first starting with a very aggressive group chant. They contended that the figure is a god, a warrior figure used to aid in hostilities between HI royal family members. It was lashed onto a war canoe to hold war spears when going into battle. They discussed in detail the morphology of the object and why it was for a war canoe. They argued it was a sacred object, cultural patrimony, and most likely an unassociated funerary object probably stolen from a burial. It is from HI and could not have been voluntarily alienated. They want to see a record showing who alienated it and when. They stated that the museum has no right of possession as there are no records for this object. They established that the object is a pre 1819 item - through RI whaling ship logs, a statement in the Sotheby's catalog (the museum had tried to sell this item through Sotheby's), and statements in print by a Dr. Davenport, 1819 is the date when HI traditional law was abolished by the colonial power and is a critical date to establish the original use of this figure (and others, no doubt) in traditional contexts. The HI presentation was well organized and presented traditional and documentary evidence to back up their claims.

The museum was poorly represented and failed to convince. They asserted that the object was used on fishing canoes to hold fishing spears and was not a sacred object. Their main support for this was the use of a glossy publication and a morphological assertion of use made by a certain Dr. Davenport who never claimed to have any ethnological expertise

on HI culture. They offered the object for sale at Sothebys in 1986 and again in 1992 but failed to sell it both times. They need the money for museum support (apparently, as I later heard second hand, this was for an exhibit they wanted to mount - and that they have a \$200,000 offer on this piece. I could not verify either of these statements). They have no records on the object, although they do know it came into their possession when the Franklin Society (a society of RI whalers) voted itself out of existence and gave a number of objects to the museum. But all records of this object were destroyed when someone removed it from the museum in order to steal it. They contended that the Franklin Society members were not looters and would not have obtained this object through any nefarious means, thus it must have been voluntarily alienated from HI with HI consent. The artifact belongs to the people of RI and the museum holds it as a steward for the people of RI. Davenport's contentions that this was a fishing cance item and was a secular object were raised repeatedly.

The Committee discussion had three issues to resolve: Does this figure fit the definitions offered under NAGPRA? Who has the right of possession? What issues surround the proposed sale of the item?

Monroe stated the sale would be unethical from a museum ethics standpoint given the proposed use of the money. Haas said a sale would take it out of the NAGPRA realm. Monroe asked about the sale given this was claimed to be the heritage of RI, and why was this piece almost stolen. The museum responded that it was their right to sell it, and they have inadequate security. A major discussion ensued on establishing the age of the piece to ensure that it was kapu not post-kapu (ie not post 1819). Was this piece made for the curio market? Also a long discussion of secular versus sacred in HI traditional context versus how Davenport divides the world. Then a long discussion on the records (or lack thereof) and the right of possession. At this point the Committee asked for legal advice about the right of possession. Three lawyers present in the audience stepped forward. Jack Trope noted that the burden of proof had been shifted from the HI delegation to the museum based on the evidence presented. Bill Koonz said that the right of possession is as good as whoever you got it from, and both parties have only made inferences. Dan Wittmeier said this was an old loan problem (the object was initially loaned to the museum by the Franklin society in 1916 and then donated when the Franklin Society voted itself out of existence in 1922) and RI laws would apply. He asked if someone stole this object would they have right of possession.

Haas summed it up. The HI had not made a good case that the object was cultural patrimony or an unassociated funerary object but made a good case that this was a pre 1819 object and that it is a sacred object. Thus it falls under NAGPRA. The museum failed to demonstrate right of possession (no records), and HI made a good case that this object was inalienable. Thus the object should be repatriated to HI. The Committee agreed, with the proviso that this finding is for this object only. Each case has to be done on a case by case basis.

Other Issues

The NPS has received 637 inventories to date. Concern was registered that a number of federal agencies seem to be poorly represented (e.g., the BIA, COE, BLM and USFS) as are many universities.

On the matter of the shield at Berkley, the Committee will send Dorothy Washburn a letter, although the content was not discussed as I recall.

On the Department of Energy matter, the DOE representative said the issue has been resolved and there was no dispute.

On the Oakland and DeAnza matters concerning the proposed returns of culturally unidentifiable human remains to non-federally recognized tribes, the Committee thought that there is an inadequate level of evidence to state these remains are culturally unidentifiable and the institutions should contact federally recognized tribes first.

On the Colville matter (the so called Richland Man), the Committee had no comment as this case is presently in the courts.

If you have any questions please call me.

Sincerely

Roger Anyon.

APPENDIX F

NAGPRA Meeting, March 25-27, 1997

NAGPRA hearing notes March 25-27, 1997 Norman, OK Prepared by: Gillian Flynn

NAGPRA Committee Members: Tessie Naranjo (chair), Dan Monroe, Martin Sullivan, Phillip Walker, Lawrence Hart, Jonathan Haas, Rachel Craig)

(These notes are personal observations and are not to be taken as the official minutes from the meetings. Also, some names may be spelled phonetically)

Tuesday, March 25, 1997

Frank McManamon opened the meeting by stating that this was the 13th NAGPRA Committee meeting and the last one for the current members of the Committee. He reviewed the agenda. He gave the Committee an update on the implementation of the legislation. He reported that the National Park Service (NPS) had received 620 inventories and they are currently under review for completeness. If further information was needed, it had been requested. 270 documents appeared to be incomplete. Due to the enormity of the task, only half of those agencies have so far been contacted. Thirty-five extensions have expired and NPS will be monitoring those. 164 inventory completion notices have been published. An additional 119 are awaiting publication.

The grants program has received continued funding. NPS is currently completing the list of grantees for the 1997 grants. The Dept. of Interior 1998 budget includes a request for 2.3 mil. for the grants program.

NPS continues to receive requests from the Justice Dept. for technical support in trafficking cases.

The current terms of the NAGPRA Committee members (with the exception of Lawrence Hart) will expire in April. A new charter has been drawn up allowing the continuation of the Committee. The new charter will allow for staggering of new appointments to ensure continuity. Some current Committee members will be renewed for 2-3 years and some new members will receive six year terms. He expects the Committee to continue until its regulatory work is completed. The new nominations have gone to the Secretary of Interior. Because the current terms expire in April, he expected an announcement of the new members to come in April.

He said he expected the NAGPRA training course done in conjunction with University of Nevada-Reno to continue.

The interim regulations on civil penalties are in effect. NPS is still asking for comments. A recent pre-trial decision was made that compelled the recipient of an object purchased from a museum

that received federal funds that illegally sold the object to repatriate that object and the museum returned the purchase price to the recipient.

He went on to discuss compliance by federal agencies. NPS sent out letters to those agencies that did not appear to be in compliance stating that the NAGPRA Committee was interested in their progress. Letters went out to 120 agencies and were followed up with phone calls. They only received a few written responses. He pointed out that compliance problems would be ongoing for the Bureau of Rec., the TVA, and other land managing agencies because they had ongoing responsibilities for newly discovered material.

Lee Foster, Project Officer for Native People's Issues, Army Environmental Center, MD, stated that on the whole the Army did not act in a timely fashion. In 1994, the Environmental Center developed a program to identify archaeological collections on Army installations. There are 170 installations with 7.5 million acres. 97 installations have completed summaries. They are close to completing their inventories. 20 installations still need to have inventories completed. Half of those are in draft form. He expected completion at the end of this fiscal year. Each installation will handle consultation separately. New regulations will be written to instruct installations to comply with NAGPRA and he expected to be in compliance within the year. The Army Corp. of Engineers was not included in this process.

Haas noted that it is now 1997 and the deadline was 1995. All the museums had to submit summaries or ask for an extension. No federal agencies did that. Why wasn't an effort made to compel those agencies to explain their plan for completion? McManamon said that federal agencies didn't have the option of asking for an extension. Foster thought it was just a matter of inertia, outdated regulations, and funding problems. The Dept. of Army acknowledges that it's late. We're trying to catch up. We have been informally contacting NPS.

Sullivan asked if all the armed service branches were consulting with each other and had they had much guidance from the Defense Department. Foster said there is a central clearing house for information sharing but they had not had much guidance from Defense.

McManamon said some agencies have tried to coordinate repatriation nationally (BLM, NPS, Dept. of Army). Other agencies rely on their local/regional entities to comply and compliance then depends upon the awareness of the local agency heads. The land management agencies have given some attention to NAGPRA.

Haas said there were a lot of human remains still not inventoried. The Native American community is concerned about those remains and how to handle the federal bureaucracy. There is good compliance from some federal agencies but he saw some gaps (BLM, Forest Service, Army Corp. of Engineers, Bureau of Rec.) How does repatriation at these agencies stand? McManamon said he had had discussions with the officials of those agencies. They say work is underway. BLM did send in a summary statement and is working toward compliance. BLM is working with the Forest Service to come up with cultural affiliation determinations. Reporting

from the Corp. is spotty. Responsibility at the Corp. is at the regional level but activity is occurring.

Haas wanted to know if McManamon had a sense of where the other agencies were in the process. McManamon said he did not. The Corp. does have a national program. Some agencies don't hold their own collections, so they have to work with museums to produce inventories. Walker said three years ago BLM said it didn't have collections. Museums were left with the responsibility and that was incorrect. McManamon said it is now generally accepted that the agencies know it's their responsibility. Some museums have accepted responsibility for curation and agencies are trying to hold those museums responsible for compliance. Legally the agencies are responsible. We've tried to encourage cooperation between the agencies and museums. Haas thought the ownership issue had not been clarified. Walker agreed and thought the issue was clouded when collections came from lands now controlled by a federal agency that were not under their control when the collection was excavated. Monroe said museums and tribes underwent budget reductions so it's difficult to sympathize with federal agencies. He also worried that lack of compliance by federal agencies could interfere with the levying of civil penalties on museums that are out of compliance. Furthermore, how can Interior, which is out of compliance itself, assess civil penalties on museums?

McManamon said that federal agencies can be sued but it's normally frowned upon. He didn't think Interior's compliance should have any bearing on the assessment of civil penalties. He did agree that Interior needed to ensure that its agencies were in compliance. He recommended that tribes complain to the next level supervisor regarding individual cases to receive satisfaction. His office could assist tribes with identifying whom to contact.

Haas asked how many remains were not being reported. His own museum reported on the collections that it holds that are under the control of federal agencies. He wanted to know how the NAGPRA committee could be most affective in forcing compliance. He thought they could get attention through Congress. McManamon said they should include these comments in their report to Congress. He also recommended inviting the bureau heads to report to the NAGPRA committee on how implementation is going.

Walker noted that the threatened loss of federal funding made museums comply. Could this technique be applied to federal agencies? McManamon said it wasn't wise to go that far, yet. Naranjo reminded McManamon that it continued to be an issue for the Committee.

Discussion turned to the disposition of the culturally unidentified human remains. The Committee summarized their previous positions on this subject. However, no further recommendations were developed. One significant point that Haas raised was that some agencies are moving ahead with repatriations of remains that most museums would have declared unaffiliated. He felt the agencies were often making arbitrary decisions. He didn't think this issue should be handled in an ad hoc fashion. Further in the discussion, he asked if the Committee shouldn't ask for a moratorium on any more repatriations of unaffiliated remains until they developed regulations. McManamon

responded that they shouldn't call for a moratorium but could make comments on the inadvisability of proceeding with repatriations of the unaffiliated remains without regulations. There was continued discussion on holding a summit on the subject of the disposition of the unaffiliated remains.

Case Reviews

Baylor University, Strecker Museum

Calvin Smith requested that the Committee sanction the return of the remains (a hand) of an individual named "Chief Blackfoot." Chief Blackfoot is believed to be Comanche but there does not seem to be any lineal descendants and no tribal members recognize the name. Smith also wanted to repatriate a set of unaffiliated infant remains. There are three tribes who have agreed to take possession of the remains (names not given). There was some concern on the part of the Committee that these tribes may not be affiliated with the remains. They appear to be late Archaic. However, there did not seem to be any other tribes who could have been in that area of Texas during the time period these remains are from. The Review Committee recommended that a public notice of an intent to repatriate be issued, and formal notice be given to other tribes in the area (particularly the Kiowa) who may have land claims in that area. They also recommended that a written memorandum of understanding be drawn up and signed by the three tribes. Lawrence Hart recommended that Smith also contact the Cheyenne. McManamon wanted the Committee to state that they were recommending repatriation based on geography not on cultural affiliation. Haas disagreed, stating that NPS had accepted a determination of cultural affiliation from the Tonto Forest Service based on much less evidence. He felt they should encourage a broader definition of cultural affiliation based on "shared group identity." Walker did not entirely agree with Haas. McManamon pointed out that there was a different procedure for this type of decision. If the committee does not feel the remains are affiliated but recommends repatriation anyway, the Secretary of Interior must write a letter stating what the Committee's recommendations are. The Committee felt there was enough evidence for cultural affiliation.

Department of Energy (DOE)-Fernald Site

Joe Schumaker, DOE, discussed the case. There are two burials of prehistoric human remains (15 fragments from Woodland period sites) from a DOE easement on private property. The property owner refused to allow the project to proceed unless the DOE took possession of the remains and moved them. DOE took possession of the remains. DOE didn't feel that there was any evidence of culturally affiliation with existing federally recognized tribes, but they wanted to rebury the remains. Tribes from around the Fernald site would also like them reburied. McKeown pointed out that this case didn't fall under the inadvertent discovery clause because they were not found on public land, but they do fall under NAGPRA because the DOE owns and controls the remains. There was no final solution to this case. Monroe recommended that the

remains be "curated underground" in a way that would allow any tribes who might be affiliated with the remains to claim them in the future. Haas recommended that this be done in consultation with the local tribes. McM was concerned about the Committee's recommendations

Public Comment Period

Russell Thornton read a statement about the SI's solicitation of nominations of new committee members and read the letter from Secretary Heyman inviting nominations. He noted that copies of the letter were on the information table and he encouraged people to submit nominations.

Barbara Crandall, from a non-recognized Ohion tribe, asked that non-federally recognized tribes be included in the repatriation process. She also requested that federal land be set aside for reburial and that federal agencies and museums be required to bring the remains to the reburial site.

Maurice Eban, Pyramid Lake Paiute, read a statement by his tribal chairman concerning the protection of cultural resources.

A woman from Ohio stated that there were no federally recognized tribes in Ohio, but there were 24,000 Native people living in Ohio. The sacred sites are being threatened by development. She emphasized that the non-recognized Ohio tribes were not seeking a back door to federal recognition through the NAGPRA process. She felt that by the time they consulted with federally-recognized tribes in other states, the damage to the sacred sites would be done.

Wednesday, March 26th

Public Comment Period

Randall Durant, Choctaw Nation Tribal Council, Five Tribes Council, praised the Review Committee for its efforts.

Marianne Long, Iowa Tribe Cultural Preservation Office read a letter from John Buffalo of the Sak and Fox regarding the culturally unidentified human remains. He said they know these remains are Native American. He recommended that federally recognized tribes that occupy the land from where the remains came be allowed to take possession and rebury them.

Lee Fleming, Iowa Tribe, discussed the federal recognition issue. She requested that the NAGPRA Committee respect the governing documents of the federally recognized tribes.

Victor Roubidoux requested that the unidentified human remains be returned either to the federally recognized tribes who have aboriginal land claims in the area from where the remains

came, or to the current federally recognized tribes who occupy that land.

Richard Black, Iowa Tribe, said that people loot graves and then tell us the remains are unidentified. The Native community knows these remains are Native American.

Michael Haney, Seminole of Oklahoma, noted that only two of the 39 federally recognized tribes in Oklahoma are indigenous to the state. He said that although he helped draft NAGPRA, NAGPRA was an imperfect law because it didn't include private lands. He would like to see a moratorium on the excavation of sacred sites. He did not support repatriation to non-federally recognized groups. He commended the NAGPRA Committee for its efforts. He wanted them to know that both the University of Mississippi and the University of Kansas were in violation of NAGPRA. He planned to ask that civil penalties be placed upon them as a test of the new civil penalties clause. He said that when tribes had a complaint about federal agencies there wasn't any "Indian desk" at any federal agencies.

Haas asked if there was a plan to have the Southeast tribes come together to make joint claims for the culturally unidentified human remains from the Southeast. Haney said they were putting together an MOA for Oklahoma and he agreed that the Southeast tribes should do that also.

Ted Underwood, Seminole of Oklahoma, said that the inter-tribal council has a membership of over 300,000 Native Americans. He felt that the sole authority for the disposition of culturally identified human remains rests with the affiliated tribe, but that the disposition of the unaffiliated could be handled by decisions made by inter-tribal council NAGPRA committees. He objected to the word "pre-historic." Native Americans have a history that precedes the organization of the United States government. He felt that the way he read the law, only the federally recognized groups could participate in NAGPRA.

A Muskogee Creek Nation representative read a letter from Chief Beaver (Muskogee Creek Nation) that stated that with the exception of the Poarch Band Creek and the Muskogee Creek Nation there are no other Muskogee Creek tribes that are federally recognized. No non-recognized groups are legitimate. We are working with some non-recognized groups. We are working with Billy Cypress, Bobby Billy, and the Miccosukee.

Carrie Wilson of the Quapaw stated that tribes in her area had put together a coalition of groups that the state can contact when a discovery is made. She objected to new farming techniques that were allowing mound sites to be leveled that farmers traditionally had to farm around. She supported the idea of MOAs for joint claims.

Lisa Kraft of the Potowatami stated that there were six groups of Potowatami. She complained that while one group might receive a lot of inventories, other groups were receiving much fewer. All six Potowatami groups should be receiving all summaries. She wanted to file a complaint about museums contacting only one group based on geography. McManamon and the NAGPRA Committee assured her that this situation would be corrected.

Michael Darrow said he was speaking for the Chiricahua Apache (Fort Sill). He discussed their forced removal. They were first relocated to Florida and then Oklahoma, leaving their dead along the way. The tribe aks also has problems with not all the Apache tribes being consulted. Fake Apache tribes and individuals claiming rights to repatriation due to intermarriage. We feel, however, that anyone who leaves the Chiricahua no longer has rights as a Chiricahua.

Virgil Swift of the Wichita Tribe said they claimed human remains from Kansas, Oklahoma, Texas, Colorado, New Mexico, and Arizona.

Stacy Halfmoon said her tribe has received 150 inventories. There is pottery that they would like to claim as unassociated funerary objects but two museums have said that unless they can trace it to individual burials, their claim was invalid. She wanted to know if a museum could repatriate if it feels the claim is just or did they have to go through NAGPRA. Shouldn't the museum have to prove they have right of possession? She did not approve of allowing non-federally recognized tribes to participate in repatriation. They can work through federally recognized tribes. She thought regional coalitions of federally recognized tribes could be formed to assist with the repatriation of unaffiliated remains.

Vernon Hunter of the Caddo spoke about Caddo history, sovereignty, and reburial issues.

Walker referred back to the unassociated funerary object pottery issue. He thought it was a big problem. These materials were collected early on when no records were kept, but there's no question that they're funerary objects. He feels NAGPRA should say that if 51% of the evidence shows an object is a funerary object, it should be repatriated.

Paula Cahoney of the Delaware feels that only federally recognized tribes should be allowed to repatriate. In 1979, their recognition disappeared so they understand how important recognition is. They did get their recognition back. This issue is too complicated for the Review Committee to root through the claims by the non-recognized groups and she recommended that they not try. If a non-recognized group feels they have a claim, they can ask for assistance from the federally recognized tribes.

Charles Lonechief, Pawnee Business Council, Chairman of the reburial committee, and member of the Steed-Kisker joint reburial committee said the Pawnee were presently involved in a claim for the Steed-Kisker remains at the NMNH. A year ago a multi-tribal reburial committee first met to coordinate the claim. As soon as a letter comes in from the Ponca they will be sending an MOA to the Smithsonian. He thanked Russell Thornton, Bill Billeck, Andrea Hunter, and Jonathan Haas for their assistance on this case. He also introduced the other tribal members involved in the case. He said they would be meeting on April 4th to continue working out the arrangements. He discussed the remains of a Pawnee who died in Sweden that they had recently discovered.

Joe Watkins of the Seven Tribes Repatriation Coalition works as an archaeologist for the BIA. He said he was speaking for the Seven Tribes. He did not believe that non-recognized groups should

be allowed to make repatriation claims. They should work with federally recognized groups if they have a claim. The Review Committee should not jeopardize the government to government relationship tribes have with the federal government. Federally recognized tribes should handle repatriation for the non-recognized and then turn the remains over to them. Unaffiliated remains should be turned over to tribes who have aboriginal lands claims in the area from where the remains came. If there's a dispute, the Review Committee can make a just decision.

Dolores Bigfoot, Southern Cheyenne, spoke about the relationship between trauma, grief, and the repatriation of human remains. She felt all tribal individuals needed the opportunity to participate in repatriations and reburials. It's difficult to notify individuals that they are happening, but it is important that it be done. She worries that by only allowing federally recognized groups to participate they would be leaving out many individuals who for their spiritual well being should be allowed to participate. (Dolores Bigfoot is the wife of John Sipes, who spoke later about his group of Southern Cheyenne being left out of the repatriation process.)

Logan Curley, Northern Cheyenne Arrow Keeper, gave a prayer.

John Sipes, Southern Cheyenne, said that people aren't being kept informed about NAGPRA issues. He also said the tribal government isn't working with the traditional people. The traditional people have been told that they need to work through their government to look at collections. He feels that ceremonial people should not have to go through their tribal governments.

Maurice Eban, Pyramid Lake Paiute, said there are a number of federal agencies that are not in compliance with NAGPRA, particularly the BLM. There's an attempt to restrict Native Americans' historical time periods. He was referring to a 9,000 year old set of remains. The BLM asked if they could do more destructive analysis on those remains. But his tribe felt they've had them for 48 years and the BLM is also one and a half years behind schedule in inventory production. He recommends that the Interior Secretary get his bureau in line.

Corky Allen said he also felt that the traditional people have been left out of the repatriation process. The Creek Nation received a NAGPRA grant to formulate a coalition of Creek people, but his group was left out. They worry that their remains are being identified as unaffiliated. The Muskogee Creek Nation does not represent them. They have also severed relations with Poarch Band Creek. He requested that museums work directly with his group.

Jason Jackson of the Gilcrease Museum said the Gilcrease was trying to comply with NAGPRA. They've had some consultations and he came to these meetings to invite tribal representatives who wish to consult with the Gilcrease to meet with him to set up appointments for visits.

McKeown discussed the Reno NAGPRA training course.

Case Studies

Walker discussed a case for the return of unidentified human remains to the Olhone. None of the Olhone groups are federally recognized. Under California law the coroner must determine the ethnicity of human remains and report any Native American remains to the California Native American Heritage Commission. They are charged with determining the closest affiliated tribe. Both the Oakland Museum and DeAnza College are asking the NAGPRA Committee permission to repatriate. There are some problems. The documentation is poor. The Heritage Council doesn't take archaeological information into account. None of the groups to whom Oakland and DeAnza want to repatriate are federally recognized. There are federally recognized tribes in the area who have not been consulted. He recommended that the two agencies assemble the archaeological information and consult with the federally recognized tribes.

Walker went on to give an overview of the City of Santa Clara case. They give no explanation for their wish to return to the Olhone except that California divides up cases in terms of current geographical location. He felt there was a problem with applying a state system to federal laws. Sullivan said that these three agencies are receiving federal money. Therefore, they are bound to obey NAGPRA first. Monroe pointed out that the intent was to rebury. He asked if there were any federally recognized tribes that have close relationships to the non-recognized groups. Walker said no, they non-recognized groups see themselves as separate. There has been no consultation with the federally recognized groups. Hart recommended consultation and collaboration with the federally recognized groups. Haas felt that these three proposals are incomplete. They referenced the draft NAGPRA regulation, but their proposal is not in line with their regulations. He saw no proof of cultural affiliation and compared these cases with the strong evidence for affiliation in the Mashpee case. Walker recommended that the agencies consult with the federally recognized tribes who have any connection to the area to avoid future complaints from federally recognized groups. Monroe thought they did need to encourage agencies to continue to repatriate. They ought to be commended for attempting to comply with the spirit of the law. McManamon recommends NPS work with Naranjo to draft the letters.

The NAGPRA Committee went on to discuss the Henry County Historical Society. Walker gave an overview of the issues. The Historical Society submitted an inventory. They have consulted with the Potowatami and the Miami but one set of remains is Seneca and he thought they needed to consult with the Seneca. There is another set of remains (not Native American) from the Civil War. These remains do not fall under NAGPRA. The final set of remains is from the local area of the Historical Society and the reason for returning those remains is unclear. The Miami cannot participate in repatriation because they are not recognized. There's no explanation in their request as to why this particular band of Potowatami is any more closely related to these remains than any other Potowatami band. There is no evidence that the remains are even Potowatami. Haas pointed out that there's a set of remains from Ohio. All bands of the Potowatami need to be consulted. The Historical Society should still be encouraged to repatriate. McManamon said that a letter stating their position would be drafted.

Walker referred back to the DOE repatriation case. He felt the Committee should recommend that the DOE work with the local tribes to develop a procedure for the retention of the remains that the tribes feel is acceptable until a time when a federally recognized tribe could come forward. McManamon said he would draft a letter.

Regarding the Baylor University case, the Committee recommended that they consult more widely with federally recognized groups.

Thursday, March 27th

Hui Malama I Na Kapuna 'O Hawaii Nei/City of Providence Case

The Committee reviewed the Hui Malama/City of Providence case hearing from the Myrtle Beach meeting where they reached a tentative finding. The museum didn't feel it had received a fair hearing and the Committee decided to hear new evidence.

McManamon noted that the two issues that needed to be reconsidered were whether or not the object had standing as a sacred object and who had right of possession to it. The Roger Williams museum made its presentation first.

Greg Benning the lawyer for the museum stated that the burden of proof as to the objects standing rested with the Hui Malama. He believed the record did not show that the object was a funerary object. The Hui Malama must present a preponderance of evidence that shows that the object is either sacred or cultural patrimony. He read the definition of a sacred object. He also noted that they must present evidence that the claimant is a lineal descendent, or that the object was controlled by the Native Hawaiian organization, or a member of that organization, and they must also show that the museum did not have right of possession. He felt the Hui Malama did not produce enough evidence.

Adrienne Kaeppler, Curator of Oceanic Ethnology, SI, was the first presenter. She reviewed her credentials as a Hawaiian expert. She first discussed whom she felt had right of possession. She said she reviewed the historic documents of Cook's voyage. She found documents that showed free gift giving. She had evidence of similar spear rests (one is shown on Davenport's book) being traded and of one being given away by the Hawaiian king. The degree of trade was extensive and amiable. Nearly every ship's captain traded with the Hawaiians and Hawaiians gave ships' captains important gifts for their national leaders. Haas asked if there was any evidence of theft or looting. Kaeppler said she didn't know of any documented. Benning asked if there was evidence that the transfer was legitimate. Kaeppler said that in her opinion the transfer would have been sanctioned by both sides.

Benning asked her to speak to the support figure's status as a sacred object. Kaeppler said the object appeared to be a spear rest. She never considered spear rests to be sacred. She reviewed

the literature where it says the spear rest would have been lashed to the side of a canoe. The form of these rests vary from the ornate to the simple. They were occasionally carved with human figures. She reviewed other literature that said these images were symbolic figures into which ancestors or gods could be called. The resting places for the gods could be simple blocks of wood or even a stone. It's the type of wood that's important, not the carving, and that being the case, the object wouldn't be sacred until it is activated by that entrance of the god. Benning asked if the Providence figure was an alma kua (a resting place for a god). Kaeppler said there was no specific thing that was an alma kua, but rather anything into which a god is called becomes an alma kua. Benning asked if religious adherents needed this figurine for calling the alma kua. Kaeppler said since no one would know which alma kua belongs to this object, it would be best to call the alma kua to a new object.

Hart referred to Kaeppler's exhibition of Hawaiian god images and asked if any of those images were similar to the Providence figurine. Kaeppler said no.

Haas read the definition of a sacred object. He referred to the Zuni repatriation at the SI. He asked Kaeppler if the figure would be needed to renew a religion. Kaeppler said that in the Zuni case it was a question of right of possession. The twin gods needed to be placed back into the shrine to reactivate their power. This spear rest cannot be needed for a specific ceremony because no one knows what that ceremony would have been. It was a spear rest used by a specific chief.

The next witness for the Providence museum was Herb Conee. He is a specialist in Hawaiian canoes. Benning asked him if he had an opinion as to the object's sacredness. Conee did not believe it was a sacred object. He felt it was a secular object. Sacred and utilitarian objects may have been made by the same carver and, therefore may have certain style similarities. In religious figurines, the pose is stiff. Secular objects have an informality of pose. The action is usually servile or they are performing a menial task.

Benning asked if the object could be considered to be an object of cultural patrimony. Conee said he didn't believe so. It is a piece of private property. Therefore, it could have been disposed of or given away. No one knows who would have owned it.

Haas pointed out that there are utilitarian, poorly decorated pole rests and then there are the more elaborately carved figures that also appear to be pole rests, but also look like alma kuas. Conee said that although the traditional Hawaiian religion is not active today, the carving tradition is still very active. If the religion was still active and figures such as this were needed, they would still be carved today, but they are not. He felt that the figure was most likely a fishing pole holder. He does not believe it was used on a war canoe. There is no where on a war canoe for it to be lashed safely. But he sees functional carving on it that suggests it would have been lashed to a fishing canoe. Three spears (this object has three holding brackets) would not have been sufficient for a war canoe. Rather, 30-40 spears would have been bundled together and placed in the canoe bottom. The war spears were very heavy and the figurine is made of light wood.

Monroe noted that Kaeppler had stated that objects inhabited by an alma kua were intrinsically sacred. He asked Conee if a particular object was required to call a spirit or could any object be used. Conee said family tradition determines what objects were used to call the alma kua. A shrine would have been set up and an image would house a god, but the same god could have been called to another location, presumably with a different object.

Walker asked if when a canoe with a spirit image was lost, for instance during war, could the retreating party call the god back at a later time. Conee said yes.

Haas asked if there were ceremonial activities related to fishing, traditionally. Conee said yes; fishing was done under the spirit's guidance. Although today the ceremonies do not exist, the rules of behavior still exit.

Benning asked if Conee felt the Providence figure held a fishing god. Conee said he saw no evidence of that. He felt this figurine was a derisive figure, a secular carving, and not a sacred one. There are cases of carvings being done as a joke, ie. carving a rival chief in a menial position.

Another expert, a Ms. Johnson, testified on behalf of the Providence museum. She said she believed the Providence museum had right of possession because the object was donated in an early period, before the Hawaiian wars began. She does not believe this figurine is a sacred object. It is a support object that would have been attached to a canoe.

Haas asked if there was evidence of theft of objects from Hawaiian traditional places. Johnson said she had no knowledge of that.

Haas thought the object was clearly different from other secular objects.

Johnson did not feel it is needed for the revival of a religion because it is a spear holder. It is also too small to be a war canoe spear holder. She said that a carved figure was not needed for an object to be sacred. A simple stone could be used in a religious ceremony.

Haas asked why this spear rest was elaborately carved when the others aren't. Johnson thought human figures were used in other utilitarian objects such as platters. The carving is not what gives the object sacredness. It is how the object is used.

Monroe asked if there were any alma kuas associated with canoes and any spear holders that were alma kuas. Johnson said the only one that she knew of was lashed to the mast and called upon when the wind was uncooperative.

Monroe asked if an alma kua object was necessary for a particular ceremony. Johnson said in 1819 all Hawaiian temples were put to rest. After that date, only simple family worship took place in which an alma kua was used. You don't have to have a carved object for these

ceremonies. Her family did not have wooden alma kuas. Because mana and spirituality were spread through nature, her family used natural objects.

Benning asked if when a carved figure alma kua was lost could the alma kua spirit be called into a new object. Johnson said yes, it is not the wood that has the spirit. You can move the spirit around, so it not necessary to have the object to worship the spirit.

Davenport was called next. He reviewed his expertise. He said that the object was a pole or spear holder. It would have been tied onto a canoe. He didn't believe the object was a sacred object. There is no evidence that it was used in a ritual. He did not believe it could have been both a sacred object and a spear holder. A war spear holder would have had mana but warfare was over by the time this object was collected. Mana is not something that stays in an object forever. It only entered an object during prayer. If it was not renewed, it did not remain. If an object was owned by a high ranking person who was kapu (sacred), the object did share in that person's sacredness, as his clothing would. If it was used in a burial/death ceremony, it would become and remain polluted. But he saw no evidence of this, rather the object was traded to visiting seamen. He felt this object would have been an heirloom object but saw no evidence of its sacredness. Other objects, stone or uncarved wood, could be alma kua.

The first expert for the Hawaiians spoke. (I believe her name was Ruby Pua) Monroe asked her who would use this object, who the religious person would be who would use it. Did the person have to be a direct lineal descendent? Pua explained that alma kua is the spirit that lives in the object. The owner would call the god spirit to enter the spear and object. Because the person who owned it is no longer living, his descendants or another knowledgeable person would use it. Those spirits are still usable and are still present.

Sullivan asked if this type of object could have been gifted or would it have had to be stolen in order for the donor to have obtained it. Pua said only the figure would know. They were sometimes given as gifts from one chief to another. The Hawaiians might have felt that the sailors had the same mana as the Hawaiians. The Hawaiian might have entrusted his family mana to the other. There was also the possibility of theft.

Hart asked if when one chief was vanquished by another and the object became a trophy, would the spirit have been called back, so that the object was no longer sacred. Pua said no; the object retained a certain residual power. If the chief was vanquished, the winner would have used the object to his advantage. Having the god called away by the vanquished chief does not mean the spirit couldn't have been called back to object.

The next expert was Lily Kalau. She sang and then discussed her expertise. She discussed the need for sacred objects and the human remains to be returned. She said the object is a tiki, an image of a god. It is an alma kua. She pointed out Kaeppler could only find one reference to a tiki being traded. She also said Kaeppler had a misunderstanding of Hawaiian sacred traditions. If an object has mana, it has haka, a word that doesn't just mean to lift an object, but it is a sacred

word that means to lift up like the gods have lifted up the sky. An object made today would not have the same kind of mana. An object's antiquity gives it a special mana.

Haas asked if there were records of theft. How could this piece have come into a trader's hands? The Hawaiian lawyer circulated a section of a ship captain's journal that referred to the theft of Hawaiian objects. Kalau said that captains would never say they had stolen something. The museum didn't even know where the object came. This speaks to the possibility of it not being gifted. It would be unusual to give this type of item. It was common for them to come from burial caves, but she doesn't know if this one did come from a burial cave. It could have been given as a personal gift (with the assumption that it was not then later to be sold or donated) to a captain if he was considered to be a great and spiritual person, someone who had his own mana.

Lily Delani of the Office of Hawaiian Affairs discussed the issue of theft. She said there were at least six known cases of theft.

Kalau went on to say that the canoe is a sacred place. The canoe is like the body of a man. There are certain activities that would never have occurred in a canoe. They wouldn't have gone to war in a large sail canoe. A commoner would never have a carved spear holder on his canoe. Warring between islands would have been done in small canoes. She reminded the Providence museum that the Hawaiians did not plan to sell the object, but would use the object for religious purposes. The Hawaiians have presented evidence of theft. Cook would have been the only captain who would have been given an object of this kind, because he was the only captain who was seen as an equal, a god. By 1815, they would not have seen the captains or sailors as gods. She referred to Kaeppler's exhibit on god figurines. Kaeppler had stated in that exhibit that her classification may not be the classification that the Hawaiians would have used. She had also stated that no one other than the Hawaiians could know the true classifications for the objects. Kalau continued to ask for the return of the object.

Hunani Ne'epali presented next. He sang. He noted that all the experts for the Providence museum were non-practitioners. The intellectuals were being provided with misinformation. There was a massive theft of Hawaiian objects. He wanted to know what guarantee they had that the recordings of these proceedings would be observed when a long standing court case ensued. He said that if they had the object today they would be using it.

Haas referred to Cook's ship ledger. It appeared that Cook went against the wishes of the chief when he took a fence that surrounded a sacred site. Ten days later Cook was killed. How could individuals come onto the islands when the Hawaiians had clear control over the islands? Delani said that between 1755 and 1805, Hawaii lost half its population. They had lost the adult population and consequently lost fertility, so entire valleys were depleted of their inhabitants. It would have been simple to have come ashore at one of those areas to take things from sacred and burial sites. She disagreed that the Hawaiians had control. It was not part of Hawaiian warfare practices to attack commoners. These sailors would have been considered commoners. Ne'epali asked Haas how it was possible for these foreigners to have control over Hawaiian human

remains. Hawaiians would never have given those away.

Haas summarized the Providence museum's position that this was not a sacred object and that the acquisition was through gift or trade. The Hawaiians believed the acquisition was not through gift or trade and that the object was a sacred object.

Naranjo asked if the sacredness ever left an object. Delani said that when she first saw the object it would not stand, but after performing a ceremony it did stand. She believed this was a message telling the Hawaiians that the object still had power. It is dying and only with the Hawaiians can it live. When they first saw it, they thought it was dead.

The lawyer for the Providence museum reminded the Committee that they were charged with implementing the law. He acknowledged that this law could not fix every wrong. He said the Providence delegation resented the implication that their claim was less valid because they are not native. The Hawaiians must meet the burden of proof. He felt that the museum's Hawaiian expert testimony had as much validity as the Hui Malama's.

Haas said he saw two differing opinions. One was that the spirit left the object and the other was that not all the spirit ever leaves. He didn't feel he could make a clear decision about the object's status.

Monroe asked Benning how he explained Kaeppler's statement about the problems with the classification in her exhibit, and her definitive testimony today about the object's status as a secular object. Benning said they should ask Kaeppler. The Committee had some discussion about whether or not Kaeppler's typology was relevant.

Monroe asked Benning if it was his position that the object was acquired by trade. Benning said that the burden of proof rested with the Hui Malama. The Hawaiian lawyer reread the right of possession clause and claimed that if the Hawaiian's evidence was sufficient, then the burden then shifts to the museum. The Committee needed to decide whether or not the Hawaiians had presented enough evidence.

Sullivan noted that the urgency of this case was due to the fact that the Providence museum's intention was to sell the object. He wanted to know if they could present anymore evidence on how the object was alienated. The Providence lawyer continued to disagree about who had burden of proof. There was continued discussion about the history of Hawaii's contact period and how an object could be acquired. There was also a discussion of Hawaiian property law. Delani said that under traditional Hawaiian law, there was no concept of private property. Property would never have been classified as abandoned. There was also no concept of inheritance.

The Committee discussed the merits of the Hawaiians' claim that the object was sacred and who had right of possession. They decided to stand by their earlier decision that the object was a

sacred object, but they revised their opinion on who had right of possession. They stated that neither party had shown clear evidence as to right of possession. They continued to urge the museum to repatriate the object. McManamon asked each Committee member to give their reasons for why they felt it was a sacred object. The Committee noted that under the circumstances, they could not compel the museum to repatriate, but they urged them to do so. McManamon said he would draft a letter regarding the Committee's decision.

Miscellaneous Subjects

Haas said he felt that in light of the Hopi's protest over the Forest Service Cultural Affiliation Report the Review Committee should recommend a moratorium on repatriations in the Southwest until there is further consultation and until the Review Committee develops regulations on the unidentified human remains. Instead McManamon suggested that they hold off doing that and instead suggested the Committee make an inquiry into how the Forest Service made their decision.

The Committee continued discussing the issue of the culturally unidentified human remains and their plans to hold a summit on the subject.

They decided that the next NAGPRA Committee meeting would be in Washington, D.C. in late October or early November.

Public Comment Period

Luther Medicine Bird, Southern Cheyenne Priest of the Sacred Arrows, objected to Lawrence Hart sitting on the NAGPRA Committee. He said the traditional Cheyenne do not have proper representation. Hart and Yellowman do not meet with the traditional people. He also said Yellowman suppresses information. In 1990, they went to court over a violation of the use of the sacred arrows by Lawrence Hart. William Tallbull (previous member of the NAGPRA Committee) was the judge. He declined jurisdiction. They felt the tribal government and tribal business committee suppress information. In 1991, they held a ceremony and the chiefs recommended banishment of seven men. Mr. Hart was one of them. These people had never come to them in the four ensuing years to apologize for their transgressions and so now they have been banished forever. Mr. Yellowman is not a Cheyenne religious leader. The arrows belong to all Cheyenne men. These men went to the Smithsonian to get 20 skulls. They didn't tell the traditional people. They didn't contact any of the religious leaders. The Cheyenne's home is in South Dakota, not Oklahoma. These skulls were from Sand Creek. The Sand Creek descendants were not notified about the repatriation. His group was going to request that the skulls be dug up and returned to the Smithsonian. They'd heard these skulls were not even Cheyenne. He asked the Committee to review their court case. He said no one knew where Hart got the reburial ceremony from. Sipe's group would like to have more information.

James Mann, representing the Cheyenne traditional people, made similar statements as Medicine Bird.

Richard Edwards, Professor of Law at the University of Toledo, and a collector of Native American antiquities, objected to the length of time some of the Hawaiian's experts were given to speak. He also objected to the Committee's interpretation of the right of possession and sacred object definitions.

McManamon thanked the current members of the Committee for their hard work over the last five years. He gave an overview of their achievements.

There was a closing ceremony by the Caddo Club, a song and dance troupe of the Caddo Tribe.

APPENDIX G

Keepers of the Treasures, April 28-May 1, 1997



HERITAGE RESOURCES MANAGEMENT CONSULTANTS

Roger Anyon 3227 North Walnut Avenue Tucson, Arizona 85712 520/881-4258



MEMORANDUM

DATE: May 4, 1997

TO: Repatriation Review Committee Members

FROM: Roger Anyon

RE: Keepers of the Treasures, Anchorage, Alaska

Between April 28 and May 1, 1997, I attended the Annual Meeting of the Keepers of the Treasures in Anchorage, Alaska. The meeting went smoothly, and I am happy to report that in the sessions I attended (I could not attend all of them as some were concurrent) there was no public antagonism toward the Smithsonian and its repatriation efforts. Neither did I hear any negative comments in private conversations.

In the international repatriation session the issue of study of human remains became somewhat heated in the question and answer period. Vera Metcalf, a panelist, made the point that the request by Saint Lawrence Islanders not to have remains studied prior to repatriation was honored by the Smithsonian, and that these remains will be repatriated this summer.

The applicability of NAGPRA to collections held in foreign museums was raised. It was reported by Gary Selinger (University of Alaska, Fairbanks) that some human remains excavated under federal permit on Saint Lawrence Island in the 1960's had been taken to Wisconsin then transferred to the University of Bern in Switzerland. Upon request Bern refused to repatriate the remains, however the UA Fairbanks Museum was listed on the permit as the designated repository. Bern returned the remains to UA under the permit conditions. UA then applied NAGPRA to provide for repatriation. How does this approach apply to any human remains the Smithsonian may have transferred to foreign museums, if it applies at all?

In the panel on which I participated I made a presentation that covered the NMAI Act and its amendments, how repatriation at the Smithsonian is structured, the ethnology and human remains summaries, the structure and roles of the Committee, and types of Committee grants. I also mentioned the numbers of human remains the Smithsonian has and will repatriate to Alaska by the end of this year. One question raised was that the audience thought only one person would be funded to visit the museum in Washington. I explained the difference between the NMAI policy and that of our Committee.

I had a couple of conversations with Vera Metcalf. She seems pleased with the impending returns to Saint Lawrence Island. I asked if she had received the ethnological summary. She has. She asked about the grants to view collections and consult with the Repatriation Office. She asked regarding ethnological materials. I stated that if she has an active case for these materials and follows the grant guidelines she is eligible to apply.

Jack Fagerstrom was not at the meetings so I had no contact with him regarding Golovin Bay. To my surprise no-one from Doyon Foundation approached me regarding the status of their case.

Keepers of the Treasures asked me to become a member of their Advisory Board. I accepted.

Two people asked for the Repatriation Office to send information on repatriation at the Smithsonian. These are: Lona Wilbur, P.O. Box 388, LaConner, WA 98257, and Dora Dushkik, 100 Ocean Park Drive, Anchorage, Alaska 99515.

APPENDIX H

NMAI/NMNH Repatriation Workshop, September 16-19, 1997

Co-sponsored by the Repatriation Offices of the Smithsonian Institution's

National Museum of the American Indian

and the

National Museum of Natural History

Agenda

Repatriation Workshop, Ka-Nee-Ta Resort, Warm Springs, OR

Tuesday, September 16 -

2:00 - 4:30 pm

Registration and check-in

6:00 pm

Welcome Dinner at Kah-Nee-Ta Resort

Wednesday, September 17-

7:00 - 8:30 am

Breakfast at Kah-Nee-Ta Resort

9:00 - 11:00 am

Morning Session

Prayer/Song

Tribal Introductions

NMAI Introductions (Betty White, Repatriation Manager)

Repatriation Survey

NMNH Introductions (Tom Killion, Repatriation Manager)

Overview of Policy

11:00 am

Take vans to The Plaza at Warm Springs

11:30 - 12:30 pm

NMAI sponsored bag lunch at Indian Trail Restaurant

12:30 -1:30 pm

Tour of Warm Springs Museum

1:30 pm

Take vans back to Kah-Nee-Ta Resort

2:00 - 4:00 pm

Presentations by The National Museum of the American Indian

NMAI Philosophy Repatriation Process

Inventory
The Move

Care of Tribal Collections

4:00 - 4:15 pm

Break

4:15 - 5:00 pm Questions and discussion5:00 pm Afternoon session adjourns

6:00 pm Dinner at the Kah-Nee-Ta Resort:

Salmon Bake sponsored by the NMNH Repatriation Review

Committee

Dance Troop sponsored by the NMNH Repatriation Office

Thursday, September 18 -

7:00 - 8:30 am

Breakfast at Kah-Nee-Ta Resort

9:00 - 10:30 am

National Museum of Natural History:

NMNH Repatriation Process

Paula Molloy, Case Officer for the North West

NMNH Ethnographic Repatriation Process

Chuck Smythe, Case Officer for Ethnographic Material

10:30 - 10:45 am Break

10:45 - 11:15 am NMNH Review Committee:

Repatriation Review Process at NMNH Russell Thorton, Chair

11:15 - 12:00 pm Questions and discussion

12:00 - 1:00 pm NMAI sponsored lunch at Kah-Nee-Ta Resort

1:00 - 3:00 pm Tribal participant discussion of repatriation experiences

3:00 - 3:15 pm Break

3:15 - 4:00 pm Open forum and questions

Workshop evaluation

Closing prayer

4:00 pm Afternoon session adjourns

4:30 pm Optional trip to the *Hot Springs*

6:00 pm Dinner at Kah-Nee-Ta Resort

Bar-b-que and story teller sponsored by the NMAI Repatriation

Office

Friday, September 19 -

7:00 - 8:30 am

Breakfast at the Kah-Nee-Ta Resort

8:00 - 11:30 am

Check out by 11:30 am.

APPENDIX I

Reports From SI Units Regarding Repatriation Requirements

Smithsonian Institution Office of the Provost

1000 Jefferson Drive, SW, Room SI 230 Washington, DC 20560

Phone (202) 357-2903 Fax (202) 633-8942

MEMORANDUM

June 3, 1997

TO:

Russell Thornton, Chair, Repatriation Review Committee

FROM:

J. Dennis O'Connor

SUBJECT:

Reports from SI Units Regarding Repatriation

Requirements

Following discussions with the Repatriation Review Committee at their last meeting, I sent a January 28, 1997 memorandum to all Program Units holding collections of the requirements set forth by the recent amendment to the National Museum of the American Indian (NMAI) Act. This amendment requires all units of the Smithsonian to complete summaries of objects potentially falling into the categories of patrimony, sacred, or unassociated funerary objects. In addition, I requested they also provide inventories of Native American human remains and associated funerary objects by June 1, 1998. These summaries and inventories would be distributed to federally recognized tribes, Native Alaskan and Native Hawaiian groups.

The National Museum of the American Indian reports that it has complied with the summary and inventory requirements of the Act and its amendments.

Summaries have been completed for all ethnographic objects held by the National Museum of Natural History. Mailings of these summaries were completed in February of 1997. Inventories of human remains and funerary objects in the collections will be completed by the mandated deadline of June 1, 1998.

Several units of the Smithsonian have submitted written memoranda stating that their units have no collections containing material that falls within the requirements of the NMAI Act Amendment. These units include the National Museum of American Art, the Cooper-Hewitt National Design Museum, the Center for Folklife Programs and Cultural Studies, the Hirshhorn Museum and Sculpture Garden, the National Air and Space Museum, the National Postal Museum, the National Portrait Gallery, the National Museum of African Art, the Arthur M. Sackler Gallery, the Freer Gallery of Art, and the Smithsonian Institution Libraries.

The National Museum of American History (NMAH) is currently completing searches of all its automated files to generate itemized lists of objects and object groups with Native American associations. The Museum has no known human remains. However, to date, they have identified over 200 items or objects with Native American associations. The Museum is not attempting to judge which objects are sacred, nor which are considered cultural patrimony. The Museum is preparing lists for review by the Native American communities and will work with them to determine which they consider sacred and which they consider cultural patrimony. As the itemized lists are completed, they are being forwarded to Tom Killion, Program Manager, NMNH Repatriation Office. He is reviewing them and assisting staff at NMAH with preparing information for distribution to appropriate Native American groups.

The search of all automated files at NMAH will be completed by June 13, 1997, and will be forwarded to Tom Killion by June 20, 1997. By the end of June, the Museum will have listings of all potential unassociated funerary objects, sacred objects, and objects of cultural patrimony. Following review, these summary listings will be distributed to the appropriate native groups.

Finally, the Anacostia Museum has informed me that they are the repository of archaeological materials excavated during the building of the Anacostia Metro station. The Director of the Museum is working with staff in my office to develop a plan of action regarding these materials that apparently contain stone tools, spear points and broken pottery from these excavations.

cc: Robert Fri, John Berry, John Huerta, Lauryn Grant, Tom Killion, Gillian Flynn, Ruth Selig

APPENDIX A

Minutes of Meeting on November 24-25, 1997

Final Repatriation Review Committee Meeting Minutes November 24-25, 1997 National Museum of Natural History Prepared by Gillian Flynn, August 10, 1998

Review Committee Participants:

Roger Anyon, Richard Dalton, Lynne Goldstein, Andrea Hunter (Vice-chair), Russell Thornton (Chair)

Smithsonian Staff Participants:

William Billeck, Case Officer, Repatriation Office, NMNH
Gillian Flynn, Repatriation Review Committee Coordinator, NMNH
Robert Fri, Director, NMNH
Lauryn Grant, Assistant General Counsel, SI
Thomas Killion, Program Manager, Repatriation Office, NMNH
Paula Molloy, Case Officer, Repatriation Office, NMNH
Ruth Selig, Special Assistant to the Provost, SI
Charles Smythe, Case Officer, Repatriation Office, NMNH
Dennis Stanford, Chairman, Department of Anthropology, NMNH
William Tompkins, National Collections Coordinator, SI

Monday, November 24, 1997-9:30 am

I. Introductory Remarks

Robert Fri, Dennis Stanford, and Ruth Selig attended this session.

Christy Turner couldn't attend this Repatriation Review Committee due to illness. Ronald Little Owl had only been appointed to the Review Committee a week earlier and so had a prior engagement that prevented him from attending the Review Committee meeting.

Russell Thornton, Repatriation Review Committee Chairman, opened the meeting. He welcomed Richard Dalton and Robert Fri.

Robert Fri welcomed Richard Dalton as the most recent member of the Review Committee. He reviewed the nomination process and explained that recommendations had been made to the Smithsonian Secretary, which had been approved on November 18th. He also raised the issue of term lengths for the Review Committee. He noted that the five original members were appointed to five year terms. The two new members have come along three years into a 2nd five year term. He wanted input from the Committee on the length of terms for the two new members. They could be appointed to run out the terms of the other five members or they could also receive five

year terms. He felt they should receive five year terms. If this were done there would be two groups expiring at different times and he thought having term staggering would be beneficial to the entire process. If someone were to decide to leave the Committee, term staggering would ease that process. He would prefer having three groups with different term expirations and five year terms for the two new members, but he wanted to get Committee input on this issue.

Russell said that it was his view that the two new members should receive five year terms. He understood the logic of staggered terms, but worried about how it would be implemented. Would new terms be put into place now or when the Committee's current terms expire? Dennis Stanford said he was concerned with how labor intensive the selections process was and that if there was term staggering the Museum would continuously be seeking nominations. He expects some natural staggering as people leave the Committee. Lynne Goldstein had no objection to staggering, but thought two groups might be better than three. Ruth Selig suggested that the best way of approaching this might be to wait until the current five year terms expire and, if two people wanted to leave the committee, they could be re-nominated for shorter terms. Robert agreed that selecting new members was a labor intensive process. Roger Anyon thought staggering was a good idea and that instituting staggered terms was acceptable to him. He pointed out that the last selection process took twelve months. The NMNH had two years to implement a new policy before the older member's terms expired. Robert thought they should revisit this issue a year prior to the end of this term in March 1999. Russell asked if there would be two or three groups. Robert thought Dennis had raised an important point about how lengthy the process was and thought having two groups would be best, thus reducing the number of renewal cycles undertaken during the life of the Committee. He wanted the two new members to receive five year terms and asked Gillian to prepare appointment letters for the Secretary's signature.

Robert updated the Committee on more general museum related issues. He explained that the Museum was in the process of recruiting a new Director of Research and Collections. This person would be the supervisor for Anthropology, but this would not change the reporting procedures for the Review Committee. In the past, this position was occupied by NMNH staff. The museum is now recruiting outside the Museum. There is currently a short list. He hoped this new person would address the research funding issue as it is much harder now to raise money for scientific work than in the past and the Museum had not been aggressive enough in seeking grants. Many of our curators are over 60 and are expected to retire. He hoped to replace these people with new scientists.

Robert also announced the opening of the new gems and minerals hall. It was the Museum's intention to use the gems to attract people, while educating them at the same time about plate tectonics. The African Hall is scheduled to open in 1999. Two temporary exhibits (Vikings and Ainu) are coming up. There is currently a temporary exhibit on Yupik masks. There has recently been a \$20 million gift that will be used for upgrading the mammal halls and the renovation of the rotunda. There is a plan to develop a traveling exhibit. The Museum is also implementing a capital campaign. These funds could be used to update the cultural halls.

Russell asked about the Indian hall. He wanted to know if that plan was on hold. Robert said no, the Museum still plans to move forward, but money needs to be raised and the plans for all the halls need to finalized. There also needs to be a discussion about how much space each discipline receives. Dennis noted that 42,000 square feet is currently devoted to the Anthropology Dept. collections, move and he didn't know how much of that space would be returned to the department when it was completed.

Ruth asked when the new wings of the building would be opening. Robert said that the east court research and office complex would be opening in March. The west wing with discovery center, IMAX theater, restaurant, and shops will open in late 1998. There is also a plan to further integrate the exhibit halls with the rotunda.

Robert said he was pleased that the National Anthropological Archives (NAA) has been put back on its feet. Ruth has come over for a year, plus the NAA has received help from the SI Library and Archives. There is a plan to create a revenue-producing project to reproduce photographs and sell them. The archives are open four days a week to the public and open on Mondays for staff. The photocopying backlog is being reduced.

Lynne asked Robert how he thought the repatriation process was going. Robert thought it was going well. No problems have landed on his desk. The selection process went well. He assumes there will always be difficult issues but everything is working smoothly. Ruth pointed out that at the Society for American Archaeology (SAA) session on repatriation there was no criticism of the repatriation program. Roger said he attended the recent Keepers of the Treasures meeting and received positive comments on the repatriation program. There were no hostile questions. The Museum has made substantial returns to Alaska and has positive relationships with Native groups. At the SAAs, Lynne was asked how many remains had been repatriated nationally. No one knew the answer, but when they asked about the Smithsonian, Stuart Speaker answered that there had been 3,200 sets of remains repatriated from the NMNH. Dennis thought the NMNH was well ahead of other institutions in terms of the number of remains returned and has also been recognized for its thoroughness. Ruth thought the NMNH consultations had been very positive. Russell explained that the Repatriation Review Committee had decided to be pro-active and undertake some outreach in the Indian community. He noted that the Committee was finalizing their annual report and that there were no serious issues raised in it. Robert said he knew that there will always be issues to deal with, but if they can be dealt with early in the process, things should go smoothly. Russell explained that the Review Committee had established travel grants for consultations and repatriations that should help alleviate some problems for tribes.

Russell said that the Steed-Kisker case had finally been resolved. Robert said that he had participated in the ceremony. Russell said he thought that case eventually ended with good will.

Ruth noted that tribes weren't prepared for the volume of inventories that they'd received from museums. Russell agreed and pointed out that tribes were only just beginning to review them. They are moving forward slowly now, but the process should start speeding up. Roger pointed

out that tribes didn't have any funding for permanent repatriation coordinators. They are being funded on a grant-by-grant basis. That's why it takes so long for tribes to get back to museums. The Rio Grande tribes have recently received some funding, and are now moving forward with their repatriation plans. Lynne noted that none of the inventories are comparable. Each museum is doing it differently. She wanted to propose that the Smithsonian do more coordination with other museums on determinations of cultural affiliation. Dennis said that the Department had been doing some of that, with the Alaskan collections, collections we have in common with the University of Pennsylvania museum, and the River Basin Survey material at the University of Tennessee. Ruth thought the inventory reports needed to be as user friendly as possible.

Gillian reviewed the Committee's packets, noting that there was information on the NMAI monitoring issue. Russell said he wanted to discuss that issue during the meeting. Lynne felt she was more informed about the NMAI repatriation process when Rick West used to attend Review Committee meetings. Ruth suggested that the Committee ask for regular reporting from the NMAI. Roger wanted to know if the Committee could review the letters the Provost's Office had received from the other museums regarding their compliance with the NMAI Act. Ruth said American History was still working on their inventories and NMAI had stated that they had already completed the process of submitting the inventories to tribes.

Robert Fri left the meeting.

Dennis thought it would be productive to invite representatives from these museums to meet with the Committee. Ruth suggested inviting Kathy Spiess from the NMAH.

Ruth left the meeting.

II. Repatriation Office Administrative Issues

Tom Killion attended the next session. He discussed Repatriation Office administrative issues. He explained to the Committee that the Repatriation Office had lost three staff members; Minthorn, Aronsen, and Miller. For the Minthorn-Aronsen position announcements, he received 120 applications. Marita Penny, Bill Billeck, and Paula Molloy are reviewing those applications. It is expected to take six months to hire someone. Beth Miller, the supervisor of the Physical Lab resigned. He had received 22 applications for that position. Dan Rogers, Bill Billeck, Doug Owsley, and Doug Ubelaker will review those applications. The top eight candidates have been ranked. One candidate was knocked out because he was Canadian. He (Tom) is the selecting officer for that announcement. He raised the issue of the staff term expirations and reminded the Committee that the December 31, 2000 cut-off applied to staff in their second term. Javier Urcid, a lab contractor, has resigned. This leaves only Erica Jones working in the lab half-time, Alison Wilcox on contract working four days/week on the physical protocol and one day uploading Repatriation Office data into INQUIRE, Karin Bruhlheide on contract half time, and Sarah Pelot on a part-time contract doing x-rays. Only Jane Beck, the photographer and Beverly Byrd,

managing the data bases, work full-time in the lab. The new supervisor will be responsible for hiring new contractors.

Tom had been asked to submit a spending plan for 1998. 85% of his budget went to salaries and benefits. \$140,000 was for contracts in the lab and case documentation. \$80,000 is reserved for object documentation. \$20,000 went to each case officer to hire other necessary contractors, and \$50,000 was reserved for supplies. There is only \$250,000 available above salaries and benefits. This includes any money leftover in 1997 that was rolled over into the 1998 budget and personnel funds available due to staff resignations. \$20,000 is needed for equipment updating.

Karen Mudar, Case Office for Alaska, is returning in January 1998 after a one year leave of absence. She will spend the last year of her four year term finishing Alaska and beginning work on the Great Lakes.

Stuart Speaker has a June deadline for the inventories. He will take on cases that are generated out of those inventories. He will also take over all Southwest cases. He has already completed Apache. He will also finish the Doyon case.

Tom went on to discuss the most recent NMAI/NMNH Repatriation Conference held at the Warm Springs Reservation in Washington. He said the conference was very productive. One positive outcome of that conference was that he and Betty White, the Program Manager of the repatriation program at NMAI, will begin consulting more closely on what cases each museum is working on and what returns have already taken place. He is meeting with Betty in December in New York.

Tom has been involved in revising the Smithsonian Collections Management Policy with regards to repatriation. He is on a task force with Lauryn Grant, Bill Tompkins, and Betty White. The philosophical differences between NMNH and NMAI are great but they had been able to communicate on practical issues.

Tom had received no information on NMAH. He understands there is a partial inventory list, but it is unclear how they are proceeding. Ruth said they'd had a change of personnel.

Tom explained the function of the Department of Anthropology Repatriation Advisory Committee. They meet to discuss specific repatriation policy issues. They recently reviewed the Ontonagan Boulder report. Chuck Smythe is writing a response to the Keewenaw Bay Ojibwe and the Review Committee will see that report when it goes to Dennis.

III. Repatriation Case Updates

Tom went on to give the Committee an update on active repatriation cases. The Alaskan Native Village of Barrow has asked the Repatriation Office to submit a proposal explaining why undertaking the physical documentation is important. Karen Mudar will finalize that proposal. There is very little other activity in Alaska at the moment. The Department has received no word from the Cheyenne River Sioux on the Wounded Knee case. Dennis had spoken with Mr. Borland, their tribal chair and asked if the Tribe would be interested in doing a joint press release announcing the impending repatriation, but he has not received a response from the Tribe.

Russell asked Gillian to provided Richard and Ronald with copies of the Wounded Knee case report. He noted that there was an issue regarding the authenticity of some of the objects.

Tom went on to discuss the Southeast Washington and Northwest Oregon case that Paula Molloy is working on and the Arikara case that Bill Billeck is working on. Both these large cases are in progress. He wanted to inform the Committee that he did not expect any major repatriations to take place for some time. Two case reports (the Oglala and the Ponca) are in their final stages.

Russell asked Tom to give an overview of what was still pending in Alaska. Tom said that the Doyon case is on hold until Stuart finishes the inventories. Tom had recently received requests from some of Richard Scott's students regarding the data that was collected on the Nunivak and Northeast Norton Sound cases. The students are requesting permission to use that data for dissertations and publications. Tom has informed them that they must get permission from the Native communities and he has recommended that they give the communities 30 days to respond and that the communities should receive credit in the publications. The students are willing to make this request to the communities. Russell asked what was going to happen if the tribes had concerns. Tom said they would cross that path if and when it came up. Russell thought there should be a general policy on this. He also thought 30 days was too short. Tom said the policy wasn't written down, but the policy has always been that researchers should ask permission from the Native communities. Gillian noted that at least with regard to Nunivak the community had always understood that there might be publications coming out of this research and had approved at least theoretically.

Tom reviewed the St. Lawrence case. As a follow up to that case, Robert Fri had asked Tom to prepare some statistics on how often the physical protocol assists in making the assessment of cultural affiliation. Tom presented the Committee with his results. There have 4,000 sets of remains documented by the physical lab. He excluded the remains from the Larsen Bay and St. Lawrence cases. He looked at 1,500 sets of remains to see how the cultural affiliation was determined. 91% of the time (1,300 sets of remains) the physical protocol confirmed the affiliation of the remains that had been identified from the archival documents. In 5% of cases the affiliation was changed due to information found in the archives. In 9%, either additional records-based research or the physical protocol cast doubt on the cultural affiliation. Out of that 9% in 5.5% of the cases, the cultural affiliation of the remains was changed based solely on information

from written records. In .5%, the cultural affiliation was changed solely on the basis of the physical protocol. In 3%, the cultural affiliation was changed based on both the records and the protocol. In summary, in most cases the physical protocol confirms the information in the archives. The 1,500 sets of remains that he looked at were from more recent contexts. He thought the statistics would change when the remains came from more ancient contexts.

Dennis thought these results meant that 9% of the time, if the physical protocol had not been done, the remains would have been returned to the wrong people. Russell thought that part of the issue of whether the protocol should be done in every case is a cost effectiveness issue. Lynne thought that at this point in time this issue was almost moot, because most of the later period remains have already been documented and in the cases of the ancient remains the physical protocol should be more important in assisting in the determination of the cultural affiliation. Russell said that was clear that in some cases it had not been necessary to do the protocol. Tom said the museum feels its important to document the remains, particularly in cases like St. Lawrence where there are more ancient remains. The ancient time period of those remains would have become obvious during the protocol, but because we skipped that part of the process we didn't know we had ancient remains in the St. Lawrence collection. Ruth pointed on that since the archival research and the physical protocol go on simultaneously, the physical protocol does not slow the process down. Russell emphasized that the archival research and the physical protocol are always done. Dennis said that was correct, but the physical protocol can alert you to the need to do extra research. Russell said he thought the statistics meant that 96% of the time culturally affiliation could be determined accurately without doing the physical protocol, either through a first or second level search of the literature. Tom said that the statistics meant that in 91% of the time we were able to confirm existing records and in another 5.5% we had to change affiliation based upon the protocol. Russell disagreed and said that in 96% the affiliation determination was based on either the records or the records plus the protocol. Lynne thought the numbers were misleading because the number of time the physical protocol changed the affiliation should increase when the ancient remains are documented. Most of the easy cases are done. Dennis said the protocol didn't slow down the process but did increase the cost. Russell said it was an issue of prioritizing expenses. Roger thought it would be useful revisit the issue when more prehistoric material had been documented, to see if the affiliation rate change did go up. Dennis suggested looking at Larsen Bay to see what the percentage of change in affiliation the physical documentation created in that case. Russell agreed that was a good idea.

Russell asked Tom what was happening with the move of the Repatriation Office. Tom said the physical lab had moved upstairs, but there was another anticipated move for the entire office. Dennis said he hoped it would be to the new east wing space.

Roger raised an issue concerning repatriation case reports. He thought that the disposition of the collections (how the tribe intended to curate them after they were returned) should not factor into an offer for return. He didn't want tribes to get the impression that how collections are disposed of by the tribe after repatriation would be a factor in any decision to repatriate or not.

Bill Billeck, Paula Molloy, Chuck Smythe, and Stuart Speaker attended the next session.

III. Meeting with Repatriation Office Case Officers

A. Bill Billeck

Bill Billeck, Case Officer for the Plains, reported on the repatriation of the Steed-Kisker collection to the Pawnee, Ponca, Iowa, Otoe-Missouria, and Kaw. The Pawnee Tribal Chair came to Washington, D.C. and the Kaw Tribal Chair went to Kansas City. A representative from each of the five tribes also came to Washington, D.C. where they inventoried and observed the packing of the collection. There was some difficulty when the tribal representatives wanted to accompany the remains on the same flight. TWA couldn't guarantee it, but their mortuary desk representative arranged to inform all TWA staff to make every attempt to accommodate the tribe's wishes. In the end, the arrangements did work out. The remains were re-buried at Smithville Lake with other Steed-Kisker remains that were previously re-buried. Russell said he had been invited and planned to attend the ceremony, but his flight was canceled and he didn't make it to the reburial. He has spoken Charles Lone Chief who was very pleased with all the arrangements.

Bill explained that Phillip Minthorn had resigned and Angela Lockard, a contractor, had also left. He is working on refilling Phillip's position.

Bill said there were no requests from Plains tribes this year. There are only five groups who have not made requests and they have stated that they are not ready. There is a continuing question about the affiliation of two of the 40 Oglala remains which is holding up the completion of the report. He hoped to have a physical study done to help make an assessment of the affiliation. The Ponca report is currently under review by the curators. Doug Owsley thinks one individual is biologically Caucasian. The records say the individual is Ponca. If the individual turns out to be mixed-race, it will be offered for return. But if an assessment shows that the individual is Caucasian, he doesn't know how he will proceed. Russell thought the person could still have been culturally Ponca.

Bill said he was still working on the Arikara case. He has 40 sites identified, 30 of which have been documented. The other ten are in various stages of report preparation. The physical protocol on the remains has not been finished. The funerary object descriptions are still in preparation. He hopes to finish this case next year. There is an additional report that will include all other Sioux remains, including remains for which there is no band affiliation, as well as Brule remains. Stephanie Makseyn-Kelley was in the process of trying to identify how many remains there are. Bill thought between 40-75.

The 1996 Wichita request is still outstanding. He has been in consultation with the Tribe. Some work on the prehistoric remains has been done. Walter Weidel's field notes have been

summarized. There is still no decision about the affiliation of the Spiro material. It could be Caddo, Wichita, or Tunica-Biloxi.

Lynne asked if it was worthwhile coordinating with other institutions and tribes to avoid a situation where another institution made a repatriation decision based on poor information. Bill said that few other institutions were proceeding with repatriation, but he did agree that it would be useful to know what other institutions are doing. Lynne suggested speaking with other institutions about a conference. Paula recommended involving tribes to avoid the appearance of collusion. Tom said it sounded like to good idea. Some discussion on conference planning proceeded.

Bill explained that although there was no official request from the Blackfoot there are other remains that could be repatriated to them. He was unsure how to proceed. There had been one previous repatriation to the Blackfeet.

B. Paula Molloy

Paula reported on the Mashantucket Pequot repatriation of the remains of two individuals that took place in September. She had three active cases. The Southeast Washington case report is currently being written. There have been consultations on that case. She is also working on the Lower Mississippi case which is the second part of the Tunica-Biloxi case. Her final active case is the Western Great Lakes case. She hopes that Gary Aronsen's replacement will complete that case and she currently has two volunteers assisting with the documentation of that case. It used to be two cases, Menominee and Winnebago, that have been merged into one. She hosted two consultations using RRC travel grants. The Wanapum sent three people. The RRC paid for two. They reviewed all objects with the intention of identifying funerary objects and used spiritual evidence to identify them. This information will be in their report. The Colville sent two visitors who used RRC travel grants. Their representative, Adeline Fredine, knew the Colville archaeology and reviewed their objects. There has been good communication between the Colville and the Wanapum. She had one visitor from the Winnebago of Nebraska. They are working with the Winnebago of Wisconsin to achieve the reburial of the remains in Wisconsin.

Lynne pointed out that the Wisconsin Winnebago have changed their name to Ho-Chunk. They plan to claim Effigy Mound material and because of that decision cannot claim other material. The Chair and the Repatriation Coordinator of that tribe changes frequently.

Paula and Chuck hosted a general repatriation visit from the Lac Vieux Desert Chippewa. They also hosted a visit from the Seminole of Oklahoma who are working closely with the unrecognized traditional Seminole and are also working with the Five Civilized Tribes. The tribes have asked someone to come out to meet with them and she plans to go in January.

Paula noted that the NMAI/NMNH Repatriation Workshop in Warm Springs went very well.

She thought it was a good opportunity to network with tribes. One issue that came up was the Nez Perce case involving three crania and a scalp stretched on a hoop loaned by a private citizen to the Smithsonian. The three crania have been offered for return, but the return was put on hold at the request of the Colville, There are difficulties between the Nez Perce groups. She is trying to resolve the title of the scalp. The scalp is an old loan and the lender died and left everything to his wife. Paula has been unable to locate the wife's will to see if she bequeathed the loan to the Smithsonian. The next step might be public notification asking the heirs to come forward. The scalp is from a Nez Perce warrior taken at Canyon Creek by a Crow during the Nez Perce Wars. The Crow have said we should return it to the Nez Perce. The hair was analyzed by the FBI. They determined that the hair was from a Caucasian or mixed race individual.

She attended a consultation with tribes potentially affiliated with the Etowah site, hosted by the Peabody Museum at Andover. The tribal representatives reviewed the Etowah collection. After they saw the collection there was debate over whether or not the material should be re-buried. The representatives wondered if tribal elders who saw the collection could be convinced to preserve it. Andover may submit a NAGPRA grant to arrange a traveling exhibit of the collection for the tribes and organize a trip to visit the site. The Smithsonian needs to decide how deeply involved in the project it should get. The Creek and Cherokee have reached a consensus that Etowah Mound is a Creek site, but the Creek have encouraged the Cherokee to stay involved. Lynne noted that it would be difficult to keep the material re-buried due to vandalism.

Paula has received an inquiry from the Milwaukee Public Museum to do a joint repatriation. The NMNH and the Milwaukee Museum have material from the same site.

The NMAI has received a request from the Warm Springs Tribes for the repatriation of human remains. Paula sent NMAI the NMNH Memaloose report and suggested that they also consult with the Umatilla and the Yakama.

There are two additional reports for the Northwest, the Western Montana report and the South Coast Oregon, that need to be written.

C. Chuck Smythe

Chuck Smythe said he had completed the summaries of the culturally unaffiliated collections, which encompasses 1/3 of the Division of Ethnology collection. He completed the summary for Hawaii in December.

The Ontonagan Boulder case has reached the consultation stage. He is developing a report for review by the Tribe. It is currently under review by the curators. The cultural affiliation is not an issue. The Tribe has not shown that the object is sacred according to the definition in the law. They need to show that is needed in a ceremony. There is also a question of right of possession. The Tribe's version of the object's alienation and the Department of War's version of their

acquisition of it differ.

There is a request from a Gros Ventre individual for a scalp on a hoop. We have asked for tribal corroboration of his claim that he represents the tribe. The representative is working to provide that documentation. Bill pointed out that there is no official request from the Gros Ventre for repatriation.

There is a request for two Tlingit Haida objects. The request had been inadvertently sent to NMAI or American History and was only recently sent here. Russell asked if that was the only request generated out of the teleconferencing project. Chuck said yes. Chuck wanted the Committee to know that he had recused himself from cases in Southeast Alaska because of his previous work with Native Communities from there and because he had had a prior personal relationship with a Southeast, Alaska tribal member. He will not be involved in those cases. There has been no decision on who will handle those cases.

The requests for consultations are growing due to the unaffiliated summaries. So far he has had requests for consultations from the Ute, communities in Alaska, Burns Pauite, Hopi, and the Seminole of Oklahoma. The Hopi visit was postponed but it will be sponsored by a Review Committee travel grant.

The Seminole of Oklahoma have explained that the funerary objects are high on their list of concerns due to the residual spiritual component remaining from the dead. They feel strongly that these need to be repatriated.

Chuck asked the Committee to consider making the requirements for the travel grants more flexible, particularly the requirement that an official repatriation request be in place prior to granting support. Tribes feel that they can't ask for repatriation until they have looked at the objects. He also asked that the Committee consider allowing each group within the confederation the opportunity to apply for two people each. He also requested that the Committee consider allowing more than two representatives from each tribe to visit because in some cases there are very large collections. Russell said the Committee had already planned to discuss these issues in camera during the next day's session.

The Hopi have asked the Museum to provide some information on the chemicals the objects had been treated with, because they would like to use the objects. They want to know if they are safe to have in their homes. They are applying for a NAGPRA grant to undertake this research. Dennis asked Chuck if he had consulted with Carolyn Rose, a conservator and Deputy Chair of the Anthropology Department, because she was very knowledgeable about these issues. Roger suggested that the Museum wait to see if the Hopi get their NAGPRA grant. Gillian noted that there was a student paper done on the chemicals historically used on Smithsonian collections. Chuck also noted that the NMNH MOVE office had also done some research.

Roger raised the Ontonagan Boulder sacred object issue again. He asked if there was evidence

that that object had been used in the religion. He suggested looking into the possibility of this object being used again to reconstitute a religion. Chuck said he had discussed the use of copper in the report. Lynne said she didn't see any evidence that this boulder had been used by anyone. Chuck agreed, but argued that there was knowledge of the boulder early on and there was a taboo against moving all such objects. The literature didn't mention this particular boulder. Russell thought that something didn't need to be used in a ceremony to be sacred. The boulder could be more like a sacred site. Lynne noted that the State of Michigan had also asked for it.

D. Stuart Speaker

He reported that the inventories on the archaeology collections are being produced now in their final form because they are much larger than the physical reports. Inventories for 15 states are currently being duplicated. He has received comments from the Anthropology Department on the format of the inventories for the uncataloged collections. He has written up brief descriptions of the objects. The reports of the uncataloged collections will be appended to the other inventories.

The physical inventories have almost been completed. There are some uncataloged human remains primarily from North and South Dakota. These will be some of the last reports completed. The archaeology from South Dakota is completed. While developing the format for his inventories he reviewed the NAGPRA inventories that the Park Service has received from other museums. Most museums had followed the NAGPRA format. There were some very large inventories. The unaffiliated inventory lists were the largest. One major difference in the reports was how museums reported affiliation. Many museums reported all their collections as unaffiliated. For those that reported affiliation, some gave very little explanation on how the affiliation was determined. Very few of these reports have been approved by Park Service. Many didn't specify particular tribes. Many just listed "Puebloan" or "Mississippian Phase" and suggested a possible tribe. Most museums have a regional perspective to their collections and will look different from the NMNH's because of our national perspective. At the NMNH, we have gone a step further and tagged those objects that might be funerary.

Lynne asked if Stuart was worried about missing the deadline. Stuart said no, his main concern was the amount of time needed for duplicating and so he has already begun that process. The Alaska collection is very large and will be broken down and distributed regionally. He identified as much of the uncataloged material as he could in one list. He had updated the primary catalog field in INQUIRE and updated missing information in the INQUIRE locality fields. He is also producing GIS maps showing the geographic distributions of the collections.

Stuart attended a meeting in Santa Fe where he exchanged information with the Denver Museum. There are two crania listed as Kiowa that will likely be repatriated to the Southern Cheyenne. These could be returned along with the Denver Museum material. Roger thought that the cultural affiliation assessments in the NMNH summaries are the best he had seen and the Repatriation Office should allow other museums and federal agencies to see them.

Dennis Stanford left the meeting.

IV. Smithsonian Collections Management Revised Policy

Lauryn Grant and Bill Tompkins, the National Collections Coordinator, attended the next session.

Bill Tompkins explained that the SI Collections Policy was last revised in 1992, but the actual last major revision was in the 1980's. It used to be referred to as OM 808, but will now be referred to as SD 600. He had begun in January to review the current document. It became apparent that one issue not addressed in it was repatriation and he hoped to codify the SI repatriation policy in the new policy. Lauryn Grant and Tom Killion sit on the committee that was responsible for drafting this section of the collections policy. In the beginning of February, he hoped to have a final draft and this will be distributed to the Repatriation Review Committee.

Lauryn noted that the issue probably of most concern to the Review Committee was the section that discussed the NMAI's exemption from monitoring by this Review Committee. There was some concern that there was a conflict between the sole authority provision of the NMAI Act and Section 12 spelling out the Review Committee's responsibilities. She felt it was time to raise this issue with the new Secretary. A memo has been sent to Rick West stating the issues. Currently, the status quo is stated in the policy, but she wasn't sure this shouldn't be changed. Russell noted that the Review Committee had raised this issue in their annual report to the Secretary. Lauryn said that the Secretary may decide that he's not comfortable with the status quo. She thought the quality of the NMAI repatriation process was not as rigorous as the NMNH's. She also wasn't sure that their board is adequately addressing problems. She understood that the Review Committee was concerned that they would be seen as not fulfilling their mandate. Lynne also explained that because the Review Committee did not receive information about the NMAI repatriation process, the Committee cannot respond to questions about NMAI. Lauryn thought it was a good time to review this issue. She thought it would be good to have one policy.

Roger asked where tribes went for redress when they had a disagreement with NMAI. Lauryn explained that the NMAI had in its policy a provision for a special committee to be constituted for dispute resolution¹. She thought that Committee would be made up of outside expert consultants. Lynne asked if Lauryn was called in by the NMAI when there was a problem. Lauryn said there was no systematic reporting procedure.

Bill Tompkins reviewed the vetting process for the collections policy. The Board of Regents should sign off on the new policy at their September meeting next year.

¹ The NMAI Collections Policy does not discuss the membership of the special committee but it does state that the special committee will present its findings to the standing NMAI Board Collections Committee, which will make a recommendation to the Board.

Russell asked if there had ever been an Office of the General Counsel policy statement about NMAI being exempt from review. Lauryn said no. She thought that to a certain extent the NMAI could defend their policy. The Review Committee could press for a change in this policy, and ultimately a decision will have to be made by the Provost.

Roger asked about the NMAI/Southwest case report dispute. Lauryn explained that the dispute centered around an NMAI contractor who had worked for a particular Southwest tribe and was then hired by the NMAI to write a case report on the Southwest collections. There was some feeling that that report lacked objectivity. The NMAI had apparently accepted the report. Lauryn said the Board had not constituted a special committee to review that issue yet.

Lynne asked if the Review Committee should try to set up a meeting with the Provost to discuss the monitoring issue. She was very concerned that even the Office of the General Counsel didn't review and sign-off on NMAI reports. Gillian thought that the Review Committee could also raise that issue with the Provost. Lauryn said she wanted a uniform set of procedures. Roger thought there would be a lot of confusion if the NMNH and NMAI come up with different cultural affiliation assessments. Lauryn thought it was important for the Review Committee to review NMAI reports in the same way it reviewed NMNH reports. Russell said he would draft a memo to the Provost concerning the new Collections Policy and the NMAI exemption and ask for a meeting with the Provost. Lynne said that if the Review Committee was supposed to be monitoring the NMAI repatriation program, the Committee needed to know what NMAI is doing. She thought they could invite Bruce Bernstein, the new Associate Director for Cultural Resources to meet with the Committee. They should also invite Rick West to meet with them. Russell thought they should also invite the Provost.

Richard spoke about the Hoonah Village repatriation request. Gillian said he could review the case file. He discussed the problems he's been having with a National Park Service request to view a Glacier Bay burial.

Tuesday, November 25, 1998, 9:30 am

V. In Camera Session

This portion of the minutes are not circulated.

The meeting was adjourned.

APPENDIX B

Minutes of Meeting on January 28, 1998

Final Repatriation Review Committee Meeting Minutes January 28, 1998 National Museum of Natural History Prepared by Gillian Flynn, August 10, 1998

Repatriation Review Committee Participants:

Roger Anyon, Lynne Goldstein, Andrea Hunter (Vice-chair), Ronald Little Owl, Russell Thornton (Chair), Christy Turner

Smithsonian Staff Participants:

Bill Billeck, Case Officer, Repatriation Office, NMNH
Gillian Flynn, Repatriation Review Committee Coordinator, NMNH
Karen Garlick, Acting Assistant Director for Collections Management Services, NMAH
Lauryn Grant, Office of the General Counsel, Smithsonian Institution
Ray Hutt, Collections Management Specialist, Collections Management Services, NMAH
Thomas Killion, Program Manager, Repatriation Office, NMNH
J. Dennis O'Connor, Provost, Smithsonian Institution
Steven Ousley, Physical Lab Manager, Repatriation Office, NMNH
Ruth Selig, Special Assistant to the Provost, SI
Dennis Stanford, Chairman, Department of Anthropology, NMNH

Wednesday, January 28, 1998-9:30 am

I. Introductory Remarks

Bill Billeck, Ruth Selig, Tom Killion, and Dennis Stanford were in attendance. Bill Billeck was speaking for Tom Killion who had laryngitis.

Russell Thornton opened the meeting. He introduced Ronald Little Owl, the most recently appointed member of the Repatriation Review Committee (RRC), and welcomed him. He explained that Richard Dalton was ill and unable to attend the meeting. He wished Richard a speedy recovery. Russell said he had spoken to Richard over the weekend and he was doing well. Tom Killion introduced Steve Ousley as the new Repatriation Office (RO) lab manager.

II. Ontonagan Boulder Case Report

Russell asked the Committee if anyone had comments on the Ontonagan Boulder report. He thought it was a thorough report. Tom said the Repatriation Office had not heard back from the Ojibwe. Russell raised an issue about a section in the report that stated that a sacred object had to be used continually in rituals. He didn't think this was reasonable. Bill Billeck said that Chuck

Smythe used the definition that the law required. Ron Little Owl commented that in Mandan mythology people would go to sacred rocks and leave offerings, paint on them, and visit them as shrines. There is one rock, in particular, that was removed during a dam project even though it was outside the flood area. The Tribe is looking for that rock, but people are in disagreement on what to do about it. He wondered if the Ontonagan boulder could have been used as a shrine. Lynne Goldstein noted that that kind of information, although not available in the report, could be gathered during the consultation process that the report recommends. Russell noted that there are differences in perspective on what is sacred. Ron said that the Mandan had excavated a mound burial and found a lot of copper objects: knives, spearheads, and other objects. Metal had religious significance for some tribes. The Ojibwe speak about Manitou. The Mandan god gave them copper objects, but there are very few people that know about these objects because they are sacred. There was a figure of a man in copper that represented a deity. Ron thought the Ontonagan boulder might have a lot of spiritual significance but the Ojibwe may not want to talk about it, and that may be the problem. Roger Anyon pointed out that no one had raised the issue of the object being an object of cultural patrimony. He thought that discussions with the tribe should take place. If it is an object of cultural patrimony, one chief may not have had the right to give it away. He also asked how the congressional decision to compensate Eldred for his loss was worded. He would like to know if the war department relinquished their rights to the boulder. Russell said he knew of other tribes that have had sacred minerals. They consider them to be cultural patrimony. Lynne asked if the RO was going to wait to hear from the Ojibwe. Bill said yes, Chuck was in contact with them. Lynne asked if there had been any informal response. Bill said no.

III Review of the Ponca Case Report

The Committee reviewed the Ponca report. The report covered at least 30 sets of remains and some funerary objects. Russell asked if anyone had comments. Lynne said she thought it was a good report. Ron asked if all the material had been determined to be Ponca. Bill said everything had been recommended for return to the Ponca.

IV. Wolf Creek Indian Museum Request

Russell summarized the request. The Wolf Creek Indian Museum has requested that remains held by the NMNH be deaccessioned to the Wolf Creek Museum because their museum sits on the site from which the remains came. Tom pointed out that the remains are of unknown affiliation. Russell noted that the museum is not part of a federally recognized tribe. Paula Molloy, the Southeast Case Officer, has explained this to the Wolf Creek Museum Director. The Director said he will get a letter of support from the Monacan, but they are not a federally recognized tribe, either. Russell said he had looked at the maps and noted that those lands were claimed by the Cherokee and most likely ceded to the state. The Shawnee were also in that area. The Wolf Creek Museum Director stated that the funerary objects indicate a Siouan affiliation. Russell

expressed concern over the fact that the museum director had written to the National Park Service NAGPRA office. Gillian Flynn explained that he wrote to Frank McManamon to complain that the Monacan, not being a federally recognized tribe, could not make repatriation claims and he has since removed himself from the NAGPRA meeting witness list. Lauryn is drafting a response to the museum. Russell thought other potentially affiliated tribes should receive notification of these types of claims and wondered at what point in the process this should occur. Christy Turner asked how the remains came to be at the Smithsonian. Paula wasn't present to answer that question. Ron thought the site was probably a palisaded village. He said there is a place in North Dakota where the government wants to build a dam where a village of unknown affiliation would be impacted by the construction. Although no one knows who the village belonged to, the Mandan halted the construction of the dam. Russell said the Cherokee also had palisaded villages. He recommends the RO look into the accession history. Roger noted that there was no request from a federally recognized tribe and thought the RO should wait until all the inventories are out and wait to see if a request comes in.

V. Keepers of the Treasures

Russell said he had heard that the Keepers of the Treasures had changed their focus from repatriation to language preservation. He noted that the Committee had been actively involved with Keepers and wondered if they should continue to be involved if there was a change of focus. There was a meeting coming up in Santa Fe in June. Roger said that the Keepers would still have repatriation as a focus, but it wouldn't be their primary focus. Russell asked if the Review Committee should still send someone, noting that they usually only send someone if the Committee was on the agenda. Ron said he had met Tessie Naranjo concerning the identification of some human remains and he had to be careful about what he says in public. He invited people to a Sun dance and reburial that was taking place in July and August. The Committee decided it would try to get on the Keepers agenda and send some Committee members.

VI. Oklahoma Repatriation Conference

Russell explained that the Committee had decided to be proactive in engaging the Indian community in consultation and so wanted to plan a conference. They envisioned it to be part workshop and part consultation to endeavor to understand the concerns tribes have. He pointed out that the NAGPRA meetings are open to the public but the Smithsonian's committee meetings are not and they felt they needed to find a mechanism for consulting with tribes. Also, as a result of the Steed-Kisker case, they found that many tribes in Oklahoma were just beginning to tackle repatriation. He thought it would be a good opportunity to bring together the Oklahoma tribes. The NMAI and NMNH have two repatriation policies and a lot of Indian people are upset about that. The conference will be at Lake Murray. He thought it was best to fly into the Dallas/Fort Worth airport. He wanted to set up a tour of some local archaeological sites and hoped to work closely with the local Chicasaw. Gillian said the conference would be September 8, 9, and 10.

Both repatriation offices at NMAI and NMNH wanted to be involved. Tom asked if the Committee could give him feedback on what kinds of information the Committee wanted presented at the conference. Russell thought it was important to discuss the repatriation procedures and policies of both museums and be available to answer questions. Lynne thought the Repatriation Office should do a presentation on frequent problems tribes encountered during the repatriation process and how they can be avoided to make the process work more smoothly. Christy suggested a flow chart on the process explaining why it takes so long. Gillian thought it was also important to develop an organizational chart of the Smithsonian museums and offices. Roger thought the Warm Springs format worked well. He also thought the inventories and summaries for that area should be distributed to the tribes and discussed.

VI. Meeting with the National Museum of American History

Karen Garlick, Acting Assistant Director for Collections Management Services, National Museum of American History (NMAH) and Ray Hutt, Collections Management Specialist, Collections Management Services, NMAH attended the next session. Steve Ousley and Dennis Stanford left the meeting.

Karen explained the organization of the collections divisions at NMAH. Karen also explained that there had been a change in administration and so she and Ray were just getting oriented. Russell gave an overview of the Review Committee and reviewed the NMAI Act and the Committee's role in the repatriation process. He reviewed NAGPRA and the NMAI amendment that required the Smithsonian to inventory its sacred objects and objects of cultural patrimony by a specified deadline. NMNH completed its ethnographic reports in February. The archeology and physical anthropology reports are due in June 1998. The NMAI Act amendment called for the expansion of the Review Committee to include two traditional religious leaders and the members of the Committee feel they are required by law to monitor all Smithsonian museums.

Karen gave an overview of the NMAH inventory process. They have conducted a search of their SELGEM data base which encompasses 69% of the collection. Collecting areas they believed most likely to cover Indian objects were searched. SELGEM is unedited and covers the years prior to 1984. Their LCIS database is also being searched. That database covers 1984-1997. They expect to have a full report within the month.

Ruth asked if they could make the assumption that they had no human remains. Karen said she didn't think there was a lot of information that would be useful in determining that at this point.

Russell gave an example of an object of cultural patrimony that was held by NMNH. He said that during the Civil War the Keetoowahs, a secret Cherokee society, fought on the side of the Union. For their service, they were given a Union flag. This flag ended up at the NMAH. He asked the RO at NMNH to try to find out where it was. The NMAH had deaccessioned it to one of the Cherokee chiefs who held it with his personal property.

Lynne asked if they had a plan for how they were going to proceed, or if they were asking for advice from the Review Committee. She also wanted to know if they were undertaking any consultations with tribes. Roger said that there was a consultation underway with Zuni. Karen said they didn't have a plan yet on how they would proceed. Lynne suggested that the Committee take a look at the information the NMAH has already made available. Ruth said she thought there was a plan to have a training workshop with the NMNH Repatriation Office. Tom said he had consulted with Kathy Spiess, Karen's predecessor, and had been waiting for their inventory search to be completed. The RO plans to advise them on the notification process. Karen said the data base search would be completed in February and recommended that the Committee take a look at the SELGEM database search results in the meantime. Ruth noted that the data base search was supposed to have been completed last March. Ray Hutt said that if the Committee saw categories of objects that should be removed from the inventories, that could be done. For instance, the numismatics category of Indian head pennies has not been included. Karen said she would find out when the search process would be done and consult with Tom. Lynne asked if they had any repatriation requests. Karen said she only knew of the Zuni request, but she would check with Rayna Green to ensure that this was correct. Ruth suggested that they also check with their Director, Spencer Crew. Karen agreed to do that. Gillian said she would share the NMNH Repatriation Policy and the RO Annual Report with them.

Tom asked if Karen could explain how her office fit within the NMAH hierarchy and who was responsible for reporting on repatriation. Karen said it was the responsibility of the Office of Curatorial Affairs. Their Director is Lonnie Bunch. She explained that collections management was a museum-wide office and the Department of History had six collecting units. Collections Management Services is responsible for conducting the research. Tom asked who would sign off on repatriation recommendations. Karen thought it would probably be Lonnie Bunch through Spencer Crew. Ruth Selig thought it should be the Director in a manner similar to NMNH.

Gillian reviewed the NMNH repatriation and inventory processes. She said she would share ethnographic summaries and repatriation case reports with Karen.

Russell asked what was happening with the "Land of Progress" exhibit. Karen said it would open in October.

VII. Repatriation Office Issues

Bill presented information on Repatriation Office issues for Tom. He said the inventories were expected to be completed in time for the June 1998 deadline. The state by state inventory has been completed and is in the process of being edited. They expected to begin mailing in February and be completed by mid-May. Stuart Speaker planned to hire a contractor to assist with the mailing. If this process begins to slow down, they planned to put more people on the project. After Stuart has completed the inventory project, he will begin working on cases for the Southwest and California. He will also prepare the Tlingit repatriation request for a killer whale

hat that was seen in the video-teleconference because Chuck has recused himself from that case. Tom didn't anticipate any difficult issues with the case.

Steve Ousley has taken the position of lab manager as a one year temporary position. The position announcement was canceled due to a failure by the personnel office to advertise the position by the required deadline. The position will be re-advertised. If Steve wants to compete for the position, he will have to reapply. Lynne asked how many people applied for the position. Bill said twenty people applied. Ten made the certificate. In this next round, other people may apply. Steve will work on the Brule, Arikara, Southeast, Lower Mississippi, and Great Lakes cases. He plans to implement some modifications to the physical data base that will make them relational. He also plans to digitize the craniometrics.

The Minthorn and Aronsen technician position applications are still on-going. 130 people applied, many of which were highly qualified. Ruth asked if the long wait was typical. Bill said yes. The Repatriation Office sped up the process by doing the rankings. They had to rank people at both the grade five and the grade seven levels. Tom said he always had problems with the amount of time this process took. It always took longer than six months. Bill said it had been a very difficult selection process and they had not received much feedback from Office of Human Resources.

Karen Mudar has returned after a one year leave of absence and will be working on two Alaskan cases (Shaktoolik and Norton Sound). She will also follow up on the Barrow case. They have asked the RO to prepare a proposal describing what kind of documentation the RO would like to undertake and why it is important. She will also complete the Doyon case. Additionally, she will be responsible for the Great Lakes area, in particular the Menominee and Winnebago cases (which take up most of Wisconsin). These cases encompass 120 sets of remains.

Bill will be acting while Tom is on leave through the month of May. The two of them are currently reviewing personnel and administrative issues. Tom expected to meet with the people from American History in February. Bill will continue working on Plains cases, the Arikara case in particular. He hopes to complete that case this year. He will also be working on the Brule case. The Ponca and Oglala case reports have been completed. He expected a return to the Oglala this summer. There is no time table for the Ponca case, but the two Ponca tribes are cooperating.

Ron asked about a scalp he believed to be Arikara. Gillian said she could provide him with some information on the Arikara case, but she wasn't sure what scalp or document he was referring to. Ron said there was a problem with Doug Owsley over an Arikara scalp. Doug wanted the mixed race individual retained but it was eventually returned. Bill said there was a mixed race individual in the Ponca case. Biologically, this person looks mixed race, but based on other evidence the person is Native American. Gillian said there was also a scalp from a mixed race person in the Nez Perce case. Ron said there have also been problems with identifying the tribal affiliation of human remains. Christy noted that hair analysis can only assist in determining the race of the

individual, not the tribal affiliation.

Bill has been assigned a new area; the Great Basin (Utah and Nevada). This area was formerly assigned to Tammy Bray. The Nevada report has been completed, but there are no repatriation requests from tribes from that area.

Chuck has requests from the Athabaskan, Yavapai, Ute, Paiute, Hopi, Seminole, and Narragansett. Russell noted that John Brown, the Narragansett representative, who wanted to use a Review Committee travel grant wouldn't provide proof that he represented the tribe. Lauryn Grant finally did receive that information. Russell also phoned the Narragansett Tribal Chief who said Brown was the official representative. Gillian explained that the issue had been resolved.

Bill said the RO had been receiving a lot of visitors. The Chugach, the Blood Tribe of Canada (Blackfeet), and the Ponca of Nebraska are a few that have made appointments recently. The RO has become the prime contact for tribes, although not all visits are repatriation-related. Tom is discussing this issue with Anthropology. Recently, the Yakama made an appointment for 40 visitors to tour the collections at the Museum Support Center, and after Paula Molloy organized the visit, only a few people showed up. Because this visit wasn't repatriation related she had coordinated it with Anthropology Collections Management and so quite a few staff members were inconvenienced by the visitors not showing up. Ruth said the National Anthropological Archives (NAA) had also been impacted by these visits. It is helpful that the RO assists with visitors. She believed the number of visitors would increase when the NMAI opened its facility in Suitland. The NMNH needs more staff to assist these groups. Tom said the RO is also the primary contact with tribes who are doing Native American studies here at NMNH. Russell raised the issue of the liaison person again, pointing out that the position was never created. There had been discussions about a regional liaison person. It might be important to get someone to help out with these visits, otherwise other repatriation work could begin to slow down. Ron said that when many people start looking for tribal information they were referred to the archives. Russell asked if it was possible for the museum to create a staff position. Lynne thought that might not be feasible. Ruth said it might be possible to develop a joint NMAI/NMNH person who was a Native American specialist. There have been times when there are large groups at the NAA and only one staff person available. Ron asked if the NAA did any work for Mormon genealogical research. Ruth said no, the NAA dealt with only archived material, but people do a lot of family history research at the National Archives. Russell wondered if the Review Committee could do anything to assist with this issue. He thought it would have an even greater impact if NMAI and NMAH start needing consultation support.

Bill continued discussing the Repatriation Office case load. He said Paula would continue to do work in the Northwest and the Southeast. She recently hosted the Yakama visit. She has been invited to meet with the Five Civilized Tribes. The RO case tracking system is also being overhauled by Kathy Sawdey, the Computer Specialist, who is also updating the data. Tom met with Betty White, the Program Manager for the NMAI Repatriation Program, and Martha

Graham, the Repatriation Program Manager for the American Museum of Natural History, to discuss the possibility of exchanging case reports, so that everyone would have a better idea of what the three museums were doing. He also hoped to continue to coordinate on workshops with NMAI.

Roger asked if there had been any discussion about situations when affiliated material was split among the three museums. Bill said that the RO had collaborated with other museums on repatriation issues in the past. For instance, the Pawnee remains were repatriated jointly. He pointed out that these kind of arrangements can be difficult to implement because the Smithsonian works under different legislation than other museums. Tom said a problem may also arise if the NMAI wants to go beyond the repatriation legislation and the NMNH feels it should not. This makes collaboration difficult in some cases. For instance, the NMNH feels it cannot proceed on the repatriation of unaffiliated material.

Ron asked who Bill was in contact with concerning the Arikara case. Bill said that he was in contact with Elgin Crows Breast. Elgin has sent a letter to the RO saying that a new Arikara representative was being appointed. Ron said that the elderly Arikara man who was their representative died, and they don't know who the new person will be. The Arikara have a different burial system than the Mandan. Bill said he hasn't been notified yet of any new contact and so remains in contact with Elgin. He expects the report to be completed this year and hopes to begin consultations on repatriation next year. Because many of these remains are from commingled burial contexts, the Arikara will have to decide how to rebury them. In a letter to Gillian, Ron had asked why only the Mandan and Hidatsa had received repatriation grants so far. Gillian explained that when the Arikara case is completed and the tribe is ready for repatriation, they can also receive a grant. Bill explained that the Mandan, Hidatsa, and Arikara case was divided up so that the Mandan and Hidatsa wouldn't have to wait for the repatriation of their remains until the very large Arikara case was completed. This was done with the agreement of all three tribes.

Bill, Tom and Ruth left the meeting at this time.

VIII. In Camera Session

This portion of the Review Committee's minutes are not circulated.

Final Repatriation Review Committee Meeting Minutes (cont.) January 28, 1998 Prepared by Gillian Flynn, August 10, 1998

IX. Meeting with the Provost

Ruth Selig, Lauryn Grant, and Dennis O'Connor attended this session. Dennis Stanford was not present. Russell introduced Ron Little Owl to Lauryn and Dennis O'Connor.

Russell wanted the Provost to know that Ruth's attendance at the Review Committee meetings was very valuable and they hoped she would be able to continue attending. He also thanked Lauryn for her contribution.

Russell explained to Dennis that the Committee's main concern is the monitoring of the NMAI repatriation program and the inclusion of language in the draft of the new SI Collections Management Policy that states that the NMAI is not monitored by the Review Committee. He said there was continuing concern about the scope of the Committee's responsibilities with regard to Smithsonian museums other than the NMNH. He said the Committee had had a very productive meeting with Karen Garlick and Ray Hutt from NMAH about their compliance with the NMAI Act. They have agreed to keep the Review Committee informed. The Review Committee wanted to discuss whether or not the Provost felt that the NMAI repatriation program should fall under the monitoring mandate of the Review Committee. He said the Committee was raising the issue now due to the amendments to the NMAI Act that broadened the scope of the Smithsonian's repatriation program, particularly the changes to the Committee and the additional categories of objects. There had also been concerns raised in the Indian community about repatriation at the Smithsonian.

Dennis said he hadn't been able to speak with Rick West (NMAI Director) about the Committee's concerns but he has spoken to Lauryn and hopes to it resolved soon. Rick had asked the Provost not to make a decision until he (Rick) had raised the issue with the NMAI board. Rick was meeting with the board next week. Dennis said he didn't necessarily agree with Rick's interpretation of the law and understood the Committee's concerns.

Russell said he wanted to reassure the Provost and Rick that the Committee wasn't trying to involve itself in decision making. The Committee could only make recommendations.

Lauryn said Rick felt that the law gave his board the authority to make decisions about repatriation and doesn't need to be monitored. However, if his board is comfortable with having the Review Committee monitoring their repatriation activities then there isn't a problem.

Russell said the Committee didn't want to interfere with the board's decisions. They just wanted to advise and monitor. The requirement of the Committee to do that doesn't change, regardless of who makes repatriation decisions, a board or some other entity.

Lynne asked if the NMAI board approved case reports. Lauryn said yes, the collections committee approves reports. She had asked Rick to raise the issue of reports going to the Provost and the General Counsel with his board. Rick thinks that might be O.K. Currently, she only sees reports as a courtesy, and not all the time. Russell thought it should be possible for the Review Committee to review them. Lauryn asked at what point the Committee saw the NMNH reports. Gillian said they received them at the same the Anthropology Chairman saw them. Ruth said that was the same she and Lauryn saw them. Lynne explained that the Committee saw them while there was still time to raise concerns before they were finally approved.

Lauryn reminded the Committee that the NMAI had a more liberal repatriation policy, and she would be concerned that the Review Committee would raise questions about the reports due to their liberality. Russell said there were different views on the Committee about how in depth the research of cases should be, as well. He thought if the administration was comfortable with the reports then the Committee would accept that. Lynne said that the problem wasn't inconsistency, but that the Review Committee didn't know what was going on. Ruth asked if receiving reports FYI would be an acceptable compromise. Lauryn explained that Rick's concern was that if the Review Committee were to make a different recommendation than the board, that would put pressure on the board to change their decision and would hamstring the board. Roger said that the Review Committee had decided it didn't want to try to influence decisions, in the event they were then asked to review a recommendation to avoid a situation that could create a conflict of interest.

Christy asked what would happen if there was a dispute between two tribes over a repatriation decision at the NMAI and the Review Committee was asked by the tribes to review the case. Roger and Russell agreed there was a potential for a dispute with the NMAI in such as situation.

Ron asked if the NMAI notified tribes and agencies when a repatriation is about to occur. Lauryn said they notified tribes, but not other agencies. Ron thought there needed to be some sort of central coordination.

Russell said that the Committee's interaction with the NMAH had been very positive. Lauryn said a lot of it is about trust. Russell said that the Committee was always in a difficult situation legally. He questioned how they were supposed to explain their lack of monitoring of the NMAI. Lauryn said that the law is not clear on this issue and that the lack of clarity allows for interpretation, but it was her legal opinion that the NMAI did fall under the purview of the RRC. The law gave comprehensive authority to the NMAI board. Lynne asked if Lauryn acted as legal counsel to the board. Lauryn said she occasionally went to board meetings. Ruth asked if there was reluctance on the part of the NMAI board to share information. Lauryn said there was. Ruth recommended some initial information sharing. Ron asked if the NMAI was getting directives from tribes to restrict information. Lauryn said sometimes they were. Gillian pointed out that the Jemez case was one example where the NMAI was asked by the Tribe to close the case files and the museum complied.

Dennis said he would have an answer for the Committee in a few weeks. He thanked the Committee for their efforts and left the meeting.

Roger questioned whether there was a conflict of interest when there is a dispute over a repatriation and the NMAI board constitutes the special committee, because board members make up that committee. The tribe would be speaking with the same people who made the decision. Lauryn thought the special committee would be made up of outsiders, special consultants. She pointed out that there has never been a problem because the NMAI usually repatriates to whoever asks. Roger thought most disputes would be over cultural affiliation. Lauryn said in those cases the NMAI asks the tribes to work it out. She thought the only way to have a final answer to the question of whether or not this committee is supposed to be monitoring the NMAI would be to have it adjudicated, but she hoped they could work out an arrangement acceptable to everyone.

Ron asked if the Review Committee had asked to meet with the NMAI board. Russell said no, the Committee had met with Rick West and NMAI Repatriation Office staff. He thought it might be difficult to meet with their board. Lauryn said they had recently appointed a number of new board members. The Committee asked Gillian to send them a list of the NMAI board members. Ruth suggested that Bruce Bernstein, Clara Sue Kidwell's replacement for the Deputy Director for Cultural Resources position, might be a good contact. Lauryn said Bruce might be very receptive to meeting with the Review Committee. She thought Rick might even be receptive; he's just concerned about his board.

Lynne asked how the NMAI board saw their relationship with the Provost or did they see themselves as independent. Lauryn said that they reported to the Provost, but they consider themselves independent and have always maintained that position. Ruth noted that the NMAI board was very strong due to the support that the NMAI had in Congress and the congressional priority of getting the museum built. The boards of the Sackler, Freer, and Hirshhorn were also very strong, although their strength came from their private endowments. Lynne asked what would happen if the Provost decided to proceed differently with regard to this monitoring issue than the NMAI board wished. Ruth thought the Review Committee might want to consider requesting a compromise, such as information sharing. Lauryn said that was one option. Russell thought it should go beyond that. He didn't think there was any reason historically for there not being any trust between the Review Committee and the board. The Review Committee had thought they were sharing information with the NMAI, but then that arrangement ceased. He sees the issue in terms of what the law says. Lauryn suggested that they could offer to share information and invite Bruce Bernstein to meet with the Committee. She thought there was an issue on the extent to which both the Review Committee and General Counsel's Office should review reports. Roger thought the Committee should ask for monitoring, not just information sharing. That is how the Review Committee interpreted the law and he thought they should let the Provost make the decision. He thought that whatever decision was made, the Committee needed a formal response from the Provost. Russell thought the Review Committee would have a lot of difficulty explaining why they weren't monitoring repatriation at NMAI, according to the law. Christy noted that the Review Committee's bylaws were approved by the Provost, so there

exists an internal document that says the Committee is supposed to be monitoring repatriation at the Smithsonian.

Ruth and Lauryn left the meeting

The Committee went on to discuss changes to their letterhead and business cards. The meeting was adjourned.

APPENDIX C

Minutes of Meeting on May 19, 1998

Draft Repatriation Review Committee Meeting Minutes May 19, 1998 National Museum of Natural History Prepared by Gillian Flynn and Katherine Wright, February 18, 1999

Repatriation Review Committee Participants:

Roger Anyon, Richard Dalton, Lynne Goldstein, Ronald Little Owl, Russell Thornton (Chair), Christy Turner

Andrea Hunter (Vice-chair) was absent

Smithsonian Staff Participants:

Bruce Bernstein, Assistant Director of Cultural Resources, NMAI
Bill Billeck, Case Officer, Repatriation Office, NMNH
Gillian Flynn, Repatriation Review Committee Coordinator, NMNH
Robert Fri, Director, NMNH
Lauryn Grant, Assistant General Counsel, Smithsonian Institution
Candace Greene, Museum Specialist, Department of Anthropology, NMNH
Ruth Selig, Special Assistant to the Provost, Smithsonian Institution
Chuck Smythe, Case Officer, Repatriation Office, NMNH
Stuart Speaker, Case Officer, Repatriation Office, NMNH
Dennis Stanford, Chairman, Department of Anthropology, NMNH

Tuesday, May 19, 1998-9:30 a.m.

Russell Thornton opened the meeting. Bill Billeck was acting as Repatriation Office Program Manager for Tom Killion, who was absent.

I. Review of Repatriation Review Committee Travel Grant Requirements for Ethnographic Consultations: Multiple Tribes, Multiple Visits and Lineal Descendants

Candace Greene, Chuck Smythe, Bill Billeck, and Dennis Stanford attended this session.

Multiple Tribes - Gillian discussed some of the concerns that had arisen regarding the travel grant program. She thought the Committee might want to consider allowing multiple tribes to consult jointly on the large unaffiliated collections such as general Sioux and Southwest. This could help avoid the possibility of multiple claimants for the same material.

Multiple Visits - Gillian Flynn and Chuck Smythe reviewed the Hopi Tribe's recent visit and their request for a second visit. Because the Hopi had viewed the unaffiliated Southwest collection and had run out of time to view the Hopi collection, they were requesting a return visit. Gillian thought tribes should be encouraged to prioritize the viewing of collections, beginning with tribally affiliated sensitive objects then moving on to the culturally unidentified collections. She was concerned that if tribes viewed the unaffiliated collections and not the affiliated collections in their initial visit and then were unable to return, then it could be said that the Museum had not met its mandate. Russell asked Chuck if there was a particular reason why the Hopi wanted to look at the unaffiliated collections. Chuck said they had asked to begin with the unaffiliated collection first and he had not questioned their reason. He gave an overview of the Hopi consultation. Roger Anyon felt the Repatriation Review Committee (RRC) needed to explain to tribes the rules for applying for travel grants, but allow for flexibility. Roger suggested that multiple visits could be an option. Lynne Goldstein pointed out that the size of the collection needed to be taken into consideration. Tribes with larger collections could be granted multiple visits or longer visits. Russell Thornton said that the RRC needed to consider the Hopi request. Chuck pointed out that in most cases representatives were able to look at approximately 250 objects per day. Lynne thought it would be appropriate to approve another visit for the Hopi. Christy Turner noted that the first Hopi visit had required a very fast identification of objects and they should be allowed more time. Roger said that tribes needed to have a plan in place for conducting the consultation prior to coming to the museum. Bill Billeck pointed out that the Repatriation Office (RO) needed to be careful about telling tribes how to organize their consultation. Chuck mentioned that the RO gets a range of requests and levels of expertise from the tribes. The RRC voted to fund a second visit for the Hopi for approximately two weeks. The Committee also agreed that multiple grants are possible depending upon the size of the collection and are to be determined on a case-by-case basis.

Gillian also thought it was important that if time allowed and the representatives were interested that they should try to view both the ethnology and archaeology collections and spend some time discussing their case and concerns about the repatriation process at the NMNH in general. She thought it was important that these grants not be seen as only pertaining to ethnographic consultations but to the consultation process. The Committee agreed.

Ronald Little Owl discussed some of the spiritual feelings that tribes experience when coming to museums. He said that some people do not like to look at funerary objects. He said that sometimes tribes are fearful that they will bring out the angry feelings of the ancient spirits when they look at funerary objects in museums. He discussed his visit to the Museum Support Center (MSC) and mentioned that the Apache were at the MSC at the same time. He noticed that the women of the community had more to say concerning the authenticity of an object, while the men were more concerned with an object's sacredness. Ron explained his concerns about handling ancient artifacts. He discussed his spiritual identification of the Apache human remains. Russell mentioned that some tribes might prefer to see videos of certain types of spiritual objects and Ron also thought that might be helpful. Christy thought tribes might need more information on how a standard consultation is organized prior to coming to the NMNH.

Lineal Descendants - Gillian reviewed the request for a consultation grant by a Blackfeet lineal . Russell felt that the RRC may not want to set a policy regarding lineal descendants but rather consider these requests on a case-by-case basis. Russell explained that there might be a dispute developing between this claimant and the Tribe. The Tribe agrees that these sacred objects are affiliated with the this but disagrees with him over their disposition, arguing that ownership of sacred objects returns to the Tribe upon a person's death. There is a procedure that lineal descendants have to follow in order to have ownership transferred. Lynne wanted to know if the lineal descendant could combine his visit with a tribal representative coming for a consultation. Gillian thought that was a good possibility. Roger thought that since this claim might come under dispute, he thought the RRC should wait to see if the Tribe makes a claim. Gillian asked if a trip for one object was necessary. Russell wanted to know if the claimant was the correct lineal descendant and thought that Chuck should contact the Tribe regarding how to proceed. Lynne said that she was concerned about funding a visit for only one object. Chuck mentioned that they wanted one lineal and a spiritual leader to come. Ron mentioned that the North Dakota Intertribal Reinternment Committee (NDIRC) asked that all lineal descendants come to them to facilitate repatriation. The NDIRC does not advise lineal descendants to work alone because disputes may arise among descendants. Ron suggested that the Tribe's NAGPRA representative come and receive the object and take it back to the Tribe where a decision could be made about disposition. Chuck explained that the Tribe didn't actually want to claim the object, they were just concerned that this descendant follow proper tribal custom to take possession of the object. Roger wanted to know if the claimant knew what the object was, what was the purpose of the trip. Lynne said that the RRC should not pay for a visit just to view the collection.

Richard Dalton discussed certain problems with lineal descendant claims, such as people claiming objects that do not belong to them.

The Committee members determined that they did not want to fund this particular travel request. They argued that because the affiliation of the object was already know, as was its sacred nature, that very little could be gained by viewing the object. They felt it would be more appropriate for this claimant to have a repatriation grant after all parties had agreed to proceed with repatriation. Gillian agreed to contact the requestor and explain the RRC's concerns.

The Committee continued to discuss the purpose of the grants. The Committee thought they needed to firm up the language in the travel grant applications and asked Gillian to circulate copies of the travel grant applications. They wanted to make it clear that the grants were not simply to come to the Museum to view the collection, but that their purpose was to facilitate the consultation and repatriation process. They were meant to allow Tribes to view the collection to facilitate the identification of culturally affiliated and sensitive objects, to review the accession records, and also to meet with the Repatriation Office staff to gather information about their case.

II. Review of Repatriation Office Annual Report/Case Updates - Bill Billeck

Gillian referred the Committee to the draft of the Repatriation Office Annual Report that was in their packets. Bill made a presentation on Repatriation Office issues. He explained that Tom Killion would be returning to the RO the second week of June. He announced that Betsy Bruemmer had been hired as Chuck's assistant and Beth Eubanks will begin as Bill's assistant on June 15.

Northwest Region - A solution has been developed to facilitate the repatriation of the Nez Perce scalp. The scalp belonged to one of three individuals. If the Tribe can identify a lineal descendant, then the descendant's right under common law to claim the body of a deceased family member will take precedence over all other claims. Documentation is beginning on the unassociated funerary objects from the Middle Columbia River.

Northeast Region - The Mohegan tribal representatives visited the NMNH and identified three funerary objects. The report on those objects is in the planning stages.

Southeast Region - Bill reviewed the Tunica-Biloxi expanded claim. The documentation of the archaeological collections for the lower Mississippi Valley is proceeding.

Great Lakes Region - The Western Great Lakes report is in preparation. This case report is being driven by repatriation requests from the Menominee and the Ojibwe. Regarding the Winnebago case, Lynne asked if the RO was in contact with both the Winnebago in Nebraska and Wisconsin. Bill replied that he thought the RO had contacted both. Regarding the Ontonagon Boulder, the Ojibwe wanted to visit to look at the object and determine if it is one of two missing sacred boulders. Russell wanted to know if the Ojibwe were providing additional information on their claim. Bill replied that the RO had asked for the information but the Ojibwe had not yet responded.

Alaska - The report for Shaktoolik is under curatorial review. Gambell and Savoonga (St. Lawrence Island) and Mekoryuk (Nunivak Island) are considering leaving their funerary objects at the Smithsonian and the RO is in the process of documenting them now. The RO is preparing a letter to Barrow asking for permission to do the physical protocol, but it is not yet finished. Stuart Speaker's documentation of the Tlingit request for the Killer Whale hat will resume after he finishes the archaeology and physical anthropology inventories. He has received a request from Chugach for seven masks claimed as unassociated funerary objects that are housed in the NMNH ethnology collection.

Plains - The Oglala repatriation is scheduled for June 8. Thirty representatives from Pine Ridge are expected to attend. The Oglala discussed inviting the media and it may be a high profile event. RRC representatives may be invited to attend. A report was sent to both the Ponca of Nebraska and Oklahoma and the two tribes are considering holding a joint repatriation. Two individuals were identified for return to the Gros Ventre (Atsina). The return could possibly

take place late this summer. They may want to look at a scalp which may be affiliated with a bundle of which George Horse Capture Jr. is keeper.

The Arikara case continues. Ron asked Bill if anyone had contacted him from the Three Affiliated Tribes. Bill replied not yet. Ron explained that their reburial representative had died but he thought Bill could contact Duane Fox, the Episcopal minister who had worked with the burial representative. Russell asked if Bill planned to have the report finished by the end of the year. Bill replied that the process had slowed down somewhat due to the complexity of the archaeology and his assignment as acting Program Manager. He also reports that the Wichita, Brule, and general Sioux cases are still in the documentation phase.

III. Review of the Archaeology and Physical Anthropology Collections Inventories - Stuart Speaker

Stuart Speaker said that he is in the process of mailing out his inventories of the archaeology and physical anthropology collections. He has seventy-five percent of them mailed and will finish the rest this week. He has completed the mailings for Alaska, the Northwest, Great Lakes, California, and the Plains. The mailings for the Southwest and Southeast remain. Stuart said that he would send complete sets to the RRC and also to Congress. Roger asked Stuart to whom he was mailing the inventories. Stuart said that he was mailing one copy to the Chairman of the Tribe and one copy to the NAGPRA representative, if there was one. Ruth Selig said that the new Smithsonian government relations person would have an interest in this information and needs to be briefed. She suggested that he be invited to the next meeting. Roger asked Stuart what he was mailing to each Tribe and how he had selected the states that each Tribe was to receive. Stuart replied that he consulted with the Case Officers to determine each Tribe's traditional territories. He said that, for instance, the Hopi received reports for the four corner states. Other Arizona groups will receive Nevada. Mailings to Alaska are being done by region. Christy asked if the Alaskan villages were getting them. Stuart replied that they were receiving a regional report because there were more than 441 federally recognized Native entities in Alaska. The Committee members said they were pleased with the progress of the inventory project. Ron asked Stuart to explain what "uncataloged" meant. Stuart replied that the term applied to collections that had not been formally cataloged into the NMNH Anthropology collection. A catalog record normally contained information about the number of items present, where an item was from, how it was collected, how old it is, etc. Dennis Stanford said with projects such as the MSC move and loans, the Department had not been able to catalog any collections for the past four years. Roger congratulated Stuart for being on time. Stuart said that his next priority was the Tlingit repatriation claim. He had also a request for information from Gabrielano in California.

Dennis Stanford noted that Tribes had been able to use the National Anthropological Archives for information to assist them with their recognition claims. He said that Coquille was the most recent example.

Stuart explained that as part of his research for the inventory project he reviewed the NAGPRA statistics. He summarized his findings for the Committee. Sixty-two hundred sets of human remains have been listed as inventoried. Twenty-one percent of the human remains have been affiliated with a particular tribe. Seventy-eight percent of those are Hawaiian. Fifty-six percent have been affiliated with two or more modern groups. Eighty-five percent of those are either Hopi or Zuni. Twenty-two percent have been affiliated broadly, for example Apache. National Park Service (NPS) has not published any information on the unaffiliated.

Roger mentioned the Rainbow House site at Bandolier National Monument. The Park Service held two separate consultations, one concerning the human remains and the funerary objects and one for the sacred objects and objects of cultural patrimony. In the NPS notices, the cultural affiliation of the human remains and funerary objects is different from the cultural affiliation assessment for the sacred objects and objects of cultural patrimony from the very same site. He noted that this was not the only situation that he had found where this had occurred. He thought the Repatriation Office needed to make sure that the same affiliations were assigned to all collection categories from the same site.

Stuart distributed GIS maps showing the national distribution of NMNH collections by region to the RRC. Russell asked if Stuart had done one for Alaska. Stuart explained that Alaska has not yet been done because it is organized differently, but it will continue to be developed. The Committee thanked Stuart for his efforts.

IV. Repatriation Review Committee In-Camera Session

This portion of the minutes is not circulated.

V. Review of the Cheyenne River Sioux Wounded Knee Case

Bruce Bernstein, Bill Billeck, Lauryn Grant, Candace Greene, Ruth Selig, and Dennis Stanford attended this session.

Russell introduced Bruce Bernstein, the Assistant Director for Cultural Resources at the NMAI, to the others members of the Repatriation Review Committee.

Russell asked if there were any more comments concerning Wounded Knee. Lynne asked Lauryn if she had any comments. Lauryn wondered if there was any concern at Cheyenne River, not about the results of the case, but about the legal basis under which the Smithsonian is offering the objects for repatriation. The Tribe had gone to great lengths to justify their request for repatriation by arguing that these objects fit within the definitions of repatriatable objects under the NMAI Act. The Smithsonian did not believe that these objects fit under any of the categories and so had not used the NMAI Act as the basis for repatriating, but had instead developed a rationale under prisoner of war policies. The Tribe may have wanted to use this case as a precedent but she thought the policy under which the Smithsonian was going to proceed with repatriation could apply to other museums. Russell asked if the Tribe would bring their concerns to the RRC. Lauryn said they wouldn't know who had concerns until after the notification process had been completed. Ron thought there were a lot of concerns at Standing Rock, Pine Ridge, and at Cheyenne River. Cheyenne River has been the community that has pushed for this repatriation. He said that people were concerned that there were so many sad memories associated with Wounded Knee. He thought it was important that all communities that had an interest in this case be notified. Lauryn agreed and said that the next step in the repatriation process was to notify everyone who may have an interest in this case. Lynne referred to the invitation that the Committee had received from the Chevenne River Sioux to come to South Dakota to hear the concerns of the Tribe regarding the Wounded Knee objects. She asked Lauryn what the Committee needed to be concerned about when they were invited to participate in informational meetings such as this, where there may be a chance that a dispute could arise at a later time. Lauryn said that she had that concern with the Wounded Knee consultation. If the Committee becomes involved at an early stage, how is the Committee able to be objective and impartial when they have to hear the dispute. She thought that it was advisable that no one from the Review Committee attend that consultation. Russell and Lynne said that there had been a tentative decision to have only a few members of the Committee attend the meeting. Russell said that part of the RRC's mandate is to deal with disputes but sometimes the Committee doesn't receive information about disputes. The Committee had heard the Smithsonian's side of the Wounded Knee issue, but not the Tribe's. Russell continued by saying that to maintain fairness the RRC should be exposed to other opinions. He thought the Committee was compromised everyday with the Smithsonian if the Institution had a dispute with a Tribe. Lynne didn't think it was problematic if a few RRC members attended these meetings, but thought it would be wrong for the entire Committee to attend these meetings as an official body. Lauryn thought that because the Committee was advisory rather than adjudicatory that it wasn't as much of a concern, but she felt that if there was a dispute, the RRC would have ample

opportunity to hear all sides. Lynne said that not sending anyone from the Committee could be taken very negatively by the Tribe and it could affect the Committee's creditability. Roger thought that attending these types of meetings could be seen as the Committee responsibility to monitor the repatriation process. Lauryn did agree that if the Committee had said it would not attend the Wounded Knee meeting that the Tribe could have taken that to mean that the Committee had pre-judged the case. Lauryn thought the RRC needed to remain unbiased in these types of situations in case there was a formal dispute hearing in the future.

Ron discussed the case of a museum in Minnesota holding a Ghost Dance shirt said to be Mandan. Seven members of the Mandan Tribe had gone to Wounded Knee and only two returned. No one knows what happened to the other five. One of the two that returned was his grandfather. He had been invited as a lineal descendant to accept a shirt that was being repatriated and try to determine if it belonged to one of his relatives. Rather than accept the shirt, he gave the names of the relatives of the other man who had returned from Wounded Knee to the people who were handling the case, but warned them not to get involved with this shirt because it could also be a Sioux shirt and that could cause a disagreement between the tribes. He discussed the history of the Ghost Dance. He also said that he wanted to go to the Cheyenne River to hear their concerns about Wounded Knee. He mentioned, however, that historically the Mandan are an enemy to the Sioux. Gillian said that the RRC will be kept up-to-date on this case.

VI. The Review Committee's Monitoring of the National Museum of the American Indian

Russell introduced the subject of the Committee's inability to monitor the repatriation process at the NMAI and asked Lauryn to give the Committee an update on where discussions concerning this issue were. Lauryn said that the issue is still under discussion but the proposal is to have Bruce Bernstein come to Review Committee meetings and report on the progress being made. They are also proposing that case reports go to the RRC for informational purposes after approval by the NMAI Board of Trustees. There is a third proposal under discussion to have NMAI repatriation reports reviewed by the Provost's Office and the General Counsel's office before they are reviewed by the NMAI board. Some members of the Board of Trustees have some concerns about these proposals and they have asked the Provost to come to their next meeting to discuss some of these issues. She didn't know if they had concerns over specific proposals or a general concern about the board's sovereignty over the repatriation process. Russell asked if the Provost was concerned about the Review Committee's reaction to these proposals, because he was not pleased with the compromise. He thought it reduced the Committee's involvement to a perfunctory role. He expressed concern about the case reports coming to the Committee after approval and review by the Provost, the General Counsel, and the NMAI board. Lauryn replied that Rick West, NMAI Director, and the Provost thought that the board could accept this arrangement. Russell countered that this arrangement created a situation where the RRC couldn't fulfill its mandate. He felt that allowing the Committee to only

comment on reports after the fact removes any opportunity for the Committee to provide positive input. Russell couldn't understand why the Provost would want to create a situation whereby his federally mandated Review Committee could only make critical comments after decisions have been made. Christy agreed, but thought that critical comments by the Committee on the initial reports would probably result in changes in procedure. Russell thought that was true with procedural issues, but that in any particular case, they could only critize after the fact, unless the General Counsel's office gave the Committee information earlier in the process. Gillian reminded the RRC that, historically, the Committee reviewed NMNH repatriation reports much later on in the process and it was the Committee's criticism that changed some procedures and also caused a change in when the Committee received reports. Russell asked Lauryn what would happen if there was a dispute over a report. Lauryn explained that the NMAI has a policy for dispute resolution which includes convening a special review committee composed of trustees and outside experts. What the institutional position on that type of situation would be she couldn't surmise. Lauryn felt that with this agreement progress had been made. The General Counsel and the Provost understand the Committee's feelings concerning such a compromise, but she felt that Review Committee, the NMAI and NMNH repatriation offices, and the General Counsel's office were all trying to develop more cooperative relationships and this new agreement was a small step forward.

Ruth wanted the Committee to be assured that the Provost could make himself available to meet with the Committee if they felt that was necessary. Ruth thought that Bruce's attendance at Committee meetings was a good step forward. She agreed that the Committee should try this arrangement and see how it works out.

Bruce wanted to assure the Committee that the NMAI's reports were very well authored and had been well received. He continued by saying that although the NMAI's evidentiary standard is different than the one applied at NMNH, the NMAI has a high report writing and review standard and a very vigilant Board. Russell and Lynne said that wasn't really the problem, but rather that the Review Committee was just not informed of what was happening at NMAI. Ron asked if the Committee had been invited to any of the NMAI's Board meetings. Russell said no, the Review Committee had invited members of the NMAI staff to come to Review Committee meetings but the Review Committee had never been invited to attend NMAI board meetings. Ron wondered what they feared, loss of sovereignty perhaps. Russell thought that was part of it, but he pointed out that the RRC had no authority over the NMAI Board. The RRC is strictly advisory. Russell didn't think that the NMAI Act had any provision for the NMAI to form its own dispute review committee, but the NMAI amendment had expanded the Review Committee's monitoring role to include sacred objects and objects of cultural patrimony. Russell said he didn't feel the RRC was in compliance with the law with respect to the monitoring requirements. He thought this again raised the issue of the Committee having its own legal counsel. He wondered what independent legal counsel would say about the NMAI's interpretation of the law. Lauryn questioned how the Committee would proceed if they received legal advice that said that their current level of monitoring of the NMAI was not inconsistent with the law. She thought their options would be to complain to Congress, the Provost, or the

Board of Regents. Russell asked Lauryn for her interpretation of the law. She thought that the law was ambiguous and this issue could only be resolved through legal clarification by Congress or through a lawsuit. Russell asked her to explain why she thought the law was inconsistent. Lauryn replied that the NMAI was concerned that the RRC's advice could interfere with the automony of the NMAI Board. Bruce said that given the legislative history and the reasons why the NMAI was created, the museum felt it was correct in its interpretation of the law. Russell argued that although that might be true, it was also true that at the same time the NMAI was created, the Repatriation Review Committee was created. Lauryn said that the Committee was really created to deal with issues surrounding the repatriation of human remains. Russell noted that the law also applied to funerary objects. Lauryn said that when the NMAI was created it was believed that the Heye collection contained no human remains. Roger asked Bruce if he minded regularly attending RRC meetings, given that the RRC is only advisory. Bruce replied that he saw no difficulty in his attending their meetings. He continued by saying that the NMAI was a different type of museum, almost an anti-museum. It feels that its sole authority provision is very important. Christy referred back to the earlier question of what would happen if someone came to the RRC about one of the NMAI's cases and he noted that as that had not happened in nine years, it was unlikely to happen in the future, but he did feel that the Committee needed more information. Lynne said that the RRC does not know what the NMAI has been doing. Russell expressed concern about the lack of consistency between the two museums' repatriation policies. Bruce said that the main focus at NMAI at the moment was the move of their collections to the new Suitland Maryland facility and he invited the Committee to tour it when they came back to Washington. Bruce also said that the NMAI did not know what was happening at NMNH and he thought that communication and interaction needed to be broadened among all parties. Bill Billeck reported that the staff of the NMNH Repatriation Office would be touring the new NMAI facility in June and Gillian reminded everyone of the five repatriation workshops that the two repatriation offices and the Review Committee had collaborated on. Lauryn suggested that perhaps there should be a meeting between the NMAI's repatriation committee and the RRC. Christy mentioned that the NMNH had a big problem with unaffiliated collections and asked Bruce if the NMAI had this problem. Bruce replied that NMAI had unaffiliated human remains, but they did know generally what areas of the country they were from and the museum planned to have regional consultations regarding them. He continued by saying that the NMAI had sent out its inventories and summaries. They have been receiving letters of request and inquiry and are involved with traditional curation practices. Candace Greene pointed out that Gustav Heye could always assign a tribal affiliation to a collection, albeit not always a correct one. Bruce said that to rectify that problem, the NMAI was bringing in tribal experts to try to sort out affiliations. Bruce said that the NMAI had brought representatives from all the Sioux Tribes to look at all of the culturally affiliated and unaffiliated objects. There was a lot of agreement among the representatives but there was also some disagreement. Ron asked if the NMAI had brought Rick Two Dogs. Bruce said he believed so. Ron said that he was invited to participate, but was unable to. He said he and Elgin Crows Breast were supposed to go to the New York facility in July.

VIII. Update on NMAI Activities

Bruce gave a report on NMAI activities. He began by reviewing the NMAI's history. He continued by stating that the NMAI does not want to move human remains from the Bronx facility, but wants to deaccession and repatriate them prior to the Museum's move to Washington. NMAI is doing a full inventory of the collection prior to the move. They have tentatively identified the sacred or sensitive material. There are approximately 60 people on staff at NMAI with approximately half being of Native American descent. Bruce reviewed the repatriation process at the NMAI. He said that the repatriation of human remains was the first priority. There were 524 cataloged sets of remains still in the collection, 270 sets had been deaccessioned, and 160 had been returned. The museum is still documenting approximately 230 sets of remains, 90, of which, are scalps. Part of the Sioux consultation that Bruce had mentioned earlier focussed on the disposition of those scalps. The NMAI had consulted with tribes about whether scalps were to be repatriated to the Tribe that had taken the scalp or to the Tribe from which the scalp had been taken. Bruce said that the NMAI also had 100 sets of human remains from the Caribbean, Mexico, and South America. One set of remains had been repatriated to Peru within the last two years. Russell asked under what act the NMAI had repatriated those remains. Bruce said that they were being repatriated under NMAI policy. Ron asked if the border guards were cooperating. Bernstein said that the process had gone very smoothly in Peru, but repatriating objects with eagle feathers to Canada was very difficult. Lauryn said these international collections are being returned under NMAI policy. She noted that, regarding the Canadian return, they had been required to go through an elaborate permitting process. Ron agreed and gave an example of his own. Bruce continued his report saying that the NMAI usually has one to two visits per month. The NMAI usually supports the visitor's travel. He said that the inventories were not being acted upon by Tribes. There have been two returns, to the Blood Tribe and the Towecha, resulting from the inventory process. Lauryn asked about the status of the Hopi return. Bruce replied that there had been no further response from the Hopi. Ruth asked Lauryn if she finds the NMAI's and the NMNH's repatriation procedures to be very different. Lauryn said that she receives fewer questions from the NMAI and receives more information after the fact. Ruth noted that both museums could learn from the difficult legal or procedural issues that each is dealing with. Lynne agreed and also pointed out that the two museums were dealing with similar issues and thought they should be sharing as much information as possible. Bruce thought that the people who are actually doing the work are sharing more information than is readily apparent. Gillian referred to some examples of information sharing that had been listed in this year's annual report. Lauryn also gave the Warm Springs repatriation case example. She noted that the NMAI report extensively cited the NMNH Warm Springs case report. Gillian also explained that as part of the preparation for the Northwest conference a lot of information was shared. The Committee thanked Lauryn and Bruce for meeting with them.

IX. Repatriation Review Committee In-Camera Session

This portion of the minutes are not circulated

X. Meeting with Robert Fri, Director, NMNH

Bob Fri stopped into the Review Committee meeting to welcome the Committee and meet Ronald Little Owl. He asked how the meeting had gone. Russell said the meeting had gone well. He said they'd had an interesting meeting with Bruce Bernstein and Lauryn Grant and he recommended that Bob receive a briefing from Lauryn. Russell explained that they had also discussed the Wounded Knee case. He said the Committee was very pleased with Stuart Speaker's inventory project and planned to send a letter stating so.

The meeting was adjourned.

APPENDIX D

Reports Reviewed by the Repatriation Review Committee

REPORTS REVIEWED BY THE REPATRIATION REVIEW COMMITTEE				
July 1993	1993 Annual Report of Repatriation Office Activities			
	Inventory and Assessment of Human Remains from Upper and Lower Memaloose Islands and Adjacent Areas of the Middle Columbia River, Oregon and Washington in the National Museum of Natural History			
	Inventory and Documentation of Skeletal Remains from the Prince William Sound in the Physical Anthropology Collections of the Department of Anthropology, National Museum of Natural History			
	Cheyene Repatriation: The Human Remains			
	Mandan, Hidatsa and Arikara Ethnographic Collections Report (draft 1)			
September 1993	With a Lock of Hair for Remembrance: Nakota and Central Dakota Legacy at the Smithsonian Institution			
	Shota (Smoke), An Oglala Lakota Chief			
	Arapaho Repatriation: Human Remains			
November 1993	The Pawnee Ancestry Report			
	The Pawnee Biological Distance Study			
·	Mandan, Hidatsa and Arikara Ethnographic Report (draft 2)			
	Gros Ventre Ethnographic Report			
	September 1993 Review Committee Meeting Minutes			
April 1994	The Craig Mound at Spiro, Oklahoma			
	November 1993 Meeting Minutes			
	Cochiti Ethnographic Report			
	Inventory and Assessment of Human Remains from Clallam County, Washington in the National Museum of Natural History			
	1994 Annual Report of Repatriation Office Activities			
	NMNH Repatriation Policy			
	Report on Mortuary Context, Grave Good Associations, and Cultural Affiliation of Human Remains at the Smithsonian Institution Claimed by the Pawnee Tribe			
	Inventory and Assessment of Human Remains Potentially Related to the Apache and Yavapai Tribes in the National Museum of Natural History			
October 1994	Inventory and Assessment of Human Remains from the Hand Site, Southampton County, Virginia			
	Inventory and Assessment of Human Remains Potentially Related to the Kiowa Tribe in the National Museum of Natural History			
	Non-Skeletal Human Remains Pertaining to the Cheyenne River Sioux Tribe			

February 1995	Inventory and Assessment of Human Remains From Northeastern Washington and Northern Idaho	
	Santa II'Defonso Ethnographic Summary	
	Santa Clara Ethnographic Summary	
	Inventory and Assessment of Human Remains and Associated Funerary Objects Potentially Related to the Pawnee	
May 1995	Hopi Ethnographic Summary	
	Inventory and Assessment of Human Remains and Associated Funerary Objects from Cook Inlet Region Incorporated, Alaska in the National Museum of Natural History	
	Inventory and Assessment of Human Remains from North-Central Montana in the National Museum of Natural History	
June 1995	The Craig Mound at Spiro, Oklahoma	
	A Chronology of Middle Missouri Plains Village Sites	
	Ethnographic Summary: Salish, Flathead, and Kootenai	
	Ethnographic Summary: Chickasaw	
	Ethnographic Summary: Pawnee	
	Ethnographic Summary: Tunica-Biloxi	
September 1995	Steed-Kisker Reports and supporting documentation	
October 1995	Preliminary Report on the Human Remains from Golovin Bay, Alaska	
	Inventory and Assessment of Human Remains from the State of Connecticut	
	Summary of Ethnological Objects in the National Museum of Natural History Associated with the Tac Culture	
	Assessment of the Six Nations Iroqouis Confederacy Request to the National Museum of Natural History to Repatriate Two Wampum Items	
	Inventory and Assessment of Human Remains and Associated Funerary Objects from Wainwright, Alaska in the National Museum of Natural History	
November 1995	Inventory and Assessment of Human Remains and Associated Funerary Objects from Anaktuvuk Pass, Alaska in the National Museum of Natural History	
December 1995	Inventory and Assessment of Human Remains and Associated Funerary Objects Affiliated with the Cheyenne River Sioux Tribe in the National Museum of Natural History	
January 1996	Ethnology Summaries for: Haida, Tlingit, Tsimshian, Zuni, Zia	
March 1996	Ethnology Summaries for: Menominee, Kaw (Kansa), Quileute, Wiyot, Ponca, Makah	
May 1996	Ethnology Summaries for: Assiniboine, Yavapai, Chippewa, Apache	
	Inventory and Assessment of Human Remains and Associated Funerary Objects from the Post-contact Period in Barrow, Alaska	
June 1996	Inventory and Assessment of Human Remains and Funerary Objects from the Puget Sound and Grays Harbor Regions of Washington State in the National Museum of Natural History	

June 1996	Inventory and Assessment of Human Remains from the Geographical Territory of the NANA Regional Corporation, Alaska in the National Museum of Natural History		
July 1996	Inventory and Assessment of Human Remains from the Historic Period Potentially Affiliated with Eastern Dakota in the National Museum of Natural History		
	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Mandan and Hidatsa of the Three Affiliated Tribes in the National Museum of Natural History		
August 1996	Inventory and Assessment of Human Remains and Associated Funerary Objects from Northeast Norton Sound, Bering Straits Native Corporation, Alaska in the National Museum of Natural History		
to a service of the service of	Ethnology Summaries for: Havasupai, Stockbridge, Hualapai (Wapalai), Washoe, Sauk and Fox, Quechan (Yuma), Karok, Yaqui, Yurok, Yakama, Hupa, Blackfoot		
	Inventory and Assessment of Human Remains and Funerary Objects from Pt. Hope, Alaska in the National Museum of Natural History		
September 1996	Ethnographic Summaries for: Puebloan, Tesuque, San Felipe, Tewa, Pecos, Nambe, Pojoaque, Tigua, Santo Domingo, Santa Ana, San Juan, Sandia, Laguna, Jemez, Isleta, Acoma, Salishan, Iroquois		
	Inventory and Assessment of Human Remains Identified as Nez Perce in the National Museum of Natural History		
	Inventory and Assessment of Human Remains and Funerary Objects from Nunivak Island, Alaska in the National Museum of Natural History		
October 1996	Ethnographic Summaries for: Natchez, Choctaw, Chitimacha, Cherokee, Catawba, Caddo, Alibamu-Koasati, Creek, Seminole		
November 1996	Inventory and Assessment of Associated Funerary Objects in the National Museum of Natural History Affiliated with the Assiniboine		
February 1997	Inventory and Assessment of Native American Human Remains from the Western Great Basin, Nevada Section in the National Museum of Natural History		
	Ish-ta Cha-ne-aha (Puffing Eyes), A Chief of the Two Kettles Lakota		
	Inventory and Assessment of Human Remains and Funerary Objects from Northwestern Oregon in the National Museum of Natural History		
	The Ontonagon Boulder: Sacred or Secular?		
n gu (1997) i juwa enjar	Ethnology Reports for: Eskimo (I) and (II), Cheyenne, Crow, Osage, Comanche, Omaha		
March 1997	Ethnology Reports for: Ahtna, Achumawi, Atsugewi, Bannock, Cahuilla, Cayuse, Chemehuevi, Chetco, Chickahominy, Chinook, Chumash, Cocopah, Colville, Costanoan, Gabrielino, Gosiute, Huchnom, Iowa, Juaneno, Karankawa, Kitsa, Kitanemuk, Klikitat, Luiseno, Maidu, Maricopa, Mattaponi, Mohegan, Modoc, Mono, Naltunnetunne, Nanticoke, Nez Perce, Niantic, Nisenan, Nomlaki, Oto-Missouri, Panamint, Ottawa, Penobscot, Powhatan, Rappahannock, Schaghticoke, Serrano, Shasta, and Siletz		
April 1997	Ethnology Reports for: Navajo, Iroquois, Aleut, Kutchin/Tanana, Mohave, Shoshone, Pomo, Pauite, Athapaskan, Miwok, Sioux, Spokane, Takelma, Tanaina, Tipai-Ipai, Timucua, Tolowa, Tonkawa, Tubatulabal, Umatilla, Wailaki, Waksachi, Walla Walla, Wampanoag, Warm Springs, Wasco, Wenatchi, Wichita, Wintu, and Winnebago		
May 1997	Ethnology Reports for: Papago, Pima, Karok, Delaware, Pamunkey, Makah, Kiowa, Arapaho, and Kickapoo		

June 1997	Inventory and Assessment of Human Remains from St. Lawrence Island, Alaska in the National Museum of Natural History		
	1997 Repatriation Office Annual Report		
	Response to Repatriation Request for Objects Associated with Wounded Knee, Submitted by the Cheyenne River Sioux Tribe		
August 1997	Inventory and Assessment of Human Remains and Funerary Objects from the Lower Columbia River Valley, Oregon and Washington States, in the National Museum of Natural History		
September 1997	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Oglala Sioux Tribe, in the National Museum of Natural History		
October 1997	Ethnology Listing for Culturally Unidentified Objects		
	Addenda to Ethnology Reports of uncatalogued collections for the following cultures and areas: Acoma, Apache, Blackfoot, Cherokee, Chippewa, Choctaw, Cochiti, Cree, Creek, Hopi, Ipai/Tipai, Iroquois, Kiowa, Koasati, Kutchin, Navajo, (northeastern tribes), Osage, Pauite, Papago, Pima, (Plains region), San Ildefonso, San Juan, Santa Clara, Santo Domingo, Sioux, Tesuque, Makah, Mohave, Mohawk, Zia, Zuni, Eskimo, Haida, and Athapaskan		
December 1997	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Ponca in the National Museum of Natural History		
	Letter to the Keewenaw Bay Indian Community regarding the Ontonagan Boulder		
March 1998	Ethnology Report for Hawaii		
April 1998	Physical Anthropology and Archaeology Inventory for California		
May 1998	Repatriation Office Annual Report		
June 1998	National Museum of American History Draft Collections Inventory		
August 1998	Human Remains in the NMNH Associated with the Battle Near Immigrant Springs, OR July 14-15, 1878		
	NMAI Report on Human Remains and Unassociated Funerary Objects from the Dalles and Memaloose Island, Oregon		
	NMAI Report on Haudenosaune (Iroquois) Medicine Mask		
	NMAI Report on Human Skull Fragment from Boyton's Shell Heap Lamoine, Hancock County, ME		
	NMAI Report on Human Remains from Cuba		
September 1998	Inventory and Assessment of Human Remains from Cape Denbigh, Bering Straits Native Corporation, Alaska		
	Case Report for Named Individual, Jim Keki		

APPENDIX E

NAGPRA Meeting, January 29-31, 1998

AGENDA NATIVE AMERICAN GRAVES PROTECTION and REPATRIATION REVIEW COMMITTEE

14th Meeting: January 29-31, 1998 Washington, DC

Thursday, January 29, 1997:

8:30	Chair's Welcome and Introductions	Ms. Tessie Naranjo, Chair Members of the Committee
8:45	Invocation	Mr. Armand Minthorn
8:50	National Park Service Welcome	Mr. Robert Stanton, NPS Director
9:00	Introduction of New Members of the Smithsonian Repatriation Review Committee	Mr. Russell Thornton, committee co- chair
9:00	Review of Agenda: Administration of Federal Advisory Committees Implementation Update Federal Compliance Disposition of Culturally Unidentifiable Human Remains International Repatriation Nominations for New Member Administrivia	Mr. Francis P. McManamon, NPS
9:15	Administration of Federal Advisory Committees	Ms. Miriam Chapman, DOI-SOL
10:15	Break	
10:30	Implementation Update: Excavations/Discoveries on Federal/Tribal Lands Notices Litigation: Klamath Tribes v. USACOE Bonnichsen v. USACOE and Asatru Folk Assembly v. USACOE	Mr. Francis P. McManamon, NPS
	Museum/Federal Agency Collections Summaries Inventories Notices Civil Penalties Litigation. Providence v. Babbitt Regulations Future Applicability [43 CFR 10.13] Civil Penalties [43 CFR 10.12]	Mr. Sam Ball, NPS Ms. Jean Kelley, NCSHPO Mr. Lars Hanslin, SOL
	Technical Assistance Grants Training WWW	Ms. Amanda Murphy, NCSHPO

12:00	Proposed Amendments: S.110/HR. 749 HR. 2893 Role of the Department of Justice	Ms. Lynn Richardson, FBI Mr. Don Nicholson, DOJ
1:30	Compliance by Federal Agencies: 1. Department of the Interior a. National Park Service b. Fish & Wildlife Service c. Bureau of Reclamation d. Bureau of Land Management e. Bureau of Indian Affairs f. Minerals Management Service g. Office of Surface Mining 2. Department of Transportation a. Federal Aviation Administration b. Federal Highway Administration	Ms. Jennifer Schansberg, NCSHPO Mr. Kevin Kilcullen, FWS Ms. Myra Giesen, USBOR Mr. Terry Zontek, USBOR Ms. Stephanie Damadio, BLM Mr. Donald Sutherland, BIA Ms. Melanie Stright, MMS Ms. Nancy Broderick, OSM Ms. Ann Hooker, FAA Mr. Bruce Eberle, FHA
4:00	Public Comment	Mr. Bobby C. Billie, Independent Seminole
5:00	Meeting Recess	
Friday, Jan	uary 30, 1998	
8:30am	Review Agenda	Ms. Tessie Naranjo
8:35	Invocation	TBA
8:40	Compliance by Federal Agencies 3. Department of Agriculture a. Natural Resources Conservation Service b. Rural Housing Service c. Rural Utility Service d. Forest Service 4. Department of Defense a. Army b. Army Corps of Engineers c. Navy d. Air Force 5. Department of Energy 6. General Services Administration 7. Department of State 8. Department of Commerce	Ms. Kathleen Schamel, NRCS Ms. Sue Wieferich, RHS Mr. Larry Wolf, RUS Mr. Evan DeBloois, FS Mr. Lee Foster, USA Mr. Paul Rubenstein, USACOE Ms. Kathleen McLaughlin, USN Mr. Thomas McCall, USAF Mr. Andy Wallo, DOE Ms. Constance Ramirez, GSA Mr. James Slager, DOS Ms. Stephanie Klodzen, DOC

10:15

Break

10:30	Discussion on Federal Compliance	Members of the Committee
11:30	Public Comment	Members of the Public
12:00	Lunch	
2:30	Culturally Unidentifiable Human Remains 1. Current Status and Next Steps 2. Request by the State of Iowa 3. Request by the State of Minnesota 4. Request by California State Parks 5. Request by Fort Clatsop National Memorial	Mr. Francis P. McManamon Mr. Mark J. Dudzik, State of MN Ms. Cynthia Orlando, NPS
4:00	Public Comment	Ms. Barbara Crandell, Native American Alliance of Ohio Ms. Jean McCord, Native American Alliance of Ohio Mr. Oliver Collins, Native American Alliance of Ohio Mr. William Day, Tunica-Biloxi Tribe
5:00	Meeting Recess	Ms. Tessie Naranjo, Chair
Saturday,	January 31, 1997	
8:30am	Review Agenda	Ms. Tessie Naranjo, Chair
8:35	Invocation	TBA

8:30am	Review Agenda	Ms. Tessie Naranjo, Chair
8:35	Invocation	TBA
8:40	Treatment of Sacred Objects and Objects of Cultural Patrimony with Pesticides	Mr. Leigh Kuwanwisiwma, Hopi Tribe
9:10	International Repatriation Keepers of the Treasures' Report on International Repatriation	Ms. D. Bambi Kraus, KOT
9:40	Nominations of Seventh Member	Members of the Committee
11:00	Public Comment	Members of the Public
12:00	Lunch	
1:30	Future Activities: Upcoming Meetings Administrivia Meeting Adjourn	Members of the Committee

APPENDIX F

NAGPRA Meeting, June 25-27, 1998

MEMO

DATE:

June 29, 1998

TO:

RRC Committee Members

Carlo San Maria

FROM:

Roger Anyon

RE:

NAGPRA Committee Meeting

The NAGPRA Committee meeting was held in Portland, Oregon, between 6/25/98 and 6/27/98. The main focus of the meeting was the disposition of culturally unidentifiable human remains. Kennewick was essentially dealt with in an update.

The main points I gleaned from the NAGPRA Committee meeting are as follows.

- 1) Vera Metcalf, from Nome AK, is the newly appointed seventh Committee member.
- 2) The NAGPRA Committee report to Congress is completed. It will be available soon. It will probably be added to the NAGPRA web page. We should obtain a copy of this report.
- 3) The NPS NAGPRA DC office was noted to be under-staffed and under-funded to accomplish all the tasks required of that office. Backlogs of Federal Register notices and a backlog compiling the NAGPRA data base are evident. The Committee thinks more staff and funds should be provided.
- 4) Kennewick is now subject to an interagency agreement signed between the Army and Interior on 3/24/98. Interior is to answer 2 questions, (1) are the remains Native American, and (2) if so, to whom should the remains be repatriated. The Committee has no role in Kennewick as the case is under litigation, and attempts are being made to mediate this litigation.
- 5) The Providence RI and Hawaii case discussions continue. The Committee is no longer part of this issue.
- 6) The Committee spent most of its time discussing the application of the law in the disposition of culturally unidentifiable human remains. They worked on a statement draft to establish points of agreement of the Committee as the basis for the Tallbull Summit (see below). These points of agreement for the most part appear to reiterate the law. We should request a copy of these points when they are made final.

- 7) The ASU Law School and Heard Museum are sponsoring a fall working session in Phoenix, of approximately 30 people (minimally including old and new NAGPRA Committee members), by invitation only. This meeting is sponsored with an NPS grant. The purpose is to make recommendations to the NAGPRA Committee regarding the disposition of culturally unidentifiable human remains. This is to be called the "Tallbull Summit".
- 8) The Committee noted that NAGPRA calls for the Committee to make recommendations regarding the disposition of only culturally unidentifiable human remains. Associated funerary objects are not mentioned in the law. The Committee had requested, in a memo from Jim Bradley to Interior sent prior to the meeting, some points of clarification regarding this issue and other related issues. Interior made a written response. We should obtain a copy of this response. Some Committee members were upset that associated funerary objects are not part of this discussion. An amendment to the law would be necessary to change this Committee charge.
- 9) Marilyn Malatare, Yakima Nation Museum, reported that an American Indian Museum Association has been formed as a working group and has met a couple of times. We should find out more about this organization.
- 10) The Phoebe Hearst Museum at Berkley was roundly criticized by Tribal representatives for its insensitivity and lack of cooperation with tribes regarding NAGPRA implementation, and other Tribal consultations.

Those are the main points of interest.

DRAFT AGENDA NATIVE AMERICAN GRAVES PROTECTION and REPATRIATION REVIEW COMMITTEE

15th Meeting: June 27-27, 1998 Portland, Oregon

Thursday, June 25, 1998:

WWW

8:30	Chair's Welcome and Introductions	Ms. Tessie Naranjo, Chair Members of the Committee
8:45	Invocation	TBA
8:50	Welcome	TBA
9:00	Review of Agenda: Implementation Update New Business Disposition of Culturally Unidentifiable Human Remains Implementation in the Pacific Northwest Administrivia	Mr. Francis P. McManamon, NPS
9:15	Implementation Update: Excavations/Discoveries on Federal/Tribal Lands Notices Litigation: Klamath Tribes v. USACOE Bonnichsen v. USACOE and Asatru Folk Assembly v. USACOE Museum/Federal Agency Collections Summaries Inventories Notices Civil Penalties Litigation. Providence v. Babbitt Regulations Future Applicability [43 CFR 10.13] Civil Penalties [43 CFR 10.12] Technical Assistance Grants Training	Mr Francis P. McManamon, NPS

Proposed Amendments:

S.110/HR. 749 HR. 2893

12:00 Lunch

1:30 New Business:

4:00

Public Comment

1. Reba Fuller, Central Sierra Me-Wuk Cultural committee.

2

5:00

Meeting Recess

Friday, June 26, 1998

8:30am	Review Agenda	Ms. Tessie Naranjo
8:35	Invocation	TBA
8:40	Discussion on the Disposition of Culturally Unidentifiable Human Remains 1. Request from Sonoma State University 2. Discussion of General Committee Recommendations	Members of the Committee
10:15	Break	
11:00	Public Comment	Members of the Public
12:00	Lunch	
1:30		
4:00	Public Comment	
5:00	Meeting Recess	Ms. Tessie Naranjo, Chair

Saturday, June 27, 1997

8:30am	Review Agenda	Ms. Tessie Naranjo, Chair
8:35	Invocation	ТВА
11:00	Public Comment	Members of the Public
12:00	Lunch	
1:30	Future Activities: Upcoming Meetings 1. Letter from Betty Washburn. Administrivia Meeting Adjourn	Members of the Committee

APPENDIX G

Travel Grant Program

Repatriation Review Committee Travel Grants Program		
Budget	Amount Spent	Balance Remaining
Repatriation Grants =100,000	69,568	30,432
Consultation Grants=100,000	43,658	56,342
Total = 200,000	114,109	86,774

1998 Repatriation Grants		1998 Consultation Grants	
Steed-Kisker (Iowa, Kaw, Pawnee, Ponca, Otoe- Missouria)	3,271	Норі	2,900
		Pechanga Digueno	2,063
Gros Ventre	2,830	Mescalero Apache	2,372
Nez Perce	1,313	Oglala Sioux	1,670
Oglala Sioux	1,670	ONC-Bethel, AK	4,367
Ponca-Oklahoma	3,002	Ojibwe	1,962
Ponca-Nebraska	3,516	Narragansett	900
Total	15,602	Total	16,234

1997 Repatriation Grants		1997 Consultation Grants		
Northeast Norton Sound (Golovin, White Mt., Elim, Koyuk), AK	6,913	Colville	2,876	
Mandan-Hidatsa	2,227	Standing Rock Sioux	3,632	
Mashantucket-Pequot	1,336	Wanapum	2,330	
S'Klallam	2,913	Yavapai-Apache	2,076	
St. Lawrence	10,000			
Total	23,389	Total	10,914	

1996 Repatriation Grants		1996 Consultation Grants	
Fort Belknap Assiniboine	2,899	Northeast Norton Sound (Golovin, White Mt., Elim, Koyuk), AK	4,806
Fort Peck Assiniboine	3,434	Kotzebue, AK	3,594
Cheyenne River Sioux	1,161	Nunivak	5,538
Northeast Norton Sound (Golovin, White Mt., Elim, Koyuk), AK	3,024	Southern Cheyenne	884
Kotzebue, AK	3,594	St. Lawrence, AK	1,688
Point Hope	5,500		
Santee Sioux	1,969		
Total	21,581	Total	16,510

1995 Repatriation Grants				
Pawnee	3,515			
Yerington-Pauite	997			
Spokane	1,795	·		
Devil's Lake Sioux	1,090			
Yankton/Yanktonai	447			
WarmSprings	1,124			
Total	8,996			

THE SMITHSONIAN INSTITUTION'S

NATIVE AMERICAN REPATRIATION REVIEW COMMITTEE

REPORT FOR THE 1998 FEDERAL FISCAL YEAR

(October 1, 1997 to September 30, 1998)

Submitted December 1998 to Secretary I. Michael Heyman

Rumer & 2 Chamton

Russell Thornton, Chair

Andrea A. Hunter, Vice Chair

Curdiea C. Hunter

Roger Anyon

Richard Dalton Sr

Lynne Goldstein

Ronald Little Owl

Christy G. Turner II

The Smithsonian Institution's Native American Repatriation Review Committee Report for the 1998 Federal Fiscal Year (October 1, 1997 to September 30, 1998)

The 1998 fiscal year was a typically busy and productive period for the Smithsonian Institution's (SI) Native American Repatriation Review Committee. This report inventories all the activities and accomplishments of the Repatriation Review Committee during the past year and details some concerns.

We conducted the normal monitoring and review of the operations of the Repatriation Office (RO) at the National Museum of Natural History (NMNH) throughout the year, and responded to a variety of reports the RO submitted to us. A variety of outreach activities were initiated congruent with the Committee's reaffirmation to engage with Native American groups and communities. This included Committee members' attendance at repatriation conferences. Committee members, along with Committee Coordinator Gillian Flynn, also attended meetings of the Native American Graves Protection and Repatriation Act (NAGPRA) Committee.

Reflecting the 1996 amendment to the National Museum of the American Indian (NMAI) Act, this was the first year that the two new Committee members designated "traditional Indian religious leaders" served on the Committee. Each of the two new members--Richard Dalton, Sr. and Ronald Little Owl--proved to be a significant and valuable member of the Committee.

We have both continued and new concerns that require consideration during the 1999 fiscal year.

Our activities involved meetings and trips, as summarized in Table 1.

Table 1. Summary of Meetings and Trips

•				
Date Participant(s)	Meeting/Trip			
10/23-24/97	Interview Potential Committee Member (Halliday, ND)	Thornton		
11/24-25/97	RRC Meeting (Washington, DC)	Full Committee (Christy Turner absent; Ronald Little Owl only just appointed)		
1/28/98	RRC Meeting (Washington, DC)	Full Committee (Richard Dalton absent)		
1/29-31/98	NAGPRA Meetings (Washington, DC)	Anyon, Hunter, Little Owl, Thornton &		
Flynn		Inorneon &		
5/18-19/98	RRC Meeting (Washington, DC)	Full Committee		
6/11-12/98	Mellon Conference (Philadelphia, PA)	Thornton		
6/17/98	Keepers of the Treasures (Santa Fe, NM)	Anyon & Thornton		
6/25-27/98	NAGPRA Meetings (Portland, OR)	Anyon & Dalton		

Monitoring and Reviewing Activities

Our Congressional mandate, in part, states that the Committee will "monitor and review the inventory, identification, and return of Indian human remains and Indian funerary objects." This was expanded by the NMAI Act amendment to include objects of cultural patrimony and sacred objects. In keeping with this mandate, the Committee continued to monitor and review the repatriation activities of the Smithsonian Institution during the year.

We had three meetings-November 24-25,11997, January 28, 1998, and May 18-19, 1998---for this purpose.

Our first meeting during the fiscal year was on November 24-25, 1997 (see attached minutes in Appendix A). In addition to the members of the RRC and Gillian Flynn, those attending the meeting were: Robert Fri, Director of National Museum of Natural History (NMNH), Ruth Selig, Special Assistant to the Provost, Dennis Stanford, Chair of the Anthropology Department, and Tom Killion, RO Program Manager. RO case officers Bill Billeck, Paula Molloy, Charles Smythe and Stuart Speaker, Lauryn Grant, SI Assistant General Counsel, and Bill Tompkins, the National Collections Coordinator, also attended parts of the meeting. During the meeting, the Committee discussed the length of terms of RRC members, the monitoring of repatriation at units of the Smithsonian other than the NMNH, particularly the NMAI, communication problems between the Committee and other units of

the Smithsonian, the repatriation of the "Steed-Kisker Phase" remains and objects, the Smithsonian Collections Policy, NMNH Repatriation Office administrative issues, several case reports, e.g., from Alaska, Washington, and Oregon, and the physical protocol on human remains, and the completion of physical inventories, among other issues, including topics in camera.

The second meeting of the Committee was on January 28, 1998 in Washington, D.C. (See Appendix B.) Attending for portions of the meeting were J. Dennis O'Connor, the Provost of the Smithsonian, and his Special Assistant, Ruth Selig, Lauryn Grant, Office of the General Counsel, Karen Garlick and Ray Hutt, of the National Museum of American History (NMAH) Collections Management Services, Anthropology Department Chair Dennis Stanford, RO Program Manager Thomas Killion, RO case officer Bill Billeck, and Steve Ousley, the new RO laboratory manager.

The Committee met with Provost Connor and his special assistant, Ruth Selig, concerning issues about the RRC monitoring all repatriation activities at the Smithsonian, including the NMAI. Along this line, the RRC discussed with Karen Garlick and Ray Hutt repatriation activities at the NMAH. The RRC considered various cases, including the Keewenaw Bay Indian Community Report regarding the Ontonagan Boulder, the Ponca Case Report, the Wolf Creek Indian Museum request, and the Arikara request. Other Repatriation Office issues were considered and discussed, including personnel issues.

The Committee met again in Washington on May 19, 1998. 1 (See Appendix C.) Those attending, in addition to committee members and Gillian Flynn, were Ruth Selig, Special Assistant to the Provost, Lauren Grant, SI Assistant General Counsel, Bruce Bernstein, Assistant Director of Cultural Resources at the NMAI, Dennis Stanford, Chair of the Anthropology Department at the NMNH, Candace Green, Museum Specialist in the Anthropology Department, and RO Case Officers Bill Billeck (serving as Acting Program Manager of the RO), Chuck Smythe and Stuart Speaker.

Topics considered during the meeting included the possibility of multiple visits by tribes under the travel grant program, the monitoring of repatriation at the NMAI--discussed with Bruce Bernstein and Lauryn Grant--and the Wounded Knee request. The Committee was also updated on several cases: the Nez Perce named individual; the Tunica-Biloxi; the Keewenaw Bay Indian Community; funerary objects from Gambell-Savoonga-Nunivak; human remains from Barrow; a Tlingit request for an object of cultural patrimony (a Killer Whale hat); the Oglala repatriation; and the Arikara. Stuart Speaker presented on his activities regarding the inventories of the Archaeology and Physical

¹On May 18, 1998, prior to the formal meeting of the Committee, the Committee met with a group of possible authors for the volume on the "Steed-Kisker" dispute it is considering writing. In addition to Committee members, possible authors attending were: Bill Billeck of the NMNH; Garrick Bailey of the University of Tulsa; Robin Bellmard of Ponca City, Oklahoma; Roger Echo-Hawk of the Denver Art Museum; Charles Lonechief of Tulsa, Oklahoma; Marianne Long of the Iowa Tribe of Oklahoma; John Moore of the University of Florida; Steven Pensoneau of the Ponca Tribe of Oklahoma; and James Pepper Henry of the Kaw Nation of Oklahoma.)

Anthropology Collections.

Reports Considered

Besides the RO's Annual Report, the Repatriation Review
Committee formally considered the following reports during the
year: Eight reports on human remains(including three from the
NMAI); addenda to ethnology reports of uncatalogued collections
for 36 tribes and areas; a report concerning the Ontonagan
Boulder; an ethnology report for Hawaii; a Haudenosaunee
(Iroquois) repatriation request report from the NMAI; the
National Museum of American History Draft Collections Inventory;
and the Ethnology Listing of Culturally Unidentified Objects.
(See Appendix D.)

Outreach Efforts

In keeping with the Committee's previous decision to interact more fully with Native American communities, the Committee engaged in outreach efforts during the past fiscal year.

NAGPRA Committee Meetings

Roger Anyon, Andrea Hunter, Ronald Little Owl and Russell Thornton represented the Repatriation Review Committee at the NAGPRA Committee meetings in Washington, DC on January 29-31, 1998, and Roger Anyon and Richard Dalton represented the Committee at the NAGPRA meetings in Portland, Oregon on June 25-

27, 1998. The former meeting was also attended by Gillian Flynn, Repatriation Review Committee Coordinator. (See Appendixes E and F.)

Keepers of the Treasures

Roger Anyon and Russell Thornton attended the meetings of the Keepers of the Treasures on June 17, 1998, in Santa Fe, NM. Both made presentations on behalf of the Committee at the meetings.

Mellon Conference

Russell Thornton made the keynote presentation on repatriation at the Smithsonian and the Repatriation Review Committee at the Mellon Minority Scholars Meeting sponsored by the Social Science Research Council at Bryn Mawr College in Pennsylvania on June 11, 1998.

Grants Programs

The two grant programs--the Repatriation Grant Program and the Consultation Grant Program--established by the Repatriation Review Committee continued to assist Native American groups.

Groups assisted by the Repatriation Grant Program were the Steed-Kisker groups (Iowa, Kaw, Pawnee, Ponca and Otoe-Missouria), the Gros Ventre, the Nez Perce, the Oglala Sioux, and the Ponca tribes of Oklahoma and Nebraska. Groups assisted by the Consultation Grant Program were the Hopi, Pechanga Digueno, Mescalero Apache, Oglala Sioux, Orutsararmuit Native Council (Bethel, Alaska), Ojibwe, and Narragansett. (See Appendix G.)

Concerns

The Repatriation Review Committee continues to be concerned about the length of time involved in the repatriation process.

We still think ways must be found to accelerate the process significantly.

As we indicated last year, the Committee is fully cognizant of its congressional mandate and thus legal responsibility to monitor repatriation activities of all the museums and units of the Smithsonian Institution. We note that the 1998 fiscal year had increased activities by the Committee in monitoring repatriation at all Smithsonian museums and units. We look forward to our expansion of these activities during the 1999 fiscal year, particularly monitoring repatriation at the NMAI.

Along somewhat similar lines, the Repatriation Review
Committee suggests that the Repatriation Office of the NMNH
coordinate its work more closely with both the NMAI and other
Smithsonian museums as well as other institutions to assure some
further degree of consistency in repatriation policies,
procedures, and decisions. This will involve, we assume,
increased contact between the Repatriation Office and the
Smithsonian museums and NAGPRA personnel in the National Park
Service.

Conclusion

The 1998 Fiscal Year was interesting and significant for the Repatriation Review Committee. We are satisfied that we

responded appropriately to the challenges offered and forcefully brought issues of concern to appropriate offices at the Smithsonian. We particularly welcomed our two new members--Richard Dalton, Sr. and Ronald Little Owl--and the expansion of our Committee from five to seven, in accordance with the NMAI Act Amendment. The Committee looks forward to the 1999 Fiscal Year.

THE SMITHSONIAN INSTITUTION'S NATIVE AMERICAN REPATRIATION REVIEW COMMITTEE REPORT FOR THE 1999 FEDERAL FISCAL YEAR (October 1, 1998 to September 30, 1999)

Submitted December 1999 to Secretary Lawrence M. Small

Russell Thornton, Chair

Roger Anyon

Andrea A. Hunter,

Richard Dalton, Sr.

Lynne Goldstein

Ronald Little Owl

Christy G. Turner II

The Smithsonian Institution's Native American Repatriation Review Committee Report for the 1999 Federal Fiscal Year (October 1, 1998 to September 30, 1999)

The 1999 fiscal year was a productive and farsighted one for the Smithsonian Institution's (SI) Native American Repatriation Review Committee (RRC). This report inventories and discusses the mandated activities and Committee-approved efforts of the Repatriation Review Committee during the past year. It also details some concerns and expresses some plans for the future.

The RRC conducted its mandated monitoring and review of the operations of the Repatriation Office (RO) at the National Museum of Natural History (NMNH) throughout the year, and the committee, in full, responded to a variety of reports the RO submitted to us. We also addressed issues about repatriation activities at the National Museum of the American Indian (NMAI). In particular, we had discussions with the NMAI's new Associate Director for Cultural Resources, Bruce Bernstein. A variety of other Committee activities occurred, ones congruent with the Committee's stated policy to engage with Native American groups and communities. These included Committee members' attendance at repatriation conferences. Committee members, along with Committee Coordinator Gillian Flynn and Assistant Coordinator, Katherine Ramey, also attended meetings of the Native American Graves Protection and Repatriation Act (NAGPRA) Committee.

We have both continuing and new concerns that require consideration during the 2000 fiscal year, particularly about the

length of time it takes to arrive at repatriation decisions and the freedom of the RRC to meet its mandate encompassing the Native American repatriation activities of all the component units of the Smithsonian.

Our activities involved meetings and travel, as summarized in Table 1.

Monitoring and Reviewing Activities

Our Congressional mandate, in part, states that the Committee will monitor and review the inventory, identification, and return of Indian human remains and Indian funerary objects in possession of Smithsonian Institution. This was expanded by the NMAI Act amendment to include objects of cultural patrimony and sacred objects at the Smithsonian. In keeping with this mandate, the Committee continued to monitor and review the repatriation activities of the Smithsonian Institution during the year.

We had three meetings--November 5-6, 1998, May 27-28, 1999, August 31, 1999--for this purpose.

Our first meeting during the fiscal year was on November 5-6, 1998. (See attached minutes in Appendix A.) In addition to the members of the RRC and Gillian Flynn and Katherine Ramey, those attending the meeting at various times were: Robert Fri, Director of National Museum of Natural History (NMNH); Ruth Selig, Special Assistant to the Provost; Lauryn Grant, SI

Table 1. Summary of Meetings and Trips

Date	Meeting/Trip	Participant(s)	
11/5-6/98	RRC Meeting Washington, DC	Full Committee	
12/9-12/98	NAGPRA Meeting Santa Fe, NM	Anyon, Little Owl, Thornton, Turner, Flynn & Ramey	
1/9-15/99	World Archaeological Congress Cape Town, South Africa	Anyon & Thornton	
4/5-6/99	Testimony before California State Legislature on Ishi's Brain Sacramento, CA	Thornton	
5/27-28/99	RRC Meeting Washington, D.C.	Full Committee	
4/9-14/99	Repatriation Ceremony for brain of Swanson Harbor Jim Washington, DC	Dalton, Flynn & Ramey	
4/14-16/99	Ceremony for brain of Swanson Harbor Jim Hoonah, AK	Dalton & Thornton	
5/2-5/99	NAGPRA Meeting Silver Spring, MD	Anyon, Little Owl, Flynn & Ramey	
7/22-25/99	Human Genome Diversity Project Jasper, Alberta	Thornton	
8/30/99	Southeast Alaska Workshop Juneau, AK	Full Committee	
8/31/99	RRC Meeting Juneau, AK	Full Committee	
9/1/99	Trip to grave of Swanson Harbor Jim Swanson Harbor, AK	Anyon, Dalton, Goldstein, Little Owl, Thornton, Flynn & Ramey	

Assistant General Counsel; Dennis Stanford, Chair of the
Anthropology Department; Deborah Hull-Walski, Collections
Manager; Candace Green, Museum Specialist; Bruce Bernstein,
Associate Director for Cultural Resources, NMAI; and Tom Killion,
RO Program Manager. RO case officers Bill Billeck, Paula Molloy,
Karen Mudar, Steve Ousley, Chuck Smythe, and Stuart Speaker also
attended, as did Brooke Sperling, an intern.

Among the topics discussed were current repatriation activities at the NMNH and the NMAI, planned ceremonial space for the NMNH, and emerging relationships between the Anchorage Museum and the NMNH and the NMAI. Additionally, Sebastian LeBeau, the Historic Preservation Officer for the Cheyenne River Sioux Tribe spoke to the Committee about repatriation issues, including the return of items from the Wounded Knee Massacre.

The second meeting of the Committee was on May 27 and 28 in Washington, D.C. (See Appendix B for minutes.) Attending for portions of the meeting were Robert Fri; Ruth Selig; Lauryn Grant; Carolyn Rose, Deputy Chair of the Department of Anthropology; Deborah Hull-Walski; Bruce Bernstein; Thomas Killion; Bill Billeck; Paula Malloy; Steve Ousley; Chuck Smythe; Stuart Speaker; Betsy Bruemmer, Museum Technician; Lynne Schneider, Conservation Technician; Gail Yiotis, Museum Specialist; and Laurie Burgess, Contractor.

At the beginning, Russell Thornton noted that this was the first meeting in the new Repatriation Review Committee conference

room, and complimented Gillian Flynn and Katherine Ramey on the design and furnishings of the room. The repatriation of Ishi's brain was discussed in some detail throughout the meeting.

Thornton stated that he thought Robert Fri and the Smithsonian had handled the case very well.

Other topics discussed were the conversion of repatriation term positions into permanent positions, issues surrounding the implementation of the Native American Graves Protection and Repatriation Act, remains of named individuals at the Smithsonian, and the upcoming meeting in Juneau, Alaska. The Committee also received updates on various cases, including a Kiowa war shield, Chugach masks, the Ontonagon boulder, Kootznoowoo Tlingit headresses, Aleut mummies, Gros Ventre human remains, the Arikara case, a beaver bundle and pipe, and other medicine bundles. An update on the rehousing project at the Museum Support Center (MSC) was also presented to the Committee.

The Committee met again in Juneau, Alaska, on August 31.

(See Appendix C for minutes.) Tom Killion attended, in addition to committee members, Gillian Flynn and Katherine Ramey, and RO staff. Among the topics discussed were the RO's staffing changes. Of particular interest was whether the changes would involve delays in the repatriation process. Killion also updated the Committee on various cases, including the Spiro mound(s), the Grande Ronde dispute, the artifacts from St. Lawrence Island, Alaska, and the Cheyenne buffalo skull.

Reports Considered

Besides the RO's Annual Report, the Repatriation Review
Committee formally considered NMNH reports during the year on
human remains and funerary objects potentially affiliated with
the Brule Sioux, wooden masks from Prince William Sound, Big
Bow's shield, and Ishi's brain. (See Appendix D for a listing of
formal titles.) The Committee also considered NMAI reports
provided previously to it, and prepared commentary on them that
was finalized after the end of the fiscal year. (The commentary
will be provided in the next annual report.)

Outreach Efforts

In keeping with the Committee's long-standing decision to interact more fully with Native American communities, the Committee engaged in outreach efforts during the past fiscal year.

NAGPRA Committee Meetings

Roger Anyon, Ronald Little Owl, Russell Thornton and Christy Turner represented the Repatriation Review Committee at the NAGPRA Committee meetings in Santa Fe, New Mexico, on December 10-12, 1998; Roger Anyon and Ronald Little Owl represented the Committee at the NAGPRA meetings in Silver Spring, Maryland, on May 3-5, 1999. Both meetings were also attended by Gillian Flynn, Repatriation Review Committee Coordinator, and Assistant Coordinator, Katherine Ramey. (See Appendixes E and F for notes on the meetings.)

Southeast Alaska Outreach Conference

The RRC in conjunction with the RO of the NMNH sponsored a meeting and workshop in Juneau, Alaska, on August 30, 1999 (See Appendix G). Cheryl Eldemar, representing the Tlingit and Haida Central Council, assisted in arranging the workshop; Committee member Richard Dalton Sr. was extremely helpful in making the local arrangements with the Central Council. The conference was held at the Alaska Native Brotherhood Hall. The RRC was particularly pleased that both case officers and staff from the RO were able to attend the workshop.

During the conference, the RRC both explained the repatriation process at the Smithsonian and heard testimony from native peoples about their repatriation concerns and experiences. The conference seemed successful, based on our own observations and the feedback received from community members in attendance. A highlight of the conference was a trip to the grave of Swanson Harbor Jim (Keki) -- see below for Committee representation at the repatriation ceremonies -- to witness Tlingit community members erect a marker at the grave site.

Other

Roger Anyon and Russell Thornton presented papers on January 14, 1999--by invitation of session organizers Paul Turnbull and Larry Zimmerman--on repatriation at the Smithsonian at the World Archaeological Conference 4 in Cape Town, South Africa.

Additionally, Russell Thornton testified before the California State Senate Hearings on April 5, 1999, regarding Ishi's brain;

Richard Dalton attended the repatriation ceremony for Swanson Harbor Jim at the NMNH on April 13, 1999; Richard Dalton and Russell Thornton attended the reburial services for Swanson Harbor Jim on April 15, 1999; and Russell Thornton spoke on repatriation at the Smithsonian at a meeting of the Human Genome Diversity Project in Jasper, Alberta, on August 8, 1999.

Grants Programs

The two grant programs--the Repatriation Grant Program and the Consultation Grant Program--established by the Repatriation Review Committee continued to assist Native American groups in their repatriation activities. Groups assisted by the Repatriation Grant Program were the Burns Paiute (Egan family), Tlingit (Keki family), a group from Shaktoolik, Alaska, the Grande Ronde Reservation in Oregon, and the Tunica-Biloxi. Groups assisted by the Consultation Grant Program were the Hoopa, Kumeyaay, Spirit Lake Sioux, the Eastern Cherokee, and the Blackfoot. (See Appendix H for a formal listing.)

Charter and Rules of Operation

The Committee began the process of modifying its Charter and Rules of Operation during this fiscal year in order to make them more congruent with the amended NMAI Act: Our congressional mandate now includes monitoring repatriation throughout the Smithsonian system of not only human remains and funerary objects but also objects of cultural patrimony and sacred objects.

Concerns

The Repatriation Review Committee continues to be concerned about the length of time involved in the repatriation process. We still think ways must be found to accelerate the process significantly. (This perhaps becomes more crucial with the staffing changes and reductions that have now been made.)

As we have indicated several times and in various ways, the Committee is fully cognizant of its congressional mandate and, hence, legal responsibility to monitor repatriation activities at all the museums and units of the Smithsonian Institution. We note that the 1999 fiscal year had increased activities by the Committee in monitoring repatriation at the NMAI. These continued into the 2000 fiscal year. We look forward during the 2000 fiscal year to developing further our relationship with the NMAI.

Conclusion

The 1999 Fiscal Year was as active as previous years for the Repatriation Review Committee. We are satisfied that we responded appropriately to the challenges offered and that we continued to bring issues of concern to appropriate offices at the Smithsonian as the Committee sought to fulfill its mandate. These challenges arose particularly from our relationship with the NMAI. They also arose from potential disputes between the Smithsonian and Native American groups, concerning, for example, Ishi's brain and human remains claimed by Grand Ronde. The

Committee looks forward to the 2000 Fiscal Year as one of further challenges and accomplishments.

APPENDIX A

Minutes of Meeting on November 5-6, 1998

Final Repatriation Review Committee Meeting Minutes November 5-6, 1998 National Museum of Natural History Prepared by Katherine Wright, October 7, 1999

Repatriation Review Committee Participants:

Roger Anyon, Richard Dalton, Lynne Goldstein, Andrea Hunter (Vice-chair), Ronald Little Owl, Russell Thornton (Chair), and Christy Turner

Smithsonian Staff Participants:

Bruce Bernstein, Assistant Director of Cultural Resources, NMAI Bill Billeck, Case Officer, Repatriation Office, NMNH Gillian Flynn, Repatriation Review Committee Coordinator, NMNH Robert Fri, Director, NMNH Lauren Grant, Office of the General Counsel, Smithsonian Institution Candace Greene, Museum Specialist, Department of Anthropology, NMNH Deb Hull-Walski, Collections Manager, Department of Anthropology, NMNH Thomas Killion, Program Manager, Repatriation Office, NMNH Paula Molloy, Case Officer, Repatriation Office, NMNH Karen Mudar, Case Officer, Repatriation Office, NMNH Steve Ousley, Case Officer, Repatriation Office, NMNH Ruth Selig, Special Assistant for Strategic Initiatives, NMNH Chuck Smythe, Case Officer, Repatriation Office, NMNH Stuart Speaker, Case Officer, Repatriation Office, NMNH Brooke Sperling, Repatriation Review Committee Intern, NMNH Dennis Stanford, Chairman, Department of Anthropology, NMNH Katherine Wright, Assistant Repatriation Review Committee Coordinator, NMNH

Non-SI Participants:

Sebastian (Bronco) LeBeau, Historic Preservation Officer, Cheyenne River Sioux Tribe

Thursday, November 5, 1998-9:30 A.M.

I. Introductory Remarks

Robert Fri, Ruth Selig, and Dennis Stanford attended this session.

Russell Thornton opened the meeting. He introduced and welcomed Katie Wright as Gillian Flynn's new assistant to the Repatriation Review Committee (RRC). Russell mentioned that he was working on the RRC's annual report. Russell also mentioned that Sebastian (Bronco) LeBeau of the

Cheyenne River Sioux Tribe and the contact during the Wounded-Knee return was coming at 10:00 A.M. to address the RRC. Russell said that Bronco was pleased with what happened with the Wounded-Knee return, but would like to communicate some general issues to the RRC. Russell thought this was a good opportunity to hear from Indian people out in the field, particularly because the repatriation conference for Oklahoma had been canceled. Russell noted that the RRC has heard from people within the museum, that it has heard about some general issues during the workshops, and that it has also heard from Indian people about specific issues through cases, but he thought that it might be a good idea to hear about some general issues from people in Indian Country. Russell also discussed having an intern over the summer and her work editing his manuscript. He discussed the repatriation workshop planned for Oklahoma and how it was put on hold since Betty White left the NMAI. He also suggested that the RRC later discuss the Oklahoma conference and the possibility of planning an additional conference. He further mentioned that he had subsequently found some Indian-operated state lodges in Oklahoma where the RRC could hold the conference. Russell then turned the floor over to Robert Fri.

Robert Fri welcomed the RRC on behalf of the NMNH and the SI. He said that he was sorry that he missed the last RRC meeting, but was glad to be here for this one. He said that, from his perspective, repatriation at the NMNH was running along smoothly, without unusual events, and cruising ahead. He agreed with Russell that it would be good to hear from people in Indian Country. He also hoped to hear about the NMAI's repatriation effort and how the collaboration between the NMNH and the NMAI has been working out. He thought that the NMNH and the NMAI should be sharing information and dealing with issues as they come up, using the information that has been made available. Bob Fri noticed that the NMAI and the NMNH seemed to be in a cooperative mode at the moment, particularly in Alaska. He mentioned the new 20-year Memorandum of Understanding between the Anchorage Museum and the NMNH, which would involve the long-term loans and also short-term study loans of Alaskan collections to the new museum that would be built in Anchorage. Bob said that this new museum would continue to work with the NMNH's Arctic Studies Center. Bob thought there was a provision in the Memorandum of Understanding for the NMAI to develop a similar agreement with the Anchorage Museum. Bob thought that the NMAI was quite enthusiastic about the opportunity to develop a similar agreement and extend their community outreach efforts. Bob also discussed the NMNH building construction including renovations of the HVAC system, rotunda, exhibits, and subsequent moves, which have caused turmoil but would ultimately be beneficial.

Russell picked up on the NMAI issue and brought up two points. He began by mentioning that he gave a presentation about repatriation and the SI's RRC at the Keepers of the Treasures meeting in Santa Fe. He mentioned that Tim McKeowan from the National Park Service's NAGPRA office was also there and he, too, gave a presentation about repatriation. Russell said that the moderator from the Keepers of the Treasures was pleased that Russell presented at the meeting. According to Russell, the moderator said that he/she had known Tim McKeowan for a long time, but had not really heard from the SI. From this, Russell drew the conclusion that some people in parts of Indian Country feel that the SI has not done enough outreach. The second point that Russell wanted to bring up was the RRC's monitoring of the NMAI. He said that two representatives from the NMAI in the audience brought up the issue. Russell told them that the RRC and the NMAI were in the

process of developing a relationship. According to Russell, these representatives were not happy with what was going on at the NMAI in repatriation. He said that they wanted more information sharing between the two museums. Russell mentioned that Jim Pepper Henry has been hired at the NMAI and that the RRC has worked with him already.

Gillian Flynn mentioned that Jim Pepper Henry was acting on Betty White 's behalf at the NMAI, that the RRC had received four reports from the NMAI, and that Bruce Bernstein was coming to meet with the RRC for lunch. Gillian said that originally Bruce was going to attend the entire meeting, but he had some conflicting board meetings. Gillian thought that perhaps Jim Pepper Henry could come in Bruce's place, but she was not able to discuss this with Bruce in time for this meeting.

Bob Fri mentioned that there was a temporary new exhibit on Pomo Indian baskets on the first floor of the NMNH.

Ruth Selig asked Bob to explain her new role at the SI. Bob said that Ruth had been invited to become the Special Assistant for Strategic Initiatives. He continued, saying that she would work on outreach, the SI's programs beyond the Mall, and new relationships with other museums, including ones in Anchorage, Miami, and San Antonio. Bob mentioned that Ruth would continue to act as a liaison with the RRC, but Lauryn Grant would be more of a direct contact with the Castle and the Provost at the formal level.

Russell congratulated Ruth on her appointment and asked Bob about these initiatives with other museums.

Bob answered that the NMNH would be conceived as the hub of a network of learning opportunities, which could take lots of different forms. He continued, saying that these contacts with other museums could be through electronic hook-ups in the classroom, through businesses distributing information, or through referring people to other museums. He noted that an important part of these contacts would be big affiliations involving long-term collection loans, research enterprise, and other related programming.

Sebastian (Bronco) LeBeau of the Cheyenne River Sioux Tribe arrived and Russell welcomed him.

Ron Little Owl commented that he has been a member of the North Dakota Intertribal Reinterment Committee (NDIRC) which had its annual meeting on the Spirit Lake Sioux Reservation in Ft. Totten, ND. He said that it was brought to the attention of the NDIRC about two sets of remains that came from museums in England. Ron asked if the SI was in contact with museums in England.

Bob answered, generally, yes. He said that these contacts were not formal relationships but more programmatic relationships in regard to research in particular. He mentioned that the Biodiversity program operated as a global system. Bob then asked Dennis Stanford if he knew of any other contacts.

Dennis mentioned connections with small universities.

Ron asked if these were relationships specifically regarding Native American issues.

Dennis said no.

Bob asked Dennis about Indian collections abroad.

Dennis said that collections were extensive in Germany.

Russell asked about relationships with tribal museums such as the Peoquots, Talequah, Eastern Cherokee (They have been remodeling their museum), and the Neah Bay. He suggested that the SI look to work with smaller, tribal museums.

Ruth thought that this was a very important point. She continued, saying that the SI Archives has an application for Indian people to receive money for the tribal museum training program through the Office of Museum Studies at the SI. She said that tribal museum employees could come to the SI for training and bring their knowledge back to their local museums. Ruth said that she thought it was important that the SI work on their relationships with tribal museums.

Bob noted that many people just think of connections in terms of collections, but it can be so much more than that.

Ruth agreed and stressed the importance of training and workshops. She also added that there is a program specific to tribal museums run by Nancy Fuller through the SI's Office of Museum Studies.

A Lauren Grant entered.

II. Meeting with Sebastian LeBeau

Robert Fri, Lauryn Grant, Sebastian LeBeau, Ruth Selig, and Dennis Stanford attended this session.

Russell welcomed Lauryn and introduced Sebastian LeBeau.

Sebastian introduced himself as the tribal historic preservation officer for the Cheyenne River Sioux Tribe (CRS) in South Dakota. He then asked to go around the room and have everyone introduce themselves. Sebastian said that he asked for an opportunity to address the RRC. He mentioned how the CRS had initiated a repatriation request for Wounded Knee materials. He said that during the repatriation process he discovered issues which he wanted to address raise with the RRC. He wanted to mention that the Wounded-Knee materials had been graciously returned though. Sebastian noted that although the NAGPRA Review Committee has been known in Indian Country, the SI's RRC is relatively unknown. Because of this, Sebastian explained that he did not know the protocol for addressing the RRC or how to approach the RRC. He said that this was the reason why he first

contacted Russell to ask if he could be invited to address the RRC. Sebastian said that he asked Russell what the procedures were for getting an invitation to address the RRC. Sebastian said that Russell told him to go through Gillian Flynn. Sebastian noted that he did not mean to avoid protocol, but he just did not know the proper procedures. He thought that this reinforced the ignorance of Indian people, at least in his part of the country, regarding the RRC.

Sebastian said that he wanted to address five basic topics on which he had briefed Russell.

The first topic Sebastian discussed was the lack of regulations in the NMAI Act. He said that the NAGPRA guidelines have been more clear on how tribes can initiate and process a repatriation request. The guidelines were also more clear on the protocol for addressing and contacting the NAGPRA Committee. Sebastian noted that the NMAI and the NMNH have different policies and procedures and this has caused confusion for Indian people. Sebastian gave an example of the difference between the NMAI and the NMNH policy and the resulting confusion. He mentioned that the NMAI needed their Board of Trustee's approval before the staff could do a records search. He was concerned about the time it would take because the Board only meets twice a year. Sebastian said that he did not know if the staff could poll Board members to ask for approval to do a records search when the Board was not in session. Because, this was not in their policy or in their procedures, Sebastian was under the impression that it would take six months for the records search to begin. Sebastian said that this demonstrated that the NMAI Act and Amendment need regulatory language. Sebastian thought that the SI could streamline its policy with regulations for the NMAI Act. He said that it was not good to have the NMAI and the NMNH operating in different ways, because it would not provide continuity for cases and would slow the process down.

Sebastian also pointed out that because of a lack of regulations, Indian people have not understood the role of the RRC and its input into the SI's repatriation process. Sebastian said that he did not even know if the NMNH was working separately or in conjunction with the NMAI, because the NMNH's organization appeared to be different from the NMAI's. Sebastian reinforced that this system was confusing. He said that he has been cautious about museum policy and procedures regarding repatriation because the policy of a museum could change overnight. He noted that it did in one instance during a CRS case. Sebastian said that his people were trained to use the regulations, not museum policy. He then asked who would have input in trying to develop regulatory language for the SI. He said that under NAGPRA, their review committee was supposed to draft its regulatory language, but the Department of the Interior, National Park Service actually did it. Sebastian wanted to get some feedback about the RRC's role, because these issues were important to people in Indian Country.

Russell was glad that Sebastian brought this issue up because it was something that the RRC had been discussing and dealing with for years. He thought that when the RRC was first formed there was a decision made by the Director and the Provost to limit the role of the RRC and to put most of the decision making responsibility on the Repatriation Office (RO). Russell noted that things have changed a lot and it has been a struggle for the RRC. A big part of this change involved the differences between the NMAI's and the NMNH's policies. He said that recently there had been

some conciliation between the NMAI and the NMNH. He mentioned that the RRC has been trying to coordinate reports and how that has been a sensitive area among the two museums. Russell also acknowledged that having two policies was a problem, especially from what the RRC has heard out in the field. Regarding the issue of the accessibility of the RRC, Russell said that the NAGPRA Committee is required to have open meetings while the RRC is not. Russell said that the RRC has been working on outreach, however, by trying to have more workshops. Russell said that the NAGPRA Committee works differently, because it does not have a repatriation office. Russell said that the RRC had discussed hiring an Indian outreach person, similar to Tim McKeowan, for the RO. He noted that some of the case officers in the RO do outreach, but it has been limited.

Sebastian continued by saying that the word "repatriation" invokes the SI in Indian peoples' minds. He said that because the SI has such large collections, Indian people thought it has everything. He said that the SI had the opportunity, back 1994 and 1995, to become a key player in setting the pace for repatriation. Sebastian said that he had thought of the SI as the model which other institutions would follow, because of its size. He stated the need for the SI to be a role model. He felt that if the SI instituted a policy, other museums would emulate it, because all museums look to the SI. Sebastian then asked the RRC members what their role was and why Indian people did not know them. He continued by asking why the RRC was not getting out into Indian Country to do outreach which would let Indian people know its role. Sebastian used the Wounded Knee case as an example. He said that there was confusion in the repatriation process because while the Tribe had been working with the RO, the report was signed by Dennis Stanford. Sebastian said that the Tribe was confused because no one from the Tribe had been working with Dennis Stanford, no one knew him, and no one knew his role. Sebastian reinforced that the Tribe had been told to work with the case officer, but then were confused when Dennis Stanford authored the case report. Sebastian further stated that Mr. Fri's cover letter also caused confusion, because no one knew him either.

The second topic that Sebastian discussed was time limits on repatriation requests. Sebastian noted that the time limit for a museum to process a request, according to NAGPRA is 90 days. He said that the SI has no deadline. Sebastian mentioned that the NMAI told him to expect 16 months for the museum to review a case and respond to a request. Sebastian thought that time frame was unacceptable. He said that things need to get done in a timely fashion. Although 90 days may be too short for some museums, it should not take as long as 16 months. Sebastian said that for Indian people, that was too long. He thought that regulations could alleviate this problem, because these regulations could mandate a length of time. Sebastian again cited the Wounded Knee case as an example. He said that the case took two and a half to three years to complete and time frames were not respected. He continued, saying that the Tribe was told that it would get a response within a certain amount of time but had waited much longer. He noted that the RO can work fast because Tom Killion and Stephanie Makseyn-Kelley had demonstrated this in the human remains case. Sebastian also gave an example of a lineal descendants case in 1994 or 1995 which was completed in four months. He said that these cases demonstrated that repatriation could be done quickly. Sebastian said that he did not think that it was a matter of incompetent staff. On the contrary, he thought that the RO has excellent staff. He said that he just did not understand why it took so long for things to get done. Sebastian did mention however that he did not know the policy or procedures of the RO.

Russell said he agreed that the process had taken too long. Russell said that in the RRC Annual Reports to the Provost, the RRC has always said that it has been concerned with the length of time it has taken to process requests. He noted that he has mentioned this concern to Dennis Stanford as well. Russell said that he thought the process took longer at the NMNH than at the NMAI. He mentioned that he had been talking with Vine Deloria about how some of the requests have taken years. Russell also agreed that the case officers are good but further efforts should be made to speed up the process.

Dennis Stanford thought that the RO was diligent. There have been so many requests and so few people.

Russell said that the RRC was concerned with certain research protocols, policies, and procedures which slow down the process. He thought that some of these protocols, policies, and procedures could be changed to speed up the process.

Dennis replied that the RO has been working as hard as it can. He continued by saying that glitches which have occurred in the process such as those in the Wounded Knee case need to be worked through. Dennis remarked that compared to other museums, the NMNH has a good record.

Sebastian replied with another example. He discussed how he and John Gates, his assistant, came to the NMNH to review records and submit a request. He said that after they submitted the request they were told that the RO would get back to them in six months, because in the meantime the RO would assign a case officer to research materials. Sebastian thought this was unnecessary because he and his assistant had already done the research. He asked why the RO had to research the records again. Sebastian conceded that he and his assistant did end up missing a few things. However, he reinforced that it slowed down the process. Sebastian said that he understood that the RO have to answer to people, but he noted that tribes also have to answer to people. He said that this case was very important to the Wounded Knee Survivor's Association and four people had died (the last one only 30 days before the final decision) while waiting for the Wounded Knee case to come to completion. He said that this was upsetting to him and a case should not take that long. He offered to help by asking if he could assign some of his people to the RO. Sebastian reinforced that he was not saying that the RO staff was incompetent. Rather, he has been supportive of the RO staff, but the process took too long. Sebastian asked if there was anything that the RRC or Mr. Fri could do to shorten the time frame.

Dennis mentioned that there was a six month lag in correspondence on the part of the Cheyenne River Sioux Tribe.

Sebastian replied that the tribe had expected a response within six months (September 1994) but, in fact, received one from Mr. Merrill two years later (March 1996).

Lynne Goldstein said that the RRC has been concerned about the time frame. She thought that regular contact/correspondence should be maintained between the RO and the tribe while a case progresses. Lynne thought it might be better for the tribe if it knew the status of a case as it progressed.

Sebastian said that 90 days might be too short for museums, but it has been too long for Indian people. He conceded that Indian people may tend to look at things too simplistically, but reiterated that the process should not take so long. He asked how long it took to read a repatriation request, contemplate it, and then give a response. He reminded everyone that this was not just about Wounded Knee. He said that the Wounded Knee request was the first artifact request filed by his Tribe to any institution and the Tribe learned a lot from it. He conceded that he made some errors and would be better experienced in requests to follow. He said that when the request was initially filed, the SI did not have Sacred Object and Object of Cultural Patrimony categories. Now, he said, those categories exist due to the Amendment. Sebastian mentioned that many tribes assumed that the SI adopted NAGPRA when it adopted these categories. He said that he did not know that the SI did not publish in the Federal Register as NAGPRA requires, but rather in the local newspaper. He said that he did not have a problem with that, he just did not know.

Ruth asked Sebastian if he meant the NMNH or the NMAI or both when he referred to the SI and she also asked if tribes distinguish between the NMNH and the NMAI.

Sebastian answered that he meant both and that tribes mostly knew about the NMNH, but sometimes the two have been identified as one, because many do not know about the NMAI. Sebastian continued by clarifying that many tribal historic preservation officers have known the distinction between the museums, but did not communicate that distinction to their tribes.

Ruth asked about why tribes associate the SI with repatriation. She asked if the players in the repatriation process and the hierarchy at the NMNH could be clarified. For example, the RO is part of the Department of Anthropology and the Department is part of the NMNH.

Dennis said that the Wounded Knee case became more of an Anthropology Department issue. He noted that he was Tom Killion's boss. Regarding the letter signed by Mr. Fri, Dennis said that he was probably out of town, so Mr. Fri signed it instead.

Sebastian said that the hierarchy and process were not reflected in the policy.

Russell then suggested a short break.

Russell resumed meeting and the third topic that Sebastian LeBeau wanted to address was the job security of the RO staff. He said that he was hoping he could get an on-the-spot answer about this issue. He described his understanding of the situation. He said that he was told the positions were temporary and ran for a certain amount of years. He understood that the positions were extended in 1996, but that the positions could not be extended further. Sebastian was concerned because the

term limits were coming up and, to his understanding, the people would be let go and/or the positions would terminate. He then asked that neither of these things happen. He said that the staff was good and that the positions needed to be there. He felt that the current RO staff must be retained to promote continuity. He then asked if the RRC would accept requests submitted from tribes to extend positions and keep the present personnel. Sebastian said that these people are trained, know the system, and know the tribes.

Bob Fri first addressed Sebastian's concerns. He said that the RO staff has been vocal on this subject too. He continued by saying that no federal policy could prevent the NMNH's administration from resolving this issue. He then turned it over to Dennis.

Dennis said that the NMNH would reorganize the RO and convert staff positions to permanent.

Bob added that it would be in the NMNH's administrative power to do this.

Russell asked if the RRC needed to consider this issue.

Dennis and Bob said no.

Sebastian said that some tribes have problems with some of the RO staff, but that is inevitable. He thought that the RO has good people and he said that good staff is hard to keep.

The fourth topic that Sebastian addressed was about the tribes getting to know the RRC. He said that he supported the RRC's workshop in Palm Springs in 1994. He continued, however, by stating that Lakota people did not know the RRC. Sebastian suggested that RRC have public hearings to alleviate this problem. He noted that he has been the only Native American who has addressed the RRC. He thought that the RRC should actively solicit tribal participation in meetings to hear tribes' concerns. He would like to see the RRC's meetings be more open, because the RRC has not been accessible to tribes. He said that he only knew that the RRC heard disputes between tribes and the RO. He asked if it would be possible to open the RRC's meetings and if tribes could participate.

Russell replied that he agreed and that the RRC has discussed this issue. He noted that the RRC has been having workshops and as the Committee gains more experience, the workshops would be more open. He mentioned that the RRC had one workshop in the Southeast and had another planned for Oklahoma, but it had been canceled when Betty White left the NMAI (These workshops have been held in conjunction with the NMAI). Russell thought that the RRC would hold one and perhaps two conferences this year. He said that at these workshops, Indian people have been invited to come and share ideas. They have been done on a regional basis but Russell thought that the RRC should have more of them and make them more open. Russell also mentioned that the RRC has made some effort to go to meetings and conferences such as NAGPRA and Keepers of the Treasures, but he would like to see more interaction with Indian people. He said that the RRC has not dealt with whether or not open meetings should be held and this needs to be discussed. He did not know if it would ever happen. Russell did mention that the RRC can visit by invitation and asked if the Cheyenne River

Sioux wanted to invite them.

Sebastian said that the Sioux could do that.

Christy Turner asked Sebastian if he had seen or had access to the by-laws, because some of things he was addressing were in the by-laws. He continued by saying that the RRC was a reserve for hearing disputes and monitoring the repatriation process. Christy also offered that the RRC has not discussed outreach as fully in the by-laws as it could and perhaps the RRC could expand on it.

Sebastian said that Indian people have associated NAGPRA with the SI, but NAGPRA is not the SI. This has caused confusion for Indian people. He asked if the RRC's meetings could be more open to let Indian people know the RRC's role. He said that when there has been a NAGPRA dispute, the tribes have known how to proceed. However, when a case goes to dispute with the SI, lawyers are consulted. Tribes only know that the RRC has two meetings a year and that they are closed to the public. Sebastian felt that the RRC should be more than arbitrators. He said that the NAGPRA Committee has been more proactive and, so too, should the RRC. He felt that regulatory language would alleviate going to legal counsel every time a statute needed to be interpreted. He mentioned that he would have like to have addressed the RRC about Wounded Knee earlier in the process. He felt that the RRC could have made the return happen faster by making a decision more quickly. Sebastian finished this topic by saying that Indian people wanted to see the RRC working on issues such as time limits and regulations.

The fifth topic that Sebastian wanted to bring before the RRC regarded unclaimed human remains. He wanted to know what would happen with them and if the RRC would have any input in addressing the issue. He said that it was unacceptable to give them to Doug Owsely. He wanted to know if the RRC would help to develop techniques which could determine affiliations. Sebastian thought that archeology and geography could be used to identify ancestors. He also suggested that Indian people be brought in to help deal with the problem. He said that Indians knew how to affiliate remains through spiritual determinations in ceremony and through oral tradition. Indian people have wanted to approach someone at the NMNH to work on this issue.

Russell said that Sebastian brought up another excellent point. The RRC has not dealt with unaffiliated remains. He noted that the RRC is different from the NAGPRA Committee because it has been set up to offer advice to the Secretary of the SI and can not make rulings. He felt that the RRC has not been pleased with some of the policies at the SI and sometimes the law has not been implemented as it should have been, but the RRC has made its opinions known. Russell said that the RRC has responded on a case-by-case basis regarding unaffiliated human remains. He reviewed the Steed Kisker case and gave it as an example. He then said that the RRC has not established a general policy on unaffiliated remains and the Committee was not sure the SI would go along with a recommendation made by the RRC.

Lynne said that the RRC has been focusing on affiliated cases to move them along and unaffiliated cases have been dealt with as they happened.

Roger pointed out that NAGPRA Committee must deal with unaffiliated remains because of the regulations, but the RRC has not yet been required to do so. He continued by noting that with the amendment to the NMAI Act and the inventories being sent out, basic affiliations have been made. He concluded by saying that unaffiliated remains were just beginning to be an issue at the SI.

Russell said that if the CRS were to make a request for unaffiliated remains and the request were to be denied, then the dispute would come to the RRC.

Sebastian came back to the issue that regulations on unaffiliated remains have not been written into the law and that the tribes did not know the attorneys.

Christy said from a historical perspective, no scientific method to identify unaffiliated human remains has been developed. He continued by saying that the legal profession would not make recommendations without some scientific method for affiliation. Christy then gave Kennewick Man as an example.

Sebastian felt that identifying remains was an Indian matter. He gave the example that Ron has mixed Indian blood - Mandan, Arikara, and Lakota - and who would tell him the tribe to which he belongs. Sebastian said that oral traditions tell Indian people who their relatives are, even though scientific evidence may differ. He said that regulations would give Indian people guidelines, which Indian people would follow. Sebastian thought that regulations would be better than a policy, because policy could be too easily revised.

Ron commented that there was a spiritual agreement among tribes that when remains were returned to tribes on a reservation, other tribes were invited to come to the burial. He said that he has brought remains back home to North Dakota and has held meetings to use spiritual evidence to identify them. He has done this together with other tribes so that there has been no dispute.

Russell said that one of the problems was between Indian people and the scientific community. He said that the law addressed cultural affiliation, but not biological affiliation. However, Russell noted that biological affiliation has sometimes been used to determine cultural affiliation. Russell also noted that there were methods, other than biological affiliation, used to determine cultural affiliation. Russell gave his own ancestry as an example. He said that even though he has more white blood in him than Cherokee, he is still culturally affiliated with the Cherokee of Oklahoma.

Sebastian said that museums have said that cultural affiliation needed to be determined through biological affiliation. He thought that this was a problem for Indian people because they did not determine affiliation that way. Sebastian said that Indian people have always known where they came from and they have been trying to use that knowledge to get their ancestors back. He said that if the ancestors had not been taken in the first place, then this would not even be up for discussion. He said that Lakota people did not disturb burials, but Westerners did. Lakota people's morals have been strict regarding ancestors. Even though Indians battled amongst themselves, there were times of peace. Indians have believed that ancestors belong to all Indian people. Sebastian compared this to

whites saying that they are related to the Romans and the Greeks.

Russell commented on the anthropological tradition of cultural areas. He said that when tribes were studied by anthropologists, the tribes were defined by cultural areas. He thought that Indians could use many anthropological and historical ideas to support their claims.

Sebastian said that unaffiliated remains were important and if museums could not affiliate them, then Indians possibly could. He said that Indian people did not like what has been done. He continued by saying that archeologists and scientists have been worried about jobs, but Indians have been worried about spirits and there is a big difference. He concluded by saying that he hoped that his words came across in the way he intended, which was to educate, and not intimidate, harm, or point fingers. He then thanked the RRC for the opportunity to speak.

Russell thanked Sebastian.

Ron commented on the spiritual identification of human remains. He discussed a situation in Montana where tribes where fighting over a rib bone. Scientists said that the rib was Cheyenne, but other tribes wanted more evidence. The process was holding up a scheduled reburial of the bone so the tribes asked Ron for help. Ron said that they gave him the rib bone and he held it. He said that a Crow word came to him. He determined that the rib was Crow and it went to that tribe. Ron also commented on another instance concerning twelve or thirteen human skulls from near Yavapai Apache. Ron said that the Heard museum did not want to repatriate them incorrectly so the museum asked him to help. Ron said that he identified the remains through spiritual images, contact, and concept. He noted that these were the kinds of things he could do as a spiritual person. However, spiritual methods have never been accepted by the scientific community. Ron said that he has challenged Doug Owsley twice and proven to him that spiritual methods work to identify human remains. Ron also mentioned that he has been invited by the Nez Perce to help identify Kennewick man using spiritual methods.

Sebastian LeBeau left and the Committee adjourned for lunch.

III. Lunch Meeting with Bruce Bernstein

Ruth Selig, Bruce Bernstein, Lauryn Grant, and Dennis Stanford attended this session.

Bruce Bernstein entered and the meeting resumed as a lunch meeting.

Russell welcomed Bruce. He mentioned that he had received four reports from the NMAI and he noted that Jim Pepper Henry has been working for the NMAI's Repatriation Office in New York City.

Bruce mentioned that Jim Pepper Henry had been hired as Betty White's assistant, but since Betty White has left, Jim has been acting in her place. Bruce mentioned Jim's credentials, noting that he

has worked on both sides of repatriation and has worked towards developing understandings and alliances. Bruce noted that Jim worked for the Makah tribe in cultural resources. Bruce also discussed the NMAI's move from New York City to Washington, DC. He said that he has been excited about the move and that the NMAI would have a quiet period until June in terms of visits from tribes. He mentioned that repatriation consultations would resume in June and the collections would be moved as tribes request visits in Maryland. Bruce said that material has been deaccessioned, but not returned and he has been working on finishing that up. He also mentioned that the NMAI has been working on regional consultations for unaffiliated human remains. Bruce also said that the Repatriation Office has been moving and altering its duties. He continued, explaining that repatriation would be used as a tool, under an umbrella of a traditional care program, which has to do with community members guiding the museum in its custodianship of collections. Bruce mentioned that the NMAI had a Board meeting recently and that the museum had four new reports for the RRC. Three resulted from letters of request. Two were from Tlingit communities, regarding a Chilkat Bear clan hat and a Bear dagger, which would both result in repatriation. The third letter of request was regarding Seneca funerary objects. Bruce also mentioned that during the NMAI's inventory it found additional objects associated with a 1994 return of human remains, which would be returned. He said that the fourth report was regarding Brewers Hill material, to be returned to the Wampanoag. Bruce noted that the NMAI has been trying to facilitate returns on deaccessions and that the museum has had six repatriations within the last two months. Bruce mentioned that the move has been scheduled for February 1, 1999. He noted that the museum has 60 people and thought it would lose a great number of staff because of the move. He projected that it would take five years to move the collection. He mentioned that the museum would be hiring new people and that it needed guidance on how to move collections. He mentioned that for the move he has asked for tribal input on traditional treatments. He thought that the museum would designate staff with special responsibilities and segregate sensitive collections. He concluded by saving that he saw repatriation as one part of the traditional care program.

Russell brought up the plan to have a workshop with the NMAI on repatriation. He mentioned that they had one planned when Betty White left and he thought it should be rescheduled. Russell asked if Jim Pepper Henry would be the contact person.

Bruce said yes.

Russell asked if Jim would be attending the RRC's meetings.

Bruce answered that he would like to continue attending the meetings.

Lynne asked Bruce if the NMAI was going to return the material, which had already been deaccessioned, before the move.

Bruce answered that he would like to get it done if possible, but it did not really matter. He noted that he was concerned about moving human remains. He said he would like to return them before the move or move them first, but he did not know if that would happen.

Lauryn mentioned to Bruce about Sebastian LeBeau's visit to address the RRC and his concern about the NMAI and the NMNH having different policies. She also brought up Sebastian's concern about the 16 month time line to process a request. She then asked if the NMAI's priority on human remains was communicated to Sebastian.

Bruce responded that 16 months was an outrageous time frame and it was quoted as such because of the move. Bruce thought that the case would come before the Board in June. He also mentioned that letters of request were of equal priority to repatriating the previously deaccessioned human remains.

Lauryn continued, and expressed Sebastian's point that there should be better communication with the tribes. She noted that Sebastian had hoped that the SI would adopt the 90-day NAGPRA deadline.

Bruce commented that the NMAI considered any deadline over six months outrageous.

Russell asked Bruce about what the NMAI was doing about unaffiliated remains.

Bruce answered that Jim Pepper Henry has been working on a geographic regional method to affiliate human remains and the NMAI has also been building Memoranda of Understanding to facilitate the return of remains. Bruce continued by mentioning that the NMAI was currently using that approach in the Southeast and Southwest. He said that the museum was also taking into consideration tribes that have been removed from a region.

Russell mentioned Sebastian's concern about lack of outreach to Indian people and asked Bruce what the NMAI has done regarding outreach in repatriation.

Bruce answered that the NMAI had an outreach conference in Vancouver in August and, there, discussed repatriation with the local tribes. He also mentioned the Warm Springs conference. Bruce noted that individuals, such as Jim Pepper Henry, would sometimes travel and meet with people. Bruce thought that the NMAI was moving toward streamlining their Repatriation Office. He mentioned that in the past one person would write the reports and others would handle details. Bruce noted that that method was changing, so that one contact person would be assigned from start to finish.

Roger Anyon asked Bruce to clarify that it was the NMAI's intent to repatriate all unaffiliated remains to some group or groups.

Bruce said that was correct.

Ruth asked Bruce if Sebastian was correct in saying that all requests needed to be approved by the Board before the research began.

Bruce said that was correct, because human remains have been the first priority. However, if there were a request for objects, the NMAI would poll the Board to determine what to do.

Ruth asked if the Board would have been polled if Sebastian's request had been for human remains.

Bruce answered no, the Board would only be polled for requests for sacred, funerary or patrimonial objects.

Lynne asked if the NMAI has been repatriating funerary objects with human remains.

Bruce answered that it depended on the case. He continued by saying that sometimes there have been oversights and other times tribes have asked for the funerary objects at a later date. He concluded that the NMAI would reassociate human remains with funerary objects with the move and that it was their intent to repatriate them.

Lauryn brought up the issue of pesticide protocol.

Bruce said that people in Indian Country have been concerned about pesticides. He said that he would send, with all the correspondence, a one-page document informing the tribes about the potential problems with pesticides. Bruce then went on to discuss the Iroquois (Haudenosaunee) masks and arsenic. He said that the NMAI got permission from the Haudenosaunee to test for arsenic and that this was a big decision for the tribe because the testing procedures were very intrusive on the masks. He said that five masks were tested and 20% (1) of the masks were found to have arsenic. Bruce mentioned that the document would cover what is known and unknown about arsenic. It would also cover what the levels mean and review liability.

Gillian asked if the Tribe hoped to reuse the masks.

Bruce answered yes.

Ron asked how the arsenic got on the masks.

Bruce answered that arsenic was used as an insecticide. He further mentioned there were no museum records of having used arsenic and that the objects may have been treated with arsenic before the museum acquired them.

Ruth asked if the arsenic could be removed.

Bruce said yes, but commented that the arsenic on the masks occurred in very low levels so it was probably not harmful.

Ron said that he had asked because there was a proto-Mandan village that had human remains. These remains had a chemical film on them. When the remains were returned to the tribe, the Indian people

were given warnings to wear gloves and masks. Because of these warnings and cautions no one wanted to touch the remains. Ron said that he touched them because no one told him about the chemicals. He was concerned that he could have gotten something and possibly should be tested.

Bruce said that was a circumstance that he wanted to avoid. He further mentioned how the Hopi received a NPS grant to test chemicals on repatriated leather masks.

Ron discussed participation in a Sun Dance. He said that dances were done for a lot of reasons; one of these could be because someone has too much of something. Ron continued by saying that during a dance, sometimes flesh was pierced, in a good way, to get rid of the excess. Ron remembered one time when a spiritual leader pierced himself and rubbed his blood into Ron's. Ron said that at the time he really did not care, because it was a spiritual ceremony. Afterwards, however, Ron said that he had to get tested for AIDS. Ron likened the situation to the arsenic problem. He said that it could be dangerous when artifacts like that were covered in chemicals. He said that people like him (those with direct contact with the artifacts and human remains) walk in fear.

Bruce said that the NMAI has been trying to lessen the danger for people. He gave the example of how the museum has been repatriating human remains and objects in pine boxes so that the people would not need to handle the remains if they did not want to. The pine boxes could go directly into the ground.

Russell thanked Bruce for coming and then Bruce left.

Lauryn said that the NMNH has been dealing with pesticide issues. She thought if the NMAI and the NMNH could work on this issue together, the SI could have an institution-wide protocol. Lauryn thought it was a good idea to find more ways for the NMNH and the NMAI to interact.

Andrea said that this pesticide issue was a critical one for sacred objects to be used in current ceremonies.

This session ended. Lauryn, Ruth, Dennis, and Katie left.

IV. In Camera Session- no notes or tape recording

V. Repatriation Office Issues

Tom Killion, the Repatriation Office staff, Dennis Stanford, and Brooke Sperling, the RRC's intern, attended this session.

Russell went around the room and had everyone introduce themselves. He thanked everyone and then turned the meeting over to Tom.

Tom Killion said that a lot has happened in the Repatriation Office since January. Tom mentioned

that he was away for part of March and all of April and May. He continued with general points saying that the case officers would follow with specifics. He said that all of the case officers have work and pending cases through 1999 and into 2000. Tom began with some statistics, noting that the Repatriation Office has returned about 500-600 sets of remains per year. He also noted that a lot more remains have been evaluated. The Arikara return was scheduled for this coming year and that would bring the number of human remains returned up to 5000 individuals, which would be about one-third of the collection of Native American human remains. Tom also mentioned the collaboration/communication meetings that the Repatriation Office has been having with Collections Management. He said that the RO has been creating records and information at a great rate that, in turn, must soon be integrated into the Anthropology Department's permanent record. Tom said that these meetings would result in ways to update the Master Catalog in a logical and efficient manner. Tom noted that the effects of repatriation activities on the archives (both at the NMNH and the SI) also should be considered.

Tom also brought up the issue of the history of toxic treatments of objects and how to advise Indian tribes, especially those who were going to reuse the objects in ceremonies, on this matter. Tom gave the example of Chuck working with the Hopi. He also noted that the Hopi were conducting their own research. Tom also mentioned the Native curation (traditional care) suggestions received during repatriation consultations. Tom thought that maybe these suggestions could be coordinated and integrated into a master file in Collections Management. Tom also noted another interesting point which has surfaced through repatriation consultations. That point was the consultation difference between objects and human remains. He noted that objects have required a more in-depth consultation than human remains. Tom further noted the RO's role as a contact between the Anthropology Department and Indian tribes.

Tom then turned to the topic of information dissemination. He wanted to make available CDs containing the summaries and inventories. Tom said that Stuart would discuss this idea. Tom noted that the summaries and inventories were like a publication of the Master Catalog at a moment in time. He said that the inventories and summaries were distributed to the Senate Subcommittee for Indian Affairs (the group that initiated the amendment) and also to other important groups. Tom discussed the need to update and improve the design of the Website and the need for ceremonial space. Tom also addressed the RO's move of its office space and it's need to keep close connections to the Anthropology Department. Tom thought this would be a good move for the RO. He said the space was located on the ground floor of the new east court, close to entrance of the museum. He said that hopefully the amount of space would be equal to or greater than the currently occupied space. Tom then expressed the need for quiet, private, ceremonial space that would accommodate smoke. He said that the RO needed the support of the RRC on this matter. He said that he had seen a place (a room with a hood) here at the NMNH, but he also thought that space at the MSC would be good. Tom mentioned that the RO was investing a small amount of funds to see that an architectural plan for the ceremonial space at the MSC would go forward, but wondered if the RRC would fund the construction. He noted that the NMAI has ceremonial space which could probably be used, but the RO's own would be better.

Russell asked if Tom was asking for indoor space and if he was asking for it at both the NMNH and the MSC.

Tom answered that he was asking for indoor space for the convenience of the elderly and, yes, he was looking for it in both places.

Tom continued by saying that he thought the move of the RO would happen after January 1. He then turned to databases and computers. He said that Cathy Sawdey has simplified the correspondence tracking database. Tom noted that keeping up with these databases was important for justification. He said that Steve Ousley would talk about the physical database and its enhancements for inputting and retrieving information faster. Tom also discussed the RO's planning for the archiving of its data. He noted how the archival records would be important for posterity. Tom said that the RO underwent a space audit from the SI archives. He further noted that the RO would receive recommendations and guidance from that space audit and from Jake Homiak at the NAA on how to organize its materials for the archiving process. Tom then mentioned that Karen Mudar has been preparing the Alaskan cases for archiving. Tom then asked the RRC about its plans for workshops.

Russell said that the RRC was working on one and there was the possibility of two.

Tom thought that holding workshops in the Northeast, Southwest, and Alaska would be good.

Russell said that these were good ideas and the RRC could discuss it further.

Tom mentioned that the RO has participated in outreach events in Alaska and the Southwest, but has never independently done anything in those places. Tom thought that it was good to keep working with the NMAI. He then noted that the Northeast was an under-represented area.

Russell said that he would not want to limit it to Alaska, but rather concentrate on the Northwest Coast area and have the meeting in Anchorage or Juneau.

Tom mentioned that he had discussed with the NAGPRA Committee, the possibility of holding it in conjunction with the Tall Bull conference.

Roger and Lynne said that the Tall Bull conference was still in the pre-planning stage. .

Tom also mentioned the NMAI case reports and how they should be more available to the NMNH's RO, because it was good for the RO to be aware of issues going on at the NMAI. He said that he knew that the reports were available to the RRC and noted that the NMNH's RO had been sending their case reports to the NMAI for some time. Tom said that he had heard through Lauryn Grant that Bruce Bernstein was interested in more communication between the two museums.

Lynne asked Tom if the NMNH and the NMAI ever discussed cases in progress or if he knew of similar cases in progress. She thought it would be good to discuss these cases before they were

resolved.

Tom said that when Betty White was at the NMAI, they had, however, since she left, they had not.

Lynne thought that it might be a logical thing to do.

Tom said that he would like to explore that more.

Tom asked about what was going on with the NMAH.

Russell and Lynne said that they were reporting on the NMAH.

Tom discussed the budget and said that it would be the same as last year, maybe a little more, but there was nothing official yet. He also noted that he participated in a conference at Rutgers University about art, antiquities, and the law. He said that it was related to domestic and international issues of repatriation. He mentioned that he gave an update about repatriation activities at the NMNH, finishing up with the Wounded Knee return. He said there was much interest in repatriation and the lessons in problem solving and communication that can be learned from it. Tom also mentioned that he would be attending the NAGPRA meetings and the World Archeological Congress in Cape Town in January. Tom said that he has also pulled together a paper, in draft form, on the course repatriation activities at the NMNH and that he would like to get the RRC's comments.

Ron asked about the Arikara case and who was handling it.

Bill Billeck said he would be addressing that.

Tom asked what the RRC thought about the points he had made and asked about what key issues the RRC would like to share with the RO.

Christy asked where the archival material would go and if it would be an orderly system.

Tom answered that the research material would go to the National Anthropological Archives (NAA) and that the personnel and administrative material would go to the SI archives. Tom also answered that they were planning for an orderly system. He said that the RO wanted to design a plan for archiving the material.

Christy asked if the RO was planning on relinquishing all of the material to the archives.

Tom said yes, but similar to what Karen Mudar has been working on, the office is trying to hand the material over to archives in as orderly a manner as possible.

Christy said that he has used the NAA quite a bit when he comes to Washington, DC and he said that it has not been the greatest place to spend time in.

Karen Mudar said that there were a lot of issues that needed to be considered including the organization of the materials, what would be accessible, what would be restricted, and the labeling of the materials before they would be sent to the NAA.

Ron asked about what would be involved in the ceremonial space and would it be used for performing rituals.

Tom answered that the ceremonial space would involve acquiring the actual space and then money to design it. He said that it would be mainly used to burn incense and perform smoke smudges. He mentioned that the Sisseton-Wahpeton wanted to a build sweat lodge on the Mall when they came for their repatriation, but they had not been allowed. Tom said that he was shocked at this because the Latvians were allowed to dig a big hole and burn materials during the folklife festival.

Russell asked who controlled the land.

Gillian said that the NPS controlled the land on the National Mall and the SI controlled the land at the MSC.

Tom said that he wanted to get some input from Native groups as to the design of the ceremonial space.

Ron asked what the MSC stood for.

Tom said that it was the storage facility in Suitland, MD.

Lynne and Gillian said that it stood for Museum Support Center.

Russell thanked Tom, suggested a short break, and then resumed with case officer presentations.

VI. Update on Repatriation Cases by the Case Officers

A. Stuart Speaker - Stuart commented on the highlights of his work. He said that the RRC had not yet received a full set of inventories, because of the amount of material. He has finished duplicating additional copies for internal and external distribution and has been in the process of putting the inventories on CDs. Stuart mentioned that the RRC would be able to receive these CDs. Stuart said that he has been taking the inventory data and updating the Anthropology catalog records (Inquire). Stuart continued by saying that he was standardizing and organizing information in conjunction with Collections Management's data management staff. He also mentioned that he would be preparing the CDs for publication. The purpose of this would be to disseminate information to both tribes and researchers. He said that the CDs contain inventory information, indices, maps, and guides on how to use them. He said that these electronic copies would offer searching, sorting, and organizational, and transferring possibilities. He hoped to offer instruction and a demonstration on how to use these CDs at the next workshop. Regarding the Doyon case Stuart said that it had been long standing but

was near completion. He said that the data had been stored in two different databases but with the help of Steve Ousley's new system, the physical inventory was complete. Stuart said that he has also been evaluating twenty additional sets of remains that were not specific to the Doyon area that might be included. Stuart felt that the report would be finished within the next few months. He also said that Karen Mudar has made contact with the Doyon representative and has been having preliminary discussions about repatriation. Stuart also noted that the Angoon ceremonial clan item request has been ongoing. This request included sacred objects and objects of cultural patrimony. Stuart said that the primary issues in this request were the individual history of the collection of each item, the nature of ownership of these classes of items, and whether or not the items fit the categories. Stuart felt that more research needed to be done in terms of collections records at the NMNH. He noted that representatives were going to come in November but they were now postponing the visit to come with the Keki family in the Spring. Stuart suggested that a consultation was needed and that he would like to visit there as soon as possible. Stuart also mentioned a visit in December from the Kumeyaay, a delegation from a number of reservations in southern California. He said that they were coming for a joint consultation. He said that there have been no claims as of yet, but there were about 500 sets of human remains from that area, mostly from the Channel Islands.

Russell thanked Stuart.

Lynne asked if Stuart was still dealing with data issues as part of his job.

He said yes and that he has also been working with Collections Management to create databases that would allow the RO to put its research results directly into the Master Catalog.

Lynne asked Stuart if he looked into putting the reports on CD.

He said yes, that has been an ongoing discussion. He mentioned that there was some attempt two years ago to gather together files from everyone in the office for this purpose. He was not sure where these files were at this point.

Tom thought that he should mention that Stuart was the immediate supervisor of Cathy Sawdey, who has been responsible for the management of the RO's computer system.

B. Paula Molloy - Paula began by reporting on her case reports in progress. She said that there was a Mohegan request for three unassociated funerary objects and that Kim McGrath, an intern from the Seneca, had done a lot of work on the case. Paula said that the report should be finished in January. Paula then turned to the Tunica Biloxi case which consisted of human remains and funerary objects from the Lower Mississippi area - Louisiana, Arkansas, and Mississippi. She said that Gayle Yiotis, her assistant, had been working on it. Gayle has pulled together archival documentation for the human remains and was in the process of pulling together the archival documentation for the archeological objects. Paula said that Gayle has also been working on the Columbia plateau case (Southeast Washington/Northeast Oregon). Gayle's work on this case would be to complete the funerary object documentation. Paula hoped that project to be finished and the report to be turned in for review in

late January or February. Paula said that she initiated another Warm Springs/Yakama case which consisted of a Middle Columbia collection of unassociated funerary objects (no human remains). Paula said that this was a large proto-historic/historic collection of over 2000 objects from Sullivan and Bradford Islands. Laurie Burgess, as a contractor, is documenting the collection which includes ceramics, glass, and beads. Paula thought that after January 1, 1999 she would like to contact the tribes (Warm Springs, Yakama, and Umatilla) to come to look at the collection collaboratively. Paula noted that this was an extremely significant collection which has never been published. Paula also said that she would like to get interns/scholars involved in documenting the collection and possibly compile a catalog or monologue. Paula then turned to returns. She said that she has a return of the Pierite Collection of unassociated funerary objects to the Tunica Biloxi, through Bill Day, which was scheduled for late November. She said that she offered to courier the objects but Bill has applied for a travel grant. Paula said that the objects were packed and ready to go. Paula discussed the return of two named Paiute individuals, Chief Egan and his brother-in-law, Charlie, to their lineal descendants. She said that she has been working through an intermediary, who knew the lineal descendants. Paula noted that she has not had any direct contact with the Egan family. Paula then mentioned the Burns Paiute meeting that 170 people attended, including members of the Egan family. She said that the Egan family would like to have the remains buried at the Burns Paiute reservation. Paula continued, noting that because the family was not enrolled at the Burns Paiute reservation, she would not be working with the tribal government. Paula did, however, note that the family was putting together a claim letter with the genealogy and she would be ready to move forward once she received the letter. The third return that Paula discussed was the Grand Ronde request with Ryan and Adrienne Heavyhead acting as representatives. Paula said that the request covered individuals from the Northwest Oregon report and the Lower Columbia River report. According to Paula, the remains fell into three groups, nine individuals were affiliated solely with the Grand Ronde, thirty-three individuals were more broadly affiliated with tribes such as the Grand Ronde, Chinookeen, Salishat, and Sahaptan, and fifty-six culturally unidentified individuals. Paula said that she sent notification letters (certified mail) to the other tribal governments, such as the Chinookeen, Salishat, and Sahaptan, about the Grand Ronde claim. In the notification letters, Paula said that she asked for a response within thirty days, indicating whether or not the tribe would want to submit a claim. She continued saying that the notification letters were received by October 15, 1998 and in the next week she would hear about additional claims. Paula did not think that the RO would receive any additional claims from the other tribes. The return was tentatively scheduled for the week of December 7. Paula noted that the Heavyheads needed a letter of authorization before they could take receipt of the collection, as they were currently only authorized to consult. Paula continued discussing the third group of remains, categorized as culturally unidentified based on available information. Paula said that this group consisted of six cataloged individuals plus fifty uncataloged individuals. Paula said that she received additional information from the Heavyheads regarding this third group. She said that the information focused on issues such as cultural continuity through time and also tribal and band territories. Paula was in the process of looking at that information and initial reports, but no decisions had been made on this third group yet. Paula concluded with the completed returns. She said that the RO had returned two individuals to the Mashantucket-Pequot in April 1997. Paula also discussed the return of a Nez Perce scalp to the Redheart family. She said that Phillip Cash-Cash (formerly Minthorn) prepared the information to identify the person and that the remains were

returned under common law as a known individual. Paula said that she and Phillip attended the ceremony in Minnesota and she described it as a moving experience.

Tom brought up the issue of tribes not taking receipt of collections that were offered for return. He thought that a policy needed to be developed.

Lynne asked what the problem with this issue was.

Tom said that the problem was that the museum would be maintaining collections that it could not make free use of. These collections were restricted.

Gillian offered the example of not being able to offer collections for loan or exhibit.

Tom said that the objects were not available for research and this might become a problem because there have been requests to use this material.

Karen clarified that the museum has been honoring the tribes' wishes by not permitting research.

C. Chuck Smythe - Chuck began by discussing the consultations that had taken place since the last RRC meeting. He also passed out a hand out and circulated photographs of consultations. He brought up the issue of how to integrate repatriation activities with the Anthropology Department, particularly Collections Management. Chuck also discussed pesticide treatment, traditional care, and making changes in conservation of a collection as a result of information acquired during consultation visits. Chuck also stressed that ceremonial space was needed. He mentioned how visitors have had no place to smudge. Chuck noted that visitors, particularly Plateau and Sioux tribes, have asked to smudge before, after, and in the presence of the collections (objects and human remains). Chuck said that the RO needed a designated area for visitors to smudge and asked for the support of the RRC in obtaining this area.

Russell suggested consulting with people to find out what else might be wanted or needed.

Gillian said that with smudging, visitors have encountered a privacy problem. She said that staff, who were not invited, tend to hang around.

Russell said that the RO needed to find out the needs of the tribes.

Chuck said that windows were not a criterion but direction may be. He continued by saying that NMAI has an area and described the space. Chuck said that one of the issues would be how to facilitate smudging in the presence of objects. Chuck also noted that visitors sometimes like to leave things with objects in the collection. He noted how the Hopi left some feathers and corn meal with their masks. He said that he was in the process of working with Collections Management on these issues.

Gillian said that this issue would be discussed further in Deb Hull-Walski's presentation.

Ron said that it was a belief among many Indians, especially the Sioux, that they must use sage in smudging to keep angry spirits away after contact with human remains. Ron said that sage smudging prevented the angry spirits from taking part of a person's life. Ron said that one effect of the evil spirits was what the scientists have called palsy, but Indian people have called twisting of the face. He said that he has performed a lot of doctoring ceremonies on his reservation and others as a result of this. He said that it can take up to four days to bring a person's face back to its natural appearance.

Chuck said that this was very significant. He noted that his visitor from the Spirit Lake Sioux Tribe related the demise of some tribal individuals to not being attentive to the smudging practices. Chuck then turned to repatriations. He discussed the Wounded Knee and circulated photographs of the packing process. He noted that two objects remain. One was a shield that has been under discussion between the Cheyenne River Sioux and Crow tribes. The second object was a Navajo blanket which was an old loan from 1911. The RO has identified the heirs and asked them to donate the blanket to the NMNH so that it could be returned to the Tribe. However, the heirs also would like to consider the value of the blanket and it is to be appraised by Southeby's this month. Chuck said that there has been no further communication from the Keweenaw Bay community regarding the Ontonagon boulder. He has also continued to work on the report on the Chugach funerary objects. Chuck said that there have been two new requests. One of them was from Nelson Big Bow for a Kiowa shield. Chuck explained that the claimant wanted the shield for use in a new ceremony. Chuck said that he has not heard from the Tribe. It would be used as a spiritual object, but Nelson Big Bow was claiming it as a lineal descendent. Chuck said that the claimant may still be required to have the support of the tribal spiritual leader to validate the claim. Chuck also brought up the Blackfeet (Montana) request on behalf of the Blood Tribe for the society bundle. He called the Blood Tribe to let it know that it needed to submit a formal request first. Chuck said the CD ROM project on the summaries was nearing completion. He said that Patrice Hart had integrated the tables into a readable, WordPerfect format. Chuck concluded by mentioning that the Hopi received a NAGPRA grant to do work on pesticides and that they would visit the NMNH to identify the masks.

Russell thanked Chuck and suggested a short break.

D. Steve Ousley - Steve Ousley began by passing out handouts. He then reviewed the revised database for the physical collections. He discussed the new data entry program and referred to various points on the handout. Steve noted the faster form of data entry in the revised programs and the new summary field for word processing. He also said that the database offered instant osteological support capacity and automatically generated pull slips. Steve further discussed the time saving techniques of this revised program. He mentioned that once data entry was complete then he and his staff would move into research techniques and tools. Steve noted that there have been some procedural changes in the lab. One of these allowed the lab staff to work on one repatriation case simultaneously. This allowed all people to be able to work on a case that had a deadline or time constraint. Steve then reviewed the osteological reports. Steve also discussed the Doyon and

Mobridge cases. He said that the Sully uncataloged human remains have been analyzed and the Lower Mississippi osteological documentation has been completed. Steve also noted that the lab has recently been working on remains from Wales, AK. Steve continued, noting that the lab had documented over 550 catalog numbers which represented at least 600 individuals. According to the totals to date, Steve said that the lab had documented approximately 3800 catalog numbers which represented at least 5500 individuals. He said that he and his staff would work on the uncataloged human remains from such sites as Arikara, Plains, and Alaskan, and also uncataloged human remains from the Army Medical Museum (AMM). Steve concluded by mentioning the 3-D craniometric digitizer and the benefit it provides in reducing the handling of human remains.

Roger asked about the AMM human remains, saying that he thought that the remains had all been repatriated.

Bill Billeck said that he had been looking into that issue and there were a lot of remains that he had missed. He noted that the AMM collection included at least 2,500 archeological human remains.

Lynne asked how many had been addressed.

Bill said a lot but he could not give a definite number.

Russell thanked Steve.

E. Karen Mudar - Karen began with an update on the Jim Keki repatriation. She said that she finished the repatriation report and the repatriation to lineal descendants, Adeline Jim and Pauline Johnson, would take place in the Spring. Karen said that she thought Richard Dalton would be involved in the repatriation and she then asked Richard if he would like to say anything about it.

Richard Dalton said that it would be better to travel when the weather was warmer. He mentioned how a picture was sent to Angoon and at first no one knew who the person was. They then determined that it was Jim Keki. Richard also mentioned that he had a meeting with Leonard John and Cheryl Eldermar and that traveling around the first week in April would be better.

Gillian reviewed the travel grant requests from Angoon and explained what the family would like to do. She said that Adeline and Pauline would come on repatriation travel grants, Richard would come on RRC travel, and Leonard John and Cheryl Eldermar would come on consultation travel grants.

Karen mentioned that the Keki repatriation was an emotional one because it involved the return of a named individual. Karen said that there were an additional four named Alaskan individuals. She noted that one of these involved another family in Sitka who were not too interested in making a repatriation claim. However, Karen said that Richard would talk to them and it may proceed. Karen also mentioned the Shaktoolik repatriation (10 sets of human remains), saying that the report had been completed and signed. Karen continued by saying that she contacted the community, but they have not made any decisions about initiating a repatriation claim. Karen said that she expected that

this repatriation could also occur in the spring or summer. Karen then turned to the Nunivak Island project. She said that she was drafting a Memorandum of Understanding with Nunivak Island. She reviewed how Nunivak Island made a repatriation claim that covered both objects and human remains. Karen continued, saying that the human remains had been repatriated. Karen noted that the objects had been listed for repatriation in the report, but they had not been described in detail. She said that Stephen Loring of the NMNH Arctic Studies Center was preparing a catalog of the objects. The Nunivak Islanders had asked for the objects to remain in the museum. Karen said that the Memorandum of Understanding had been circulated both in the RO and the Anthropology Department and it was ready to be sent to the Nunivak Island community. According to the draft, Karen said that the objects would be treated like all other objects in the collection, unless otherwise requested by the Nunivak community. Karen said that she was proposing ways to make these objects accessible to the research community as well as the Native American community. Karen was hoping to use this Memorandum of Understanding as a model for other groups, possibly the St. Lawrence Islanders. Karen noted that the St. Lawrence Islanders indicated that they would like museum to retain the funerary objects. Karen said that the St. Lawrence Island report had not been finished, but she was currently working on it. Karen then turned to the Doyon case. She said that she has been in contact with Carolyn Brown, repatriation coordinator for Donokonaga, a non-profit organization working for the Doyon community. Karen expected that the Doyon repatriation would occur next summer. Karen then discussed the Great Lakes cases and said that a contractor, Pilar Montalvo, had been working on the Western Great Lakes repatriation case involving collections made by the BAE Mound Builders Exploration Project in the 1880s. Karen noted that the accession history of these collections was long and confusing.

Lynne asked if everything was excavated from mounds.

Karen said that there were forty sets of human remains from mounds, ten of which were historic. She also said that there were forty objects affiliated with the human remains and about eighty other objects from mounds that were not affiliated with the human remains. Karen said that some decisions must be made about whether these eighty objects constituted unassociated funerary objects. She said that some of the objects, such as the bears' teeth and pipes, clearly were, but others, such as the scrapers and points, were more utilitarian. She said that she was preparing to send out letters to the groups which may be involved and wanted to consult with these Great Lakes groups. She said that the problem of affiliating Chippewa remains was that historical movement has made it difficult to pinpoint groups. There may be a return to the Chippewa from McInnacaw Island or possibly a joint return to the Ottawa and Michigan groups. Karen said that it has been difficult to determine to whom the remains should go. She thought that repatriation workshops with the Great Lakes Indian people might be a good idea. Karen said that the Wisconsin mound remains were an additional problem. At this point, she thought that the historic remains had been identified and she wished to consult with groups concerning them. She continued, saying that no museum that she knew of, in or outside of Wisconsin, had affiliated the Hopewell or Effigy mounds.

Lynne said that the Ho-Chunk claimed effigy mounds in Wisconsin and that in general it has been very difficult to affiliate mound sites.

Ron said that Cheyenne people claimed mounds in Wisconsin, also.

Karen asked if they should be notified.

Ron said yes.

Karen said that she and Dennis had sent a letter to Barrow, AK regarding their repatriation claim. She said that she still considered it an active case, but that it has not moved forward because there has been no response from Barrow. She concluded by saying that she has also been working on transferring RO material to the archives.

Russell thanked Karen.

F. Bill Billeck - Bill began by discussing the Oglala Sioux repatriation. He said that in June, thirty-nine individuals were repatriated. He said that Stephanie Makseyn-Kelley co-authored the report and also attended the repatriation. Bill continued, discussing the July return of two individuals to the Gros Ventre. Bill said that an agreement had been reached between the Crow and the Gros Ventre and the seven additional human remains would be repatriated next spring to the Gros Ventre. He then asked if the Gros Ventre could receive another repatriation travel grant.

Russell asked Bill what he recommended.

Bill recommended funding another travel grant for the Gros Ventre. Bill continued by saying that thirty sets of human remains were returned to the Ponca Tribes of Oklahoma and Nebraska in September. He said that these remains were returned jointly, but buried in Nebraska. Bill also said that he was working on a Brule Sioux report. It was currently under office review and should be done very soon. He said that it recommended that the human remains be returned to the Rosebud and Lower Brule Sioux. Bill said that he was shifting to a geographic approach in terms of the human remains and funerary objects in the Northern Plains. Bill noted that up until this point the RO had only been dealing with remains that could be affiliated, but now all remains from a geographic region would be examined. He said that he expected to complete a draft report on the Arikara case in the spring. Bill noted that this case was very large. There were about 1200-1500 individuals. Bill continued discussing the case, saying that there were about thirty-eight sites with Arikara components and about four others which had not yet been identified. Bill noted that there were drafts of site reports with a lot of loose ends which must be cross-checked. Bill also mentioned that he went to the Plains Conference and visited Ft. Berthold for a consultation. He said that he had a good preliminary meeting with Elgin Crowsbreast, but noted that consultation needed to continue. Bill also said that he spoke with several groups, but it was still unclear who the Arikara representative was. He said that they talked about the size of the case, some of the problems with the identification of the funerary objects, and the Stirling accession. Regarding this accession, Bill said that there was a significant amount of work to be done. Bill said that Matthew Stirling kept poor field notes and record keeping. Some of the records note that objects were from graves but exactly which grave cannot be determined. Also, Bill said that funerary objects were mixed with utilitarian objects and he did not know how to determine what was funerary. Sometimes there were good descriptions where many objects can be identified, but other times it was not so simple. He had been invited to come back to Ft. Berthold again. He thought it would be a good idea to consult with the tribes.

Ron said to Bill that earlier the figure for human remains was 5000, but now Bill was saying 1500. Ron asked why there was a difference.

Tom and Bill clarified that 5000 was the total number of human remains being documented by the RO and 1500 was the number of Arikara remains.

Ron said he had offered to take the Arikara remains back, but the Arikara would not allow it because he did not have enough Arikara blood in him. He continued by telling a story about the Mandan-Hidatsa. He said that a truck drove up to his house with boxes containing remains. Ron said that he held them in the basement of his house until a pit could be dug. He said that his children were chased out of his basement because of the spirits of Indians in the basement. Ron then he had to smudge, feed and talk with them. Two days later police officers came to Ron's house saying that someone had reported that there was a sweat lodge fire in the house. Ron thought that the Arikara were scared that he might get power from handling their remains. He said that the two original Arikara people who were doing reburials both died. Also, the Arikara were not happy with Ron's one reburial for them. A hail storm started when he picked up a skull and the Tribe thought that was a bad sign.

Russell thanked everyone from RO and the meeting adjourned for the day.

Friday, November 6, 1998 - 9:30 A.M.

VII. Committee In-Camera Session

This portion of the minutes is not circulated.

VIII. Discussion of Sebastian LeBeau's Presentation

Lauryn Grant attended this session.

Russell suggested that the RRC discuss the concerns that Sebastian LeBeau had raised.

Lauryn began by stating that the reason that the SI did not have regulations was because, unlike the Department of the Interior, the SI is not a regulatory agency. She thought that Sebastian seemed to be asking for a very detailed set of procedures. Lauryn noted that the SI had procedures spelled out in a relatively brief document and for procedures that were not spelled out, the SI has looked to NAGPRA for guidance.

Lynne asked what tribes received in the mail and continued by asking if the RRC could get a copy of what the tribes received when they submitted requests.

Gillian said that the problem with that was that the mailings have not been a formalized process in the RO. Gillian said that the tribes were supposed to get copies of repatriation guidelines, the RO Annual Report, information on their case, and the inventories. Gillian suggested she could put a copy of the by-laws in the packet if the RRC wanted to do that. She thought that different people in the RO were sending out different types of information.

Katie Wright entered.

Lynne suggested that a simple brochure stating the nature of the RRC could be sent out with the informational packets.

Gillian said that was already being done.

Lynne said that she wanted to see what was actually sent, so that the RRC could decide on additional informational materials to be sent.

Roger said that the NAGPRA regulations clarify the law. He continued by noting that the NAGPRA Committee resolution process was not part of the regulations, but rather just a policy.

Lynne and Lauryn agreed with Roger.

Lauryn thought that it was time limits that were crucial for the tribe and deadlines were what Sebastian wanted regulated, not step-by-step instructions about the process. She recommended tightening up the guidelines and looking internally at the procedures to create more detailed procedural documents. She thought that better communication was needed. She also suggested having the case officers estimate a time line for the requesting tribe. Lauryn further suggested that

the case officer should communicate with the tribes about what was involved in the process. Lauryn thought that the nature of the RRC was a separate issue. Lauryn thought that tribes needed to be informed about the RRC's role in the process and did not need to know more than that until a dispute arose. She did not think that the tribes needed to see copies of the by-laws.

Christy felt that Sebastian was expecting more from the RRC and did not really know what the RRC's limits were.

Lauryn said that Sebastian wanted the RRC to operate like the NAGPRA Committee, because that was what he was familiar with. On the other hand, Lauryn noted that Sebastian raised some good points. She continued by saying that because of the nature of the SI, because the NMAI Act did not have regulations, and because the RRC's meetings are closed, there has been some mystery surrounding the process and finding a better way to communicate would be good for public relations. Lauryn also noted that she did not think it was true that the tribes did not know about the RRC.

Lynne and Christy agreed.

Andrea said that Sebastian's comments were an overstatement, but did agree that the repatriation process has still confused many tribes.

Christy noted that turnover within tribal administration was a problem.

Lynne said that there is a difference between what tribes have wanted the law to say and what it actually says.

Lauryn asked if the RRC could use the SI Website to effectively address the law.

Russell said that the RRC was in a difficult situation. He said that it was partly the RRC's responsibility, but also partly the RO's responsibility. He thought that the RO should be doing more outreach.

Andrea thought that could be the function of an Indian liaison.

Lynne said that the RO only reached out to a tribe after the tribe filed a claim, not beforehand. Workshops are an exception to this. She thought that there were budgetary issues affecting the outreach efforts.

Lauryn said that the RRC could not resolve this confusion over the NPS, the SI, the NMAI, and the NMNH. She said that she did not think that this confusion was preventing tribes from filing claims.

Russell said that it was not the role of the RRC to tell Indians how to file a repatriation claim. He discussed the Keepers of the Treasures meeting. Russell said that Tim McKeowan, the NPS staff, and he were there. The NPS staff said they never had someone from the SI at the meeting. Russell

said that he did not think it should be the RRC's responsibility to talk about how to file a repatriation claim at a conference. It should be the RO's responsibility.

Lynne thought that the RO should have a representative at all of these Keepers of the Treasures meetings.

Russell said that Sebastian was suggesting that the RRC hear more from the tribes and make more recommendations to the SI. He thought that the RRC needed to take a more active role.

Lynne thought there would be problems if the RRC took a proactive approach by independently preparing recommendations before other groups who have been working together to develop guidelines on issues such as unaffiliated remains.

Russell said that he saw Lynne's point, but he disagreed. He thought that the RRC did not have to wait for other groups to take the lead. He asked why the RRC was not dealing with unaffiliated remains. He thought that the RRC had a responsibility to the SI. He suggested that the RRC should also host workshops and meetings to get input from tribes on how to deal with issues such as unaffiliated remains.

Lynne said that might be a possibility.

Christy said that there has been a presumption that the RRC has had all the information it needed when actually it has not.

Lauryn asked if the repatriation process was leading to the return of all human remains.

Lynne said that it was not clear.

Roger said that it would be premature to deal with the issue of unaffiliated human remains. He pointed out that although the NAGPRA inventories have been out for some time, the SI's only went out recently. He used the Mimbres remains as an example of the present disjunction in cases unaffiliated human remains. He thought that the RRC should give the tribes a chance to digest the inventory information. They have been in the process of developing opinions on how to proceed. He thought that the RRC should wait until these issues have been sorted out. He noted that the NAGPRA Committee has been receiving input from all parties. Therefore, Roger thought it might be best to wait and see how that proceeded. If the RRC was dissatisfied with what the NAGPRA Committee has done, then it could go beyond it. He suggested that the RRC could gain insight from the the NAGPRA Committee's work.

Russell thought that waiting was a problem. He gave the example of the Steed-Kisker case. He said that problems developed with that case because the RRC did not have a procedure to deal with culturally unidentified remains and multiple group claims. Russell thought that the RRC should develop procedures for these issues.

Roger countered that the RRC has had by-laws. He thought that the Steed-Kisker case was not solely about unaffiliated remains and therefore was different. Roger suggested that the RRC make determinations on a case-by-case basis.

Russell agreed.

Lynne suggested that the RRC focus more on regionally based workshops. These workshops would explain the SI's procedures for repatriation and allow the RRC to hear about the problems that the tribes have been experiencing in repatriation. Lynne thought that the RRC should inform the tribes that it would like to hear about their concerns and that it would like to collect information.

Russell expressed concern over the Tallbull Conference. He thought it would be a problem if the conference came up with something with which the RRC did not agree. He also thought this would be further complicated by the RRC not being involved in the Tallbull Conference. Russell thought that whatever the conference determined would be hard to go against.

Lynne, Christy, and Roger thought that the RRC would be involved in the Tallbull Conference.

Russell noted that the RRC was not involved in the planning committee for the Tallbull Conference.

Roger said that was true.

Roger said that he would check to assure that the RRC was involved with/invited to the Tallbull Conference.

Lynne said that she submitted a request to the planning committee that the SI should be included in the discussion. Lynne also thought that visitors would not be allowed to sit-in at the Conference.

Russell asked if anyone from the SI (other than RRC members) was on the planning committee for the Tallbull Conference.

Lynne said that she had the list of people on the planning committee and would E-mail it to Russell.

Lauryn noted that the SI's rules were loose. The RRC could hold open meetings, have workshops, or let tribes know that they can request scheduled presentations. Lauryn thought that open meetings would transform the way the RRC conducted its business. She continued by saying that she did not think that open meetings were really the issue for Sebastian LeBeau, rather she gathered that he was trying to understand the NMNH's procedure for preparing a repatriation claim. She said that filing a repatriation claim was spelled out under NAGPRA, but the SI's process was a little looser. She also thought that Sebastian was frustrated by the Wounded-Knee case, which took a long time.

Russell noted from this discussion that more workshops were needed.

Christy asked how it would affect the SI, if the RRC took a position on unaffiliated human remains.

Lauryn said that the RRC could give an opinion or make a recommendation, but the RRC could not issue a policy. She thought that affiliated human remains were a greater priority at this time.

Regarding unaffiliated human remains, Roger commented that if the SI's case officers were to determine that remains were unaffiliated and the tribes were to dispute that determination, then the case would come before the RRC. He noted that the RRC needed to remain independent and unbiased to do its job effectively and hear disputes fairly.

Christy noted that the NMAI claims that it would not have disputes.

Lauryn countered that the only potential that the NMAI has for a dispute would be that between tribes.

Russell asked what happened to the conference regarding the affiliation of Plains remains.

Lynne asked if the RO was still trying to affiliate Woodland remains.

Gillian said that Bill wanted to complete the Arikara case first, and he would the like to work toward affiliating the Woodland remains also.

Lauryn asked if her office needed to respond to Sebastian LeBeau.

Lynne thought so and also thought that the RRC should respond to him.

Lauryn said that she would respond to Sebastian's comments regarding regulations, stating that the SI has been accomplishing the same goals as NAGPRA without needing federal regulations.

Ron commented that he did not know that Sebastian was coming to address the RRC. He mentioned how he went to a conference in Lincoln, Nebraska, regarding what had happened at the university. He said that at the conference, Sebastian was teaching people about the regulations and amendments of NAGPRA. Ron continued, saying that Sebastian had asked him what his position was on the RRC. Ron said that he was nominated to the RRC by someone in the tribe, but that he could not really discuss it. Ron continued by saying that he could say that he was an RRC member, but not what his role was. Ron said that, on the other hand, tribes have tribal historic preservation officers whose job it has been to find out about the RRC and repatriation in general. Ron said that all he knew was that he was appointed to the RRC and that the RRC made recommendations. He continued by saying that at the NDIRC conference people asked Ron to explain the role of the RRC and again he said that he did not know how much he could say. Ron also noted that during a meeting at Black Hills College, the Gray Eagle Society criticized the tribal historic preservation officers for not being able to bring remains home. The Society wanted the tribal historic preservation officers to form a coalition to solve problems and bring remains home faster.

Russell said that those were the kinds of societies that the RRC should target. He also asked Lauryn if she would be interested in attending the RRC's workshops. Lauryn said she would.

Lynne suggested that the Committee review the descriptions of the RRC in their handout. She further noted that when Ron is asked these types of questions again, he could just hand out the descriptions.

Lauryn asked if the NMAI has participated in the workshops.

Russell said yes.

Ron made a comment about how some Indian objects were acquired by the SI. He began by again mentioning the Gray Eagle Society of South Dakota. He explained that it was an old, grass roots society. He said that at one meeting he was listening to a representative discuss the effects of the infiltration of Christianity into Indian country. He said that Christian clergy led Indian people to believe that all bad things were sent to the SI. Because of this, a lot of Indian people were afraid of the SI. He continued, saying that ministers and priests led Indian people to believe that the Bible and the Cross were good and that Indian medicine bundles were bad. These priests and ministers took the medicine bundles away and said that they were sending them to a place where everything was bad (the SI). Ron said that was why many older people in Indian country believe that the SI was a bad place. Ron also discussed how some human remains were acquired by the SI. He said that during the 1700 and 1800s when the military was coming through Indian country, prices were placed on the heads of tribal members who were believed to be powerful. Ron said that the McLaughlin Indian Agent put a price tag on the heads of Sitting Bull, Kicking Bear, and Brave Bear (Thorns). Ron said that Thorns was a powerful tribal member among the Sioux who believed that he could change shape. Ron also mentioned that Thorns' spirit was attached to him. Ron believes that the remains of Sitting Bull and Brave Bear (Thorns) came to the SI because they had prices on their heads. He thought that the RRC should know this.

The RRC agreed that Lauryn would draft a letter to Sebastian LeBeau and send it to Gillian who would distribute it to the RRC. The Committee also agreed to respond to Sebastian.

Lauryn left the meeting.

IX. In Camera Session - Continuation of Projects

This portion of the minutes is not circulated.

X. Update on Collections Management/Repatriation Collaborative Projects

Deborah Hull-Walski, Candace Greene, Tom Killion, Ruth Selig, and Dennis Stanford attended this session.

Candace Greene began with an informational update. She said that the process of repatriation has caused a merging of repatriation and collections issues. Because of this merging of issues there has been a lot of collaboration between repatriation and collections management and some procedures were being adapted. Candace continued saying that there has been a philosophical change in the approach to curating collections and there have been repatriation driven efforts in the re-curation of the Native American collection. Candace said that there have been efforts to assemble information about the collection and efforts to automate access to new information driven by repatriation case reports. Candace continued by discussing storage improvements that would make the collections more accessible. She thought that this would lead into a greater awareness of cultural concerns and preservation concerns about the collection and some subsequent sharing of knowledge. In addition to the re-curation of collections, Candace also discussed collaboration with Native people, driven by Native Americans. She said that these collaborations focused on, but were not limited to, repatriation but also address the meaning of objects, and on-going object care. Candace continued, saying that the RO approach has been to take the Native requests into consideration to broaden its scope and this approach has also been undertaken by Collections Management. Candace also discussed paper and photographic documents in the National Anthropological Archive, which were not covered under repatriation laws, but were of interest to Native communities. Candace then turned to loans of objects to Native communities. She said that in the past collections concerns between Native communities and Collections Management staff were incompatible. She thought that in the future Collections Management staff and Native groups needed to cooperate and collaborate more. Preservation and cultural access may come into conflict in this area. Candace did say, however, that this was not technically a repatriation issue. Candace said that Indian people have been providing a lot of traditional information and the SI would need to develop a procedure for documenting this information. She said that Collections Management staff needed to determine what Indian people wanted in terms of how the collection should be cared for and the staff may need the support of the RRC for funding.

Russell thanked Candace.

Christy asked about the connection between archives documentation and object collections.

Candace answered that it was through the Department of Anthropology.

Ruth said that the NAA had opened on a fourth day during the week for staff and she wanted to note that the RO has been the most frequent user of the archives. Ruth noted that there used to be a sixmonth backlog to get archival information out, but now that has been reduced to two or three weeks.

Russell asked if anything in the archives could be subject to repatriation.

Candace answered that she thought initially not, but some Lakota people have raised questions about the "Winter Counts." Candace noted that the "Winter Counts" were knowledge and it depended on how tribes viewed the ownership of knowledge.

Russell asked if they were originals or if they were copies.

Candace said that some "Winter Counts" in the Mallory collection were copies, but some were originals. She noted that the Department had made a decision not include the NAA's materials in the summaries. This was partly because it was difficult to say anything meaningful about the material and partly because the Department did not think it was covered under the law.

Tom also noted that this material was not reported in the summaries for expediency. He said that the RO wanted to get the summaries out quickly.

Ruth suggested that the RRC come for a visit and tour of the NAA.

Deb Hull-Walski began by discussing how Collections Management staff has been working toward the goal of the traditional housing of collections. In the move of the collection from the NMNH to the MSC, they looked improve the storage from a preservation standpoint through such methods as constructing storage mounts. However, Deb thought that was a short term solution to the problem and that they have been trying to develop a long term solution. She noted that they have rehoused the Plains and Southwest collections, and were now looking to improve access to the Northeast and Southeast collections. She also noted that they have been working with Native Americans and curators to store collections by culture type and to label objects properly. Deb gave an example of how they learned, as a result of collaboration with Native people, that false face masks might need to be stored face-down. She said that it would take time to make mounts for the masks, but it could be done. Deb said that Collections Management has had a part-time person on staff for about six or seven years, but unfortunately this position would soon expire. In addition to continual rehousing, the person has also been responding to special requests for special treatments from tribal members. Deb also mentioned that Collections Management was working with the NMAI to get their database on traditional care. Deb thought that this person would also enter into the database what the NMNH has already done.

Russell asked if the person was part-time.

Deb said yes, the person works three days per week or approximately 20-24 hours. Deb said the funding was previously coming from the Exhibits Department, because Collections Management was doing so many exhibit-related projects. Deb said that Exhibits needed the money and the position for themselves. Deb said she estimated that it would approximately be \$20,000-\$30,000 depending on if it was a year-long contract.

Gillian discussed the NMAI's traditional care database. She said that sharing traditional care information could be an example of another collaboration between the NMNH and the NMAI. She thought if the NMAI did not want to share its data, then it may at least give the NMNH the structure of the database.

Deb then turned to her presentation on ceremonial space. She said that the space that she was suggesting was part of Collections Management's space, located below Collections Management's conservation lab at the MSC. She said that the space has a window that faces east and the NMAI's Cultural Resource Center. She explained that location of the space in the Collections Management's processing lab would make it very accessible for collections and for people. She said that since 1995, Collections Management staff had been trying to find a room that could be used for ceremonial purposes. Deb noted that the space could also be used as a conference area. She said that it was a fairly large area, about 15' x 11'. Deb thought that ventilation was the key issue with this project. Deb gave examples of two layouts. Deb said that the estimate she was given five years ago was \$6000. That included putting up the drywall, a door, and a ventilation system.

Christy asked if there was plumbing nearby for a sink.

Deb said it was nearby and showed Christy where the sink was located on the hand-out.

Lynne asked if there would be special costs associated with the ventilation.

Deb said that she did not know because she has not discussed it with the designers. She thought the worst case scenario would be that she would just continue contacting the MSC's Facilities Management to turn off the smoke alarms and sprinklers during a ceremony. Deb emphasized that it was really necessary to have this private space.

Candace asked Tom about the possibility of acquiring ceremonial space at the NHB.

Tom said that it was a possibility.

Gillian noted that the human remains were located at the NHB so it would be good to have ceremonial space there too.

Russell asked about requests for outdoors ceremonies.

Deb said that an outdoor ceremony was performed in a recent repatriation. She said that the MSC's Facilities Management had no difficulty with that.

Gillian offered another possibility which was to use the NMAI's outdoor ceremonial space. She pointed it out on the handout. She thought, on the other hand, that the NMNH could also develop one for itself.

Ruth thought that one outdoor ceremonial space for both museums would be less confusing to the visitors. She thought that the RRC should check out the NMAI's outdoor ceremonial space when it visits the NMAI's Cultural Resources Center.

She said that she wanted to ensure that the indoor space could be set up so that visitors could sit and view the collection. She said that this was especially important for elderly visitors.

Tom also agreed.

The RRC said it would support construction of the ceremonial space.

Gillian asked if the RRC wished to fund the rehousing project.

The RRC asked what was involved in terms of time and materials for the project.

Deb said that she estimated that it would take at least a year to complete the Southeast and Northeast collections. Deb said that she was going to keep looking for funding.

Lynne then commented that a one-year contract would make the most sense.

Christy and Russell thought that the project fit in with the RRC's plan.

Russell asked how long it would take to get the ceremonial space constructed.

Deb said that she really did not know. She wanted to ask if the Director's Office could make it a priority.

Gillian thought it could possibly take six months or less.

Candace, Deb, Tom, Ruth, and Dennis left.

XI. Continued Discussion-In-Camera

This portion of the minutes is not circulated.

APPENDIX B

Minutes of Meeting on May 27-28, 1999

Final Repatriation Review Committee Meeting Minutes May 27-28, 1999 National Museum of Natural History Prepared by Katherine Ramey, November 8, 1999

Repatriation Review Committee Participants:

Roger Anyon, Richard Dalton, Sr., Lynne Goldstein, Andrea Hunter (Vice-chair), Ronald Little Owl, Russell Thornton (Chair), Christy Turner II

Smithsonian Staff Participants:

Bruce Bernstein, Assistant Director of Cultural Resources, NMAI Bill Billeck, Case Officer, Repatriation Office, NMNH Betsy Bruemmer, Museum Technician, Repatriation Office, NMNH Laurie Burgess, Contractor, Repatriation Office, NMNH Gillian Flynn, Repatriation Review Committee Coordinator, NMNH Robert Fri, Director, NMNH Lauryn Grant, Assistant General Counsel, Smithsonian Institution Deb Hull-Walski, Collections Manager, Department of Anthropology, NMNH Thomas Killion, Program Manager, Repatriation Office, NMNH Paula Molloy, Case Officer, Repatriation Office, NMNH Steve Ousely, Case Officer, Repatriation Office, NMNH Carolyn Rose, Deputy Chair, Department of Anthropology, NMNH Lynne Schneider, Conservation Technician, Department of Anthropology, NMNH Ruth Selig, Special Assistant for Strategic Initiatives, NMNH Chuck Smythe, Case Officer, Repatriation Office, NMNH Stuart Speaker, Case Officer, Repatriation Office, NMNH Katherine Wright, Assistant Repatriation Review Committee Coordinator, NMNH Gayle Yiotis, Museum Specialist, Repatriation Office, NMNH

Thursday, May 27, 1999 - 9:20 am

I. Introductory Remarks

Robert Fri and Carolyn Rose attended this session

Russell Thornton opened the meeting. He began by welcoming Carolyn Rose and Bob Fri. He also commended Gillian Flynn and Katie Wright on the design of the new Repatriation Review Committee conference room. He thought that repatriation business had been progressing smoothly and briefly discussed the Ishi case. He noted that it had attracted a lot of attention, especially in California. He thought that the case was handled very well and that the Indian people of California would ultimately be satisfied. Russell then said that he would like to formally thank Richard Dalton and the people of Hoonah, Alaska for making him feel welcome during the repatriation of Swanson Harbor Jim. He then asked Gillian if there was anything else to mention and turned the meeting over to Bob Fri.

Bob welcomed everyone to the NMNH and the new East Court building. He also thought that repatriation was progressing well. He noted that the Ishi case demonstrated that following the NMNH's policies and the law proved that the process was effective. He thought that Stuart had done a good job consulting in California to find culturally affiliated tribes. Beyond repatriation, Bob noted that Secretary Heyman would be resigning. He thought that this was of interest to the Repatriation Review Committee (RRC) because the RRC was responsible for advising the Secretary. Bob mention that the Board of Regents would appoint a new Secretary at its September meeting. Bob had noticed that the NMNH's relationship with the NMAI was developing well, particularly Bob's relationship with Rick West. Rick had been helpful in raising funds to complete the Handbook of American Indians and had participated in the removal of the Cheyenne buffalo skull from exhibit at the NMNH. Bob thought the NMAI's main priority was to build its museum, which had been difficult because of its controversial design. Turning to exhibits, Bob mentioned the new Ainu exhibit and the Aleut exhibit cases. Bob said that both were designed based on a new format for cultural anthropology exhibits, which included input from the affiliated communities. A large delegation from Alaska visited the NMNH for the opening of the Aleut cases. Bob noted that many prominent people, including Aleut dignitaries, three U.S. senators, and the Metropolitan Archbishop of the Russian Orthodox Church attended the event. Bob thought that it was a very positive experience. He also noted that the NMNH planned to move in this direction with future exhibits. He noted that he would be available if the RRC had any specific issues that it wanted to bring to his attention. Bob then turned the meeting over to Carolyn Rose.

Carolyn Rose began by welcoming everyone. She raised the issue of the reorganization of the Repatriation Office (RO). She said that the Anthropology Department was in the process of converting the repatriation term positions into permanent positions. The paperwork for this process had been completed and the positions would be advertised soon.

Russell asked which positions would specifically be advertised.

Carolyn answered that the case officer and technician positions, the RRC coordinator position, and the program manager position would be advertised. She noted that the positions would cover the same activities, but the department was also trying to more fully integrate the RO positions into the department. It wanted to expand the outreach responsibilities of the positions to strengthen relationships with the Native American community. She said that these were key components in these new positions that would help increase cooperative efforts.

The RRC was pleased to hear this.

Carolyn thought that the RO needed to look more to the long term. She then discussed the grant for the National Anthropological Archives (NAA) from the Save America's Treasures Program. This grant would cover the rehousing, stabilization, and digitization of artwork.

Russell asked Carolyn to clarify the material to which she was referring.

Carolyn said that the artwork included about 20,000 Native American drawings, held at the NAA. Carolyn also mentioned that the NAA was trying to get matching funds from other sources. The Getty Trust has shown an interest in funding the project.

Bob also clarified that the Save America's Treasures program had determined that there were three treasures at the SI: the Star Spangled Banner, the Apollo space capsule, and the Native American drawings.

Carolyn noted that the Getty Trust funded the Getty Museum, the Getty Conservation Institute, and the Getty Grants Program. Carolyn said that the NAA had applied to the Getty Grants Program for funding.

Russell mentioned that the Getty Museum was interested in building relationships with UCLA. He said that three joint positions had been created. Two were in the Chemistry Department and one was in the Anthropology Department, related to indigenous perspectives on sacred objects and places.

- Carolyn thought that was very important from a conservation perspective. She noted how the department had been investigating different ways in which objects were conserved and what the goals of conservation were. She then thanked the RRC for its support of the Collections Management rehousing project. She thought that mutual goals for the collections could be addressed through these types of cooperative projects.
 - Roger Anyon revisited the RO reorganization topic. He expressed that there was a crucial need to maintain current staff in the RO so that the pace of repatriation would not be affected. Roger was concerned about losing staff that have skill and expertise in the SI's repatriation issues. He thought that the process to advertise the positions should be expedited so that the current RO staff could apply.

Carolyn agreed.

Russell asked if the RO would be creating new positions or hiring more staff.

Carolyn answered that this was tied to funding, but the department would investigate it.

Russell mentioned that the RRC had discussed the possibility of an Indian outreach liaison.

Carolyn thought that distributing outreach duties among each of the case officer positions would increase the RO's effectiveness in outreach.

Russell noted that the current case officers have worked well with the Native communities.

Carolyn thought that it was important to make outreach a part of the case officers' responsibilities.

Ronald Little Owl said that he agreed with Roger. He also requested clarification on application for the permanent positions.

Russell clarified that the current RO staff were working in temporary positions and the department was working to make them permanent positions.

Lynne Goldstein commented on how much more responsive the NMNH had been to issues that the RRC had raised since Bob Fri has been in office. She thanked Bob for this.

Bob appreciated Lynne's thanks. He said that he just followed the RRC's charter, which stated that the RRC would advise the Secretary though the Director of the NMNH. Bob also noted that Gillian could report directly to him when necessary and this improved lines of communication.

Carolyn commented on how Bob had been very supportive and responsive.

Bob Fri left.

Gillian reviewed the contents of the RRC's packets. She said that the packets contained an agenda, an actions list, a summary memo from Karen Mudar because she would not be attending the meeting, a summary of reports reviewed, a list of total repatriations, a budget, a revised RRC address list, draft minutes from the May 1998 meeting, draft minutes from the November 1998 meeting, revised RRC biographies, travel vouchers, and contracts.

Russell adjourned the meeting for a five-minute break.

Lauryn Grant and Tom Killion entered.

II. Repatriation Office Issues

Lauryn Grant, Tom Killion, Carolyn Rose, and Ruth Selig attended this session.

Russell resumed the meeting and welcomed Lauryn and Tom. He introduced Tom's presentation by mentioning the trip to Sacramento, CA regarding Ishi. Russell also commended Tom on his presentation in Sacramento.

Tom said that he was pleased to attend the meeting. He began by reviewing the budget. He said that the RO has received about one million dollars per year and more than eighty percent of that was spent on salary and benefits. There remained about \$20,000 for projects and office needs, plus roll-over amounts of about \$150,000. This fixed budget has affected the conversion of RO staff to permanent positions. Because of natural increases in salaries, benefits, and promotions,

the NMNH had to either acquire more money for the RO or to reduce the size of the staff. Regarding the recruitment of permanent staff, Tom anticipated the announcements of positions to appear within the next few months. Tom also noted that the Anthropology Department had been very supportive in the process and he thanked Dennis and Carolyn. Tom thought that the department, in its support, had acknowledged a permanent need for the outreach, collections management, and research of repatriation-related work. Tom then turned to the RO move to its new space. He noted that it took longer than estimated and disrupted the office for three or four weeks. The move cost approximately \$30,000-\$35,000 and the RO received a lot of support from building management. Tom said that all staff helped with the move and Bill Billeck and Paula Molloy especially shouldered much of the responsibility. Tom thought that the new space was much better because the staff was happier and more productive. Turning to the annual report, Tom said it would be completed by the RO by September 1, 1999. He wanted to synchronize it with the fiscal year, because he thought it would be better if done after the yearly appraisals. Regarding case work, Tom said that there had been a lot of activity with the request and return of Ishi's brain. Tom discussed the case and said that the RO has offered to return Ishi's brain to two groups - Redding Rancheria and the Pit River Tribe. Tom said that the case rested with the tribes now and they would proceed at their own pace. He thought that it would take them a little while to work through the process because repatriation was new to them. During the visit to California, Tom said that he and Stuart discussed Ishi with over forty-seven people. He said that the tribes invited the Butte County Native American Cultural Commission to participate in the repatriation process. Tom circulated and discussed an image of Ishi by Frank Day, a Maidu artist. Tom commented on the amazing level of media and political hype around the case and noted the differing perspectives and messages that resulted in the press. Tom noted that three realizations or agreements resulted from the meeting with the Butte County Native American Cultural Commission. The first was that the return needed to take place. The second was that the return would take place within two months. The third agreement was that the RO needed to consult more broadly with other groups that may have a closer relationship to Ishi. Tom noted the different messages that resulted in newspaper headlines.

Lynne noted that the person who wrote the headline was often different from the reporter who wrote the article.

Tom thought that was interesting. He said that the RO would post the Ishi report and information on its web site so that the public could get the SI's perspective.

Russell asked where the case stood at this point.

Tom said that Stuart Speaker has been contacting the tribes once a week to check in.

Russell asked if the announcement of repatriation would be advertised in the local newspapers.

Tom answered that the RO would follow standard procedure.

Russell said that he was asked if the SI could just deaccession Ishi. He had explained that this could be done before the legislation was established, however now the RO must follow the legislation.

Lauryn thought that the legislation worked to the advantage of the SI, even though the SI suffered scrutiny. If the SI had fallen victim to the media, Ishi might have been returned to the most vocal group rather than to the most closely related people.

Lynne thought that the SI needed better media relations staff and needed to be more proactive. She gave the example of how Harvard received such good publicity in their repatriation.

Lauryn suggested that the RRC meet with the media person at the NMNH. She thought that the publicity was the result of the nature of the SI and its relationship with the media.

Tom agreed with Lauryn's point and noted that there was an inevitable amount of political pressure surrounding the case. He also mentioned that representatives from other tribes supported the SI's decision to return Ishi to the most closely related group rather than the first group to request repatriation.

Lynne thought that the way in which the case was presented to the public by the media was very poor.

Regarding media portrayal, Russell thought Berkley received wonderful press even though it had actually been dragging its feet.

Lauryn conceded that media coverage has been a recurring problem for the SI with regards to repatriation.

Ron discussed the return of the brain of a young Cheyenne River Sioux person. He said that Sebastian LeBeau was involved in the return. A two-day ceremony was to be performed. The Lakota people were afraid to perform the ceremony so LeBeau asked Ron if he would and Ron agreed. The brain had been in solution, so Ron needed to collect roots and plants to protect him while he handled it. This was a problem for the family because they had been Christianized and were not traditional spiritual people. Ron said that the Christian family agreed to the burial, but did not attend. Another spiritual person ended up performing the ceremony. Ron then discussed the turmoil over repatriation in the Indian community. Upon listening to the elders, Ron said that he disagreed with the SI's practices in repatriation. Ron said that the elders thought that Indian remains should have been left alone in the first place. The elders get the younger people involved and upset and turmoil builds. Ron advised that people involved in repatriation should be cautious. Ron thought that Ishi was a very spiritual person. He then discussed Wowoka, an Indian spiritual leader who was raised in the non-Indian world, but returned to fulfill the Paiute mythology to become the Messiah. Ron suggested that the Indian people of California ask if Ishi's brain would be brought back in solution and if it should be kept in solution. He thought that tribes have

wanted remains to be returned, but have feared that the remains might have lost some spirituality or have a negative affect on present-day people.

Tom did not think that the California tribes were afraid. He said that the RO would consult with the tribes and advise them about how to prepare the brain for reburial. Tom thought that Stuart had developed a good relationship with these tribes. Tom acknowledged that the case had received some bad publicity, but felt that it was proceeding well. Tom thought that once the SI said that it would return Ishi, the press and politicians relinquished because there was no longer an SI-spin on the story. Tom also noted that Reba Fuller of the Me-Wuk supported the way that the SI was handling the case.

Russell got the impression that the SI did not want to make a big deal about this repatriation, because it might be embarrassed. He suggested that an article be written in the SI magazine, explaining the story.

Ruth Selig entered and Russell welcomed her.

Tom added that Stuart would like to put together an article, in consultation with the tribes, on the history of Ishi and his people to be distributed to California grade school students through *AnthroNotes*. Tom said that Stuart would discuss it further during his presentation.

Ruth said that California schools teach Native American history in fourth grade.

Tom continued, saying that Stuart had encountered many non-federally recognized tribes in California. Although these tribes may not be recognized by the federal government, Tom thought that they played a strong role in the Native American community. He noted that remains associated with these tribes were considered unaffiliated under the law. Tom said that it has not been an issue yet, because there have not been many requests from non-federally recognized groups. He thought that it would become a problem in the future in California and also in the northeast. Tom noted that it would be an issue that the RO would have to work through. Currently, the RO was taking a case-by-case approach.

Russell concurred that non-federal recognition was a big issue among California tribes. He mentioned that some of groups have used repatriation issues to establish their claims for federal recognition. Russell said that one of the criteria for recognition was cultural continuity over time. He gave the example of the Chumash Indians who have been exploring the use of DNA studies to establish physical continuity over time in order to make their case for federal recognition.

Andrea Hunter pointed out that at the NAGPRA meeting in Oklahoma, the majority of Indian people who commented at the meeting did not want non-federally recognized groups to be considered under repatriation laws.

Lynne added that the tribes in the Southeast felt particularly strong about that.

Returning to the press issue, Roger thought that SI Public Relations should emphasize the positive accomplishments of the RO when dealing with the press. Roger agreed that following procedures was critical and that the RO had done the right thing. He thought the RO had avoided getting the SI into the disaster that the NPS has gotten into with Chaco Canyon and Aztec Monument.

Russell brought up Minick's remains and asked if there were any other controversial issues.

Gillian thought that there may be some unaffiliated brains.

Tom was not sure about that.

Lynne asked if any named individuals remained in the collections and what should be done about them.

Tom answered yes and said that the information regarding neuro-anatomical remains was available and had been sent to the tribes. He continued, saying that the Apache have been aware of their skeletal named individual remains for five years and have been working through their process.

Lauryn thought that the tribes and families of named individuals had been notified fifteen years ago. She said that that was the first repatriation related work she conducted, along with Adrienne Kaeppler.

Lynne wanted to know if all named individuals had been repatriated.

Tom noted that the neuro-anatomical remains were not included in Lauryn's work. Tom said that he would look into this issue and get back to the RRC to ensure that all the tribes/families have been notified.

Russell suggested that the RO look into it and suggested that the RO try to troubleshoot any controversial issue. Russell said that if he had known that Ishi's brain was at the SI, he could have predicted that it would be a controversial issue. He thought the same controversy would arise over Minick's remains.

Lynne asked if the RRC could get a listing of all named individual remains and their status (i.e. have been returned or notification letter had been sent to the tribe or family).

Tom said that he would look into it. He thought that everything had been reported in the inventories and possibly the names could be sorted into a list.

Russell asked if the brains appeared on the inventories.

Tom answered no and said it was an oversight. However, now everything has been reported.

Lauryn suggested that the RRC invite Randall Kremer from the NMNH's public relations office to the next meeting.

The RRC thought that was a good idea.

The meeting resumed after a short break and Tom continued by discussing outreach. He said that he attended some sessions of the NAGPRA meeting in Silver Spring and listened carefully to the Hopi and Chaco Canyon issue because the SI has 117 remains from Chaco. He was interested in how the NAGPRA Committee dealt with the issue. He then turned to consultations and said he would attend the Spotted Skunk Symposium and visit the Cheyenne and Arapaho tribes of Oklahoma regarding a buffalo skull taken from a Sun Dance altar in 1903. Tom said that initially the RO wanted to take the skull to Oklahoma so that the elders could examine it. However, it was decided in consultation with tribal representatives and conservators that the skull was too fragile to travel, so the RO would bring pictures of it instead. The buffalo skull had been removed from exhibit, but Tom did not know if it would result in repatriation. Tom said that Chuck would discuss it further. Tom noted that he would also consult with the Cheyenne about the proposed exhibition of funerary objects. Tom then asked if the RRC would accept a proposal to fund airfare for the RO staff for the trip to Alaska, in conjunction with the RRC's trip. He said that the RO had been in operation for seven to eight years, but most staff have been based in Washington, DC. Tom thought that the experience gained in traveling to discuss repatriation issues with tribes in their own communities would be very beneficial. Tom wanted the RO staff to attend the *RRC's outreach meeting in Alaska to experience repatriation in the context of a Native community meeting. He asked that the RRC cover airfare expenses for the entire RO and the RO would cover the remaining expenses. Tom thought it would be beneficial to combine outreach activities and he thought he would keep the senior staff there for an extra few days for a retreat.

Russell asked how many people would be involved.

Tom thought about twenty and added that he would understand if the RRC declined.

Russell said that the RRC had not totally decided on what it wanted to do. He did not know if Tom's proposal would interfere with whatever the RRC would plan. He thought that the RRC was planning to meet with a relatively small amount of people from the Native community. Russell also thought that a retreat was a good idea and asked if the RRC could possibly participate for part of the time. He also thought that it was a good idea to bring the entire staff to experience repatriation in the Native community, but the issue was if it would work in this particular instance.

Lynne commented that it was always reasonable for the RO or Tom to make a proposal.

Richard thought that Tom's proposal would be beneficial. He thought that the more people from

the SI that attended, the better it would be for Alaska Natives' perception of the SI. It would probably expand the meeting. He suggested that the RRC and the RO let the Alaska Natives know what would be involved.

Russell said that the RRC would discuss it and get back to Tom tomorrow.

Ruth asked why the RO chose Alaska as opposed to a different location.

Tom answered that it would be tough to pinpoint the optimum place, but the RO was trying to capitalize on the RRC's proposed meeting/conference in Alaska.

Gillian added that the RRC was planning a meeting in Alaska out of consideration for Richard because he has had to travel so far for all the Washington, DC meetings. She also noted that the RRC had done workshops in other areas, but not yet in Alaska. Gillian further mentioned that the extensive Alaskan collections and the brain cases in Alaska also influenced the decision.

Russell thought it would also be a nice follow-up to the video-teleconferencing project.

III. Update on Repatriation Cases

Bill Billeck, Lauryn Grant, Tom Killion, Paula Molloy, Steve Ousley, Carolyn Rose, Ruth Selig, Chuck Smythe, and Stuart Speaker attended this session.

A. Chuck Smythe

Russell introduced Chuck's presentation by raising the Kiowa war shield case. He said that there were two versions of the report and the RO had made the decision not to repatriate.

Chuck began by mentioning that he had almost completed putting the summaries on CD-rom and then discussed the Kiowa (Big Bow) war shield. To begin, Chuck gave background information. He said that the case was a lineal descendant request for the shield as a sacred object. Chuck had reviewed the definition in the law and felt that the object did not fit the definition. Chuck determined that the principle use of the shield was to provide protection during warfare. It was used in a ceremony, however, not the type of ceremony that the claimant was requesting it for. Reviewing the history of the shield in the accession record, Chuck determined that the SI had the right of possession. The former owner of the shield felt that it should have been given away, because the power of the shield had turned against him. The former owner had been directed by a medicine man to give away the shield. Chuck noted that the May 14th draft included the new information on the transfer of the shield. Chuck mentioned that Lauryn had requested a Repatriation Advisory Committee Meeting about the case, because she thought that a narrow interpretation of the law might have been taken. There, it was determined that a proper interpretation was taken and it was recommended that more documentation was needed to clarify the SI's right of possession. There was also a unanimous decision not to repatriate the shield.

Chuck concluded his presentation of this case by noting that he and Lauryn were developing a cover memorandum to notify the Provost and Bob Fri about the possibility that the decision might be challenged.

Russell asked if the claimant had been informed of the RRC's role.

Chuck answered that the claimant had not yet been informed of the RO's decision, but he would be notified about the RRC's role when he received the decision.

Lynne asked if the claimant understood the details of the transfer.

Chuck thought that the claimant seemed to understand, but he kept returning to his original story that Big Bow would never have given up the shield. Chuck referred to a similar case with the Hearst Museum, where it also made the decision not to repatriate. In that case, the NAGPRA Committee did not issue a finding but requested more information from the tribe. Chuck said that he had written documentation regarding this case.

Russell asked if there were any analogous situations at the NMAI.

Chuck did not know if the NMAI had returned any shields.

Lauryn and Ruth thought there were some issues concerning sacred objects, but nothing too similar to this case. Lauryn suggested asking Bruce Bernstein.

Lynne noted that in this case, an individual was claiming the object to be sacred, rather than the tribe.

Ruth noted that the claimant was asking for its return for use in an individual ceremony, rather than a communal ceremony.

Ron said that he had written a definition of sacred objects, upon request from Pemina Yellow Bird. He clarified that this was his own interpretation and he read what he had written. *Please see attached copy of definition*. Ron thought Big Bow was an important, spiritual person. Ron continued, saying that Big Bow's crafting of the shield was an act for his people. Ron further thought that the shield belonged to the tribe as a whole, rather than an individual.

Christy thought that according to what Ron had said an individual could not claim the object, but rather only a tribe could.

Chuck noted that Big Bow was the third carrier of the shield. Traditionally, shields were held under individual ownership. However, changes have occurred within tribes about how they view ownership of shields.

Lauryn mentioned that, regarding the Hearst Museum case, the NAGPRA Committee did not cover the issue of right of possession because it determined that the shield was not a sacred object.

Chuck added that for the NAGPRA case, the tribe had written a letter of support.

There was some discussion about whether lineal descendants could claim so under the law. Gillian and Chuck referred to the section in the law that stated that lineal descendants could make a claim for sacred objects.

Lauryn thought that there could be sacred objects that were owned and requested by an individual, but only communal property could be requested by a tribe. Theoretically, a lineal descendant could make a claim for a sacred object.

Chuck thought that could be done, as long as an individual was named to trace descent.

Lauryn and Carolyn left.

Chuck continued by discussing the Prince William Sound (Chugach masks) report. He reviewed that case. Seven masks were requested as funerary objects, but there was no clear provenience for them. He thought it became a question of a preponderance of evidence. Chuck concluded that it was more likely than not that the objects were funerary.

Ruth, Russell, and Lynne thought that the report was well argued.

Chuck continued, saying that he had informed the Chugach Alaska Corporation and a return could possibly take place in August. He had been working with John Johnson on the case and had asked Johnson if he was interested in C-14 dating for the masks. According to Chuck, Johnson said that he was very interested in this.

Christy asked if there was any indication that the masks had been repainted or reused. He noted that there were instances in the Aleutian Islands of that happening. Christy suggested that the RO take an inner sample of the masks, because there could be vast differences between the dates from the surface and those from the core.

Chuck said that William Dahl thought that they had possibly been retouched for sale. Chuck noted that the dating would only inform about the age of the wood, rather than the age of the mask. He thought that they would take core samples.

This portion of the minutes will be transcribed verbatim.

Chuck: Yes, on the ongoing cases, the Ontonagon boulder.

Lynne: Ah, that's my favorite case.

Chuck: Nothing's really changed, I don't think, since I last spoke with you. We consulted with them last summer. I think you guys funded a visit by a religious leader. Then, they indicated, in November, they contacted me by email, and I responded with a letter, indicated they were still interested in pursuing the case and were still in the process of compiling information in response to our questions.

Russell: Nothing since?

Chuck: Nothing since.

Russell: O.K.

Chuck: Which raises kind of an interesting question of how long do we kind of keep this open.

Lynne: There is no time limit.

Russell: Yeah, you gotta keep it open.

Lynne: There is no time limit. It's always open. I mean, not that you have to worry about it.

Chuck: That's my interpretation.

Tom: You wonder sometimes if, you know, this object was like one of the most popular objects in the museum and was always on exhibit and how long do you have to wait before you put it on exhibit again.

Lynne: And given that it was always outside and on exhibit, too, is it a bad thing to have it on exhibit?

Chuck and Tom: Right.

Roger: I think you should just have when the weight of the paperwork is greater than...

Everybody: (laughing) than the boulder.

Lynne: Well, now that I'm a resident of the state of Michigan, I feel I have a stake in this.

Chuck: You're one of those Michiganders.

Lynne: That's right, like I have a stake in this now.

End of verbatim transcription.

Regarding pending requests, Chuck said that there were two requests. Both were for bundles from the Blackfeet and Blood tribes. One was a lineal descendant request for the Wallace Nightgun bundle that was purchased by Jack Ewers from a family member after Nightgun's death. Regarding this request, Chuck said that the SI had a bill-of-sale for the object and the tribe did not support the lineal descendant. Chuck wanted to travel to consult with both the tribe and the claimant.

Lynne asked if the tribe had corresponded directly on this issue.

Chuck said that he had spoken with the tribe over the telephone, but had not corresponded in writing.

Lynne asked if Chuck determined that the bundle should not go to Nightgun.

Chuck said that was correct.

Chuck continued, discussing the second request from the Siksika Nation (Canada) regarding a beaver bundle and pipe. Chuck said that the tribe was using the U.S. Blackfeet Nation as a conduit and he was waiting for a letter from them. There was also an unofficial request from the Blood Tribe for three Motoki Society headdresses. Chuck said that there was a letter from the Blackfeet, but no request. The items had been acquired from the Denver Art Museum and Jack Ewers had researched their acquisition in detail. The owners had died without transferring them and the surviving family members had wanted to dispose of them. Chuck noted that now, however, the tribes wanted to reacquire them. Chuck also mentioned that he wrote a suggestion for the repatriation guidelines regarding lineal descendant cases since there had been so many requests from them.

Roger suggested that Chuck should state the definitions of the law more clearly in his reports. He suggested that Chuck quote them.

Chuck then turned to consultations. In February, he had met with the Crow Creek Sioux. In March, he had met with the Aleuts and discussed repatriation. They also toured the MSC, discussed exhibitions, viewed the Aleut mummies, and performed computer-aided tomography (CAT) scans on them. Chuck noted that the Aleuts were very interested in this technique and what they could learn from it. Chuck also mentioned that he met with people from the Nambe Pueblo and the Hoopa of California. He said that the Hoopa were very interested in ceremonial objects and thought the tribe might request twenty to thirty objects. Chuck also mentioned that the following week he was going to attend the Spotted Skunk Symposium to discuss the Sun Dance. He said he would record information about the Sun Dance from the elders. Chuck closed, noting that he and Tom would take photographs of the buffalo skull to the symposium rather that the object, because of its fragile state.

Russell thanked Chuck.

Ron asked Chuck with whom he consulted from the Crow Creek.

Chuck answered that he would have to get back to Ron on that. (Chuck has since reported that he met with Mr. Torin Crowe-Cultural Resources and Dr. Wells and his wife Wanda - tribal planner and grant writer).

The meeting broke for lunch.

B. Stuart Speaker

Russell resumed the meeting by directing the Committee to Karen Mudar's memo. He then introduced Stuart Speaker's presentation.

Stuart began with an update on the Ishi case. First, he reviewed the facts about the acquisition of Ishi's brain, which came to the NMNH in 1917. According to Stuart, it had long been known that an autopsy was conducted on Ishi and his brain had been removed. It had been published in an article titled "The Medical History of Ishi" and also mentioned in Theodore Kroeber's biography, published in 1961. Stuart also noted that many staff members at the University of California had known that Ishi's remains had been sent to the NMNH. About three or four years ago, there became a renewed interest in Ishi, but by that time no one could recall the history of Ishi's remains being sent to the NMNH. An internal review was conducted at Berkley and it was determined that Ishi's entire body was cremated. Nancy Rockerfellar of the University of California-San Francisco continued an investigation and discovered a letter by Kroeber about the whereabouts of Ishi's brain. Orin Starn at Duke University became interested and involved. He came to the SI to verify the location of the brain and then notified a Maidu group called the Butte County Native American Cultural Committee. The Maidu also came to the SI to view the brain and to pursue its repatriation. Stuart gave an overview of the RO's consultations with the Maidu. The RO began to discuss the case with the Maidu, but also notified the Pit River Tribe and Redding Rancheria. Upon meeting with Pit River and Redding Rancheria representatives, Stuart verified that some of their members were descended from the Yana, Ishi's tribe. The SI had always wanted to repatriate the brain. Stuart did not think that this fact was conveyed in media interpretations or press accounts. By that time, California politicians had scheduled hearings regarding Ishi, From the RO, Stuart and Tom attended the hearings and Russell and Tom testified at them. Stuart noted that many California tribes felt a strong association with Ishi and wanted to pursue repatriation. The Butte County Cultural Committee made an official request for Ishi's remains on behalf of all Native Californians, because it did not feel that Ishi could be affiliated with any present-day tribe. The RO then started the claim process and issued a report incorporating an oral history, a history of Ishi, linguistic evidence, and a geneology. The report recommended that Ishi's brain be repatriated jointly to Redding Rancheria and Pit River Tribe. Stuart also noted that Robert Martin claimed to be descended from Ishi's sister. He said that that could not be proven because the RO did not have any information on Ishi's own family. Stuart further clarified that

Martin did not make a formal request. Stuart said that the RO contacted the tribes following the approval of the report from the Provost's Office. He said that he also let politicians and other interested people know about the recommendation. According to Stuart, the tribes were pleased with the recommendation. The Pit River Tribe and Redding Rancheria contacted the Maidu and invited them to work together to bury Ishi's remains. They were discussing where the remains would be buried and whom would be involved. They hoped to bury Ishi's ashes, his brain, and his personal effects, which were in the Phoebe Hearst Museum. The tribes had asked the Attorney General of California to request the release of Ishi's ashes and had also asked the Hearst Museum for Ishi's effects. Stuart did not know when the burial would happen.

Russell asked if the request included Ishi's death mask.

Stuart did not know, but said that the mask was at the Hearst Museum.

Russell said he had been discussing the case with Bob Fri who thought that the repatriation of Ishi's ashes had gone forward. Russell then asked Stuart if the groups had a time frame in mind for Ishi's burial.

Stuart answered that he had just called that day and the groups did not know or have any new information.

Russell then commented that Bob had also thought that the tribes wanted to minimize the ceremony.

Stuart did not know how it would work out. He noted that the Maidu had wanted a public ceremony and a public memorial. The Redding Rancheria, who had taken the lead on the repatriation, thought that the ceremony should be private with an unmarked grave. Stuart said that the RO would support the representatives' decision. He thought they wanted to come to the SI for repatriation, but the RO also offered to take Ishi's brain to them.

Russell asked where Ishi's brain was now.

Stuart answered that it was at the MSC.

Russell thought that the RRC might want to go to see where it was housed.

Stuart commented that some thought that although some had criticized the SI for its handling of this case, Redding Rancheria and the Pit River Tribe felt that the SI handled it correctly. Stuart said that he had discussed a broad range of repatriation issues with many tribes and saw it as a great opportunity to meet with people to let them know about the efforts and intentions of the SI with regard to repatriation. He met with over thirty California tribal representatives. He noted that he also notified the Maidu that the SI had Maidu remains. Reports, inventories, summaries, and guidelines were distributed to a number of groups. Stuart thought this had been a positive

initial consultation with these California groups. Furthermore, Stuart discovered a difference between how the Yana viewed Yana history and how the general public viewed it. Stuart wanted to address the general public's misconception that Ishi was the sole survivor of his tribe. Stuart wanted to convey to the general public that although the Yana have had a tragic history, descendants have survived. He thought he could take the opportunity to talk with Yana elders and create an educational tool to clarify the Yana's history. He wanted to use outreach publications to let Yana history be more widely known. Stuart said that he was looking into a grant to develop this tool. He also thought he could use *AnthroNotes* as one of the publications and have it widely distributed in California, specifically oriented toward schools. Stuart had discussed it with people in California and they seemed interested in it.

Russell mentioned the Jed Riffe film on Ishi.

Lynne commented that Stuart had done a great job with the case. She thought it was interesting that the SI has been pressured to do a lot of outreach, but the Hearst Museum, where Ishi lived, has remained unscathed.

Stuart noted that the Hearst Museum had invited the Native American community to comment on the museum's role in Ishi's life and the repatriation matter.

Lynne suggested that the SI coordinate its outreach with the Hearst Museum to produce the Yana history. She thought that this would demonstrate that the SI has not separated itself from the rest of the world.

Stuart thought that this was a good idea.

Russell asked where the Kroeber notes and papers were held.

Stuart said they were on microfilm at Berkley. Apparently, Kroeber did not work as much with Ishi as reported. Rather, Waterman and Sapir worked more closely with Ishi, especially studying his language. Stuart then turned to other matters. Regarding the Tlingit request, he had meet with a delegation of elders at the NMAI in New York. He thought it was very helpful. He said that he was working through catalog and accession records to determine cultural affiliation on Chuck's Northwest Coast documentation project. Stuart said that he has also continued to distribute the inventories. Paper copies of the inventories for the RRC were being prepared. He concluded by noting that there were many non-federally recognized tribes in California with which the SI would be working. He thought that the SI needed to develop a policy for working with them. He suggested looking to see how other museums handled that issue.

C. Bill Billeck

Russell thanked Stuart and turned to Bill Billeck's presentation.

Bill Billeck began his presentation by stating that the report for the Brule Sioux had been completed. He said that the report included the Rosebud and Lower Brule Sioux Tribes. Bill thought that the Rosebud were interested in receiving the remains in the summer of 1999, but the Lower Brule were still examining the report. Bill noted that both tribes needed to decide and agree upon arrangements for the reburial.

Russell asked Bill if he could give him the name of his contact at Rosebud, because the University of California-Irvine wanted to return Winter Counts to the tribe.

Bill said that he would have to look it up. He continued, stating that Stephanie Makseyn-Kelley went to the Oglala reburial this past winter and that the report for this repatriation was on the web site. He also said that Stephanie was working on the Sioux Nation report. This report would encompass general Sioux remains, whose records were labeled "Sioux." Bill thought this included about thirty sets of remains. Bill then turned to his own work on the Arikara case. He said that the RO lab had almost completed its work, but he was in the process of comparing descriptions of the remains with the records to make sure that remains had not been counted twice. He thought this might be a problem because many graves contained multiple individuals. Bill said that this work was time consuming and detailed. He noted that the Sully site has approximately 600 sets of remains. Other problems arose because many remains could not be associated with specific individuals. Bill said that he had examined and written reports for approximately forty sites so far. He was drafting a cultural overview and introduction to the report, which would be ready for review in about two months. Because it would be such a large report, Bill was not sure how long the review would take. He has tried to make the report as clear as possible. Bill noted that the descriptions would not be very detailed because of the vast amount of material.

Lynne asked more specifically about how detailed the descriptions would be.

Bill clarified that he would just be naming the objects and remains in the report, but more information could be found in the database.

Lynne suggested that Bill make that clear in the report.

Bill then turned to the Gros Ventre case, which encompassed seven sets of remains. Bill described them as historic and not easily affiliated. Bill said that Paula Molloy had affiliated the remains with either the Gros Ventre or the Crow. In consultation, the Crow determined that the Gros Ventre should accept the remains. Bill said that they were now proceeding with the details.

Gillian clarified that this was the second repatriation grant for which Bill had already requested funding.

Bill answered yes. He added that a date had not yet been set. He noted that the tribe was also interested in the return of a scalp, attached to a bundle, held by George Horsecapture, Jr. Bill said

that he was waiting to hear from Horsecapture about whether he wanted to consider the scalp as a sacred object or as human remains. The scalp was not Gros Ventre.

Ron asked Bill if anyone had contacted him from the Arikara community.

Bill answered no.

Ron said that there was an organized group within the community interested in pursing the repatriation. The man that formerly performed reburials had died. This organized group consisted of all women. Ron mentioned that he had discussed the case with Pemina Yellow Bird.

Bill asked if Ron had any suggestions about what he should do next.

Ron said that he would try to get some contacts for Bill.

Bill then turned to an agreement with the Bureau of Reclamation that had been brought up by Tex Hall of the Three Affiliated Tribes at the Senate oversight hearings in April. Bill clarified that there was no transfer of remains from Reclamation to the SI, but rather there was an agreement to share information. Some remains that were excavated during the River Basin Surveys belonged to the SI and fell under the NMAI Act. Bill explained that the agreement said that the SI would cooperate with Reclamation to inform it about repatriations of River Basin Survey remains. Bill said that he had sent a copy of the agreement to Tex Hall and explained the nature of it. Bill also noted that Reclamation was experiencing some problems in repatriation. According to Bill, Reclamation did not know what land it used to control and what sites would be associated with that land. Reclamation also thought that it would not be in compliance with NAGPRA until the year 2007 or 2009.

Christy noted that Reclamation had been asking him about inventories as if it were merely beginning to comply with the law.

Bill thought that it was.

Ron said that the North Dakota Intertribal Reinterment Committee (NDIRC) had a memorandum of agreement with the Bureau of Reclamation to receive remains. Reclamation then said that it had transferred the remains to the SI. Ron clarified that Signe Snorthyn of Reclamation in North Dakota had given the NDIRC that information.

Bill said that he would like to discuss this with the Bureau of Reclamation.

Russell thought that this should be pursued.

Lynne did not know how much more could be done, since Bill had already sent a letter to Tex Hall.

Bill conceded that there was an overlap, but Reclamation did not know what land it was once responsible for.

Russell asked if the SI had the remains that the Arikara wanted.

Ron stated that about three years ago, the NDIRC held a meeting with the Bureau of Reclamation, which was supposed to be ready to repatriate the remains. According to Ron, the NDIRC went to Reclamation to receive the remains and Sidney Snorton said that they had all been transferred to the SI. Ron said that he would send the paperwork regarding the transaction to Bill.

Russell also recommended that.

Bill said that after the Arikara case was completed, the Wichita case would be the one outstanding request in the Plains. Bill said he would begin looking at the Oklahoma and Kansas remains from all time periods.

Roger asked if any requests had been submitted as a result of the inventories.

Bill did not think that he could trace any new requests or inquiries in the Plains to the inventories having been sent out.

Lynne asked if anything remained in the Plains that had not been requested.

Bill answered that the SI still held remains from five or six tribes.

Christy thought that the Steed-Kisker case had generated a lot interest in repatriation.

Bill also added that he was working with Jim Pepper Henry at the NMAI on the Kansa remains. He noted that the Kansa were not ready for repatriation and he thought that this might be the case for several other tribes.

D. Paula Molloy

Russell thanked Bill and introduced Paula Molloy.

Paula began by discussing new requests. She said that she had had a meeting on April 28th with the Abenaki who were interested in three sets of remains from New Hampshire and one set from Vermont. She had not yet received a formal request from them, but expected it soon. She noted that the tribe was only state-recognized, but she felt comfortable about working with them because the NAGPRA Committee had recommended repatriation to the Abenaki. Paula then turned to the request from the United Indians of Virginia, who represent seven of eight state-recognized (non-federally recognized) tribes from the state of Virginia. The tribes requested all

remains from the state of Virginia, which was in excess of seventeen hundred catalog numbers. Because of issues of cultural affiliation and federal standing. Paula noted that she was proceeding very carefully. She wanted to contact all tribes to ensure that they supported the claim and recognized the United Indians of Virginia's authority to act on their behalf. Paula also wanted to contact the state to investigate its relationship with the tribes. Paula then turned to reports in review. The Mohegan report, involving four funerary objects, was under curatorial review and the Columbia Plateau report of southeast Washington and northwest Oregon was in office review. The Columbia Plateau report covered human remains, associated funerary objects, and unassociated funerary objects. Turning to completed returns, named individuals Chief Egan and his brother-in-law Charlie were returned in April to the Paiute. They were killed in 1887 by Umatilla scouts during the Bannock Wars. According to Paula, the remains belonged to the Armed Forces Institute of Pathology (AFIP) and she worked with the AFIP to return the remains on its behalf. The family requested that the press cover the return and Paula thought there was a relatively favorable article in the Oregonian. Paula also attended the ceremony and thought that it was very interesting. Paula then turned to on-going projects. She said that Laurie Burgess had documented approximately four thousand objects from Columbia River, but she had not yet begun documenting the beads. Paula said that Laurie has been standardizing records and entering information into a database. This database was generally helpful, but has not been adequate for documenting beads. Because of this, they have been discussing possible adjustments to the database. The database had not yet been used by researchers.

Lynne asked Paula if she had consulted bead experts.

Paula answered that Deb Hull-Walski and Laurie were bead experts. Paula then mentioned that she would have an intern for the summer. The intern would conduct an object review of the Etowah site and put together an informational brochure for the Creek and Cherokee tribes. Paula concluded by noting that she had tentatively scheduled a repatriation of forty individuals to the Grand Ronde for July 12.

Bill mentioned that the database was used to describe all objects.

Lynne was a bit concerned and said she would like to see how useful it was.

Paula said that it had been altered over the years.

Lynne noted that the physical anthropologists had gone to great lengths to standardize documentation, but archeology has been more difficult to standardize because of its diversity. Lynne was concerned that the archeological documentation would not be as usable.

Paula suggested that the RRC members discuss the database with Laurie when they went out to the MSC.

Tom added that the physical curators had been much more involved in the development of the

physical database and documentation than the archeological curators had.

Lynne understood, but she just wanted to try and use it.

Carolyn discussed the museum-wide development of a new database and cataloging system. The museum wanted to be to merge or link this new database to other catalog systems.

Lynne wanted the recorded information to be useful.

Russell thanked Paula for her presentation and welcomed Steve Ousley.

E. Steve Ousley

Steve reported on the osteology lab. He began by distributing material (attached) and inviting the RRC to tour the new lab space. He said that the new data entry system was complete, but the lab was in the process of combining previous databases. The lab was also working on data retrieval. Steve noted that data entry was approximately forty percent faster and that it was a much more user friendly system. Steve reviewed points from his handout (see attached).

Roger was impressed with the improvements. He asked how the output has changed and how it affected the rate of completion.

Steve said that the new system had been completed in February. He thought that the lab was working fifty to one-hundred percent faster.

Roger then asked how long documentation of all remains would take.

Steve thought it would take at least five to ten years to document the North American remains. He cautioned that it was difficult to estimate time frames based upon catalog numbers. A cranium could be documented very quickly, while mandible lots were more complicated and took more time. Steve noted that each of these could be represented by one catalog number. Steve thought that there were roughly 10,000 catalog numbers left to document. In addition to documenting the remains, the lab has been trying to reunite remains to comprise individuals.

Lynne commended Steve on the useful presentation of his data.

Christy asked if Steve had he had received any requests for data.

Steve answered that he had received only one request from a paleoanthropologist. He wanted to wait and work out all of the kinks before the database was widely advertised.

Russell thanked Steve for his presentation and the RRC took a tour of the RO, the Ceremonial Room, and the Osteology lab.

IV. Update on the Rehousing Project

Deb Hull-Walski, Lynne Schneider, Chuck Smythe, Tom Killion, Betsy Bruemmer, and Carolyn Rose attended this session.

Deb introduced Lynne Schneider to the RRC. Deb said that Lynne S. and six volunteers were working on the rehousing of ethnographic items from northeastern and southeastern North America. She said that there were approximately 1600 objects in the southeast collection. When the move of collections from the NMNH to the MSC took place, objects were moved quickly because of time constraints. However, now Collections Management would like to rehouse the objects to make them more accessible. During the rehousing, issues of cultural sensitivity were being addressed. Lynne S. has been meeting with curators to get their input and Gillian has been consulting with tribes about the housing of sacred objects. After giving some background information on the project, she turned the presentation over to Lynne S.

Lynne Schneider began by thanking the RRC for allowing her to give a progress report. She also apologized in advance for possibly presenting culturally sensitive objects in the slides. She then turned to the slide presentation. First she showed a slide of a typical drawer. She explained that in her work she was trying to simplify the organization by putting objects that were all under one catalog number into their own container or box. She also noted how she was stabilizing objects and making them more accessible for research purposes. The funding for the supplies to accomplish this work came from a separate source. She noted that the material that stabilized the objects was comprised of inert substances. Lynne S. described some examples presented in her slides and distributed examples of stabilizing mounts and of the materials used in making these mounts.

Gillian asked Lynne S. and Deb how many visitor or researchers were Native American versus how many were not.

Deb said that there were a large number of Native American visitors and researchers and gave some examples. She said that there were potters, basket makers, and pipe artisans.

Gillian also added that this rehousing would facilitate ethnographic repatriation consultations. She said that when tribal representatives visit, they were interested in viewing the entire collection, not just a few sacred objects.

Deb noted that this project also allowed Collections Management to re-inventory the objects.

Lynne S. added that she has been able to re-associate objects that had the same catalog numbers and reconcile the records. They have also been assigning inventory bar codes.

Russell asked if space was an issue.

Lynne S. answered that it was not a problem in the Southeast, but may be in the Northeast. In her reorganization of the Southeast, she was trying to make space for the Northeast to expand into former Southeast space. Lynne S. also passed around examples of some of the mounts that she made. She noted that placing objects in closed boxes was a problem because visitors would sometimes treat these closed boxes more roughly and they were difficult to reassemble.

Carolyn Rose entered.

Deb thought that they would use closed boxes for sacred and sensitive items, because Native visitors might not want to view these items upon opening storage units.

Gillian added that these stabilizing materials and methods had been used when packing the Wounded Knee collection for deaccession. She thought that tribes could then use these same housing methods for cultural objects once they were returned to them.

Russell asked if Lynne S. custom-made these mounts.

She answered that she did. Then she discussed re-associating descriptive tags with their corresponding objects. She then turned to rehousing methods that would allow less handling and disruption of fragile objects.

Gillian noted that Lynne S. had been working part-time and thought that she had accomplished a lot in two and a half days per week.

Christy asked what the lifespan of the objects and material were.

Deb said that it depended on their composition and how the materials interacted.

Christy asked about the use of plastics and off-gassing.

Carolyn said that they were trying to achieve a lifespan of at least 400 years. She noted that this depends on a number of factors. She said they conducted research on the materials using accelerated aging techniques, and temperature and relative humidity changes.

Tom asked why not keep the storage area cooler to extend the life of objects.

Carolyn cautioned that they must be practical and take expense and human comfort into account. Carolyn gave an example that color photographs were very reactive and usually kept at cooler temperatures. She added that priorities were established for objects depending on their storage requirements.

The RRC thanked Deb and Lynne S. for their presentation.

Chuck, Betsy, Deb, and Lynne S. left.

The RRC decided that it would go out to the MSC at 1:00 pm on Friday to see the ceremonial space, to meet with Laurie Burgess to examine the database, and to view the area where Ishi was housed. The RRC members also decided to discuss the NMAI reports at its next meeting.

Carolyn and Tom left.

V. General Discussion

Gillian and Russell raised the issue of business cards. Gillian passed around a template with each member's information so that each could review it and make corrections. She then discussed the problem that had been occurring with the RRC payments being processed so slowly. She said that there have been problems in the Comptrollers Office and that its electronic database for tracking billing and payments was under investigation by the Inspector General. She reminded the RRC that the SI was exempt from the thirty-day payment rule. She also reminded members to submit airline ticket receipts. She said that she liked to wait until receipts were submitted before she turned in invoices. This was not only to ensure that receipts were received, but also because some receipts could only be reimbursed as business expenses on an invoice and not as a travel reimbursement. Gillian said that she would try to keep the process moving along.

Christy asked if travel reimbursements and honoraria were under one check. He thought they were, because he only remembered receiving one check within the past year.

Gillian said that she would check up on it, because that should not have been the case. Gillian added that RRC members should receive one small reimbursement check for a few hundred dollars and then one larger fee check. She noted that these checks came from different sources and she could check the accounting system.

Christy asked if his tax statement only covered honorarium.

Gill said he was correct and noted that it was difficult to reconcile them because the SI's tax year and the individual tax year were different.

Christy was concerned because he thought he was being taxed on money which he did not earn.

Russell asked Gillian to clarify the guidelines about how travel and the honorarium were billed.

Gillian said that they were billed per day on a twenty four hour day. She said that the SI-15 stated travel days and amounts. She explained that on first and last days of travel, travelers were allowed seventy five percent of the per diem rate.

Ron raised concerns about having to leave a deposit at the hotel.

Gillian said that she could not do anything about it. She was able to get around it at the Clarion Hampshire Hotel, but not at the Phoenix Park. She also noted that she had not been pleased with the service at the Phoenix Park. She said that she would call them and try to discuss it again.

Ron raised another concern and asked if it was possible for the SI to deduct taxes from his honorarium payments.

Gillian said that there was no mechanism for this because RRC members were considered independent contractors. She further noted that she used to be able to pay the honorarium on an SI-15, but that became a problem. She reminded RRC members to always call if they were not paid within thirty days, because the Comptrollers Office sometimes would lose invoices.

Russell noted that it was the frustrating nature of the U.S. government.

Christy asked if RRC members could submit their records to reconcile them with Gillian's records.

Gillian said sure, because she could print her's out rather quickly.

Russell raised the issue of asking Bob Fri if the RRC was due for a raise.

The RRC agreed to pursue it. Gillian said that she would let Bob know that Russell would be calling about this.

Andrea asked Gillian what receipts RRC members should submit after meetings.

Gillian answered all taxi receipts, airline receipts, and phone calls. She cautioned that phone calls were reimbursed on invoices, not travel. She also cautioned that RRC members would have to defend themselves if audited.

Christy asked what the meal prices were for Washington, DC.

Gillian said that it was a daily rate of \$46.00 for full days and \$34.50 for travel days.

Ron asked about mileage.

Gillian said that RRC members should tell her ahead of time, because she has used previous SI-15s as an estimate for what members usually request.

Lynne asked if a faxed receipt was acceptable.

Gillian said that it was. She reminded that RRC members should notify her about their possible parking or mileage fees ahead of time. She said that she has tried to anticipate expenses. Gillian

gave examples of changes she has made to estimates for RRC members' travel.

Ron asked what the government paid per mile.

Gillian answered that it fluctuates with the price of gasoline, but was currently \$0.31 and meals fluctuate with inflation.

Gail Yiotis entered and presented the RO's web site to the RRC.

The meeting adjourned for the day.

Friday, May 28, 1999 - 9:20 am

Christy Turner was absent.

I. In-Camera Session

This portion of the minutes is not circulated.

II. Visit to the Museum Support Center (MSC)

Carolyn Rose and Laurie Burgess attended this session.

Laurie Burgess presented various aspects of the RO archeology database. She described cataloging ceramics and how dating was determined.

Lynne asked if Laurie would be linking this database to the physical database.

Laurie said that she had done that.

Lynne thought that there should be a way to link the two databases to make them usable.

Laurie noted that in the site she was working on it was more difficult because there was no provenience.

Lynne understood and added that she meant it in a general sense.

Gillian also added that if items were cataloged together, then they might be able to be linked by the catalog number. Gillian thought Bill Billeck would know better, because he has used the database frequently.

Roger asked how the database fit into the RO's reporting process.

Laurie said that this database was a middle step in the reporting process. She said it would be used after remains and objects had been inventoried and identified and the tribes had been contacted. The database was used after a request or claim had been made.

Lynne asked to what database it was linked.

Laurie said that it linked with an identical master database for the RO.

Lynne asked if Laurie had been working with aspects of the database, other than data entry.

Laurie said that she had not yet.

Andrea asked if the database had the capability to sort and search in all fields, including the comment field.

Laurie said that a keyword search could not be done in the comment field.

Lynne thought that should be possible in the paradox database.

Laurie noted that she had only used the reporting function. She said that she was still learning Paradox's capabilities.

Roger asked if this information was provided to the tribes as part of a repatriation.

Laurie and Gillian did not know. (Paula Molloy has since reported that the database information is appended to all case reports that got to tribes).

Roger thought that the tribes should be able to have this record.

Gillian noted that Paula was writing a new report, which would incorporate information from this database, but that the information would not be presented in database format.

Roger thought that tribes might want to download these electronic databases. He added that the RRC should recommend that tribes receive this.

Laurie discussed sketchings makers' marks.

Lynne and Roger asked about adding digital images.

Laurie did not think that the version of Paradox with which she was working supported visual images.

Lynne, Roger, and Andrea discussed linking images.

Gillian noted that the SI was acquiring an institution-wide multimedia database, which would be available to the public. She added that it would support images and be available on the Web. Gillian also noted that Anthropology's data manager, Johanna Humphrey, was working with the RO to be sure that its data were incorporated.

The RRC thanked Laurie for showing them the database.

III. Tour of the NMAI's Cultural Resource Center (CRC)

Carolyn Rose and Bruce Bernstein attended this session.

Bruce began by introducing George Horsecapture and Jim Pepper Henry, who stayed only for introductions. The session continued with a tour of the building. Bruce noted that the building was designed to give visitors the feeling of accessibility and to break down myths that museum collections held secrets and were housed in attics. He added that the building was designed particularly with Native people in mind and it hoped to cater to their research needs. Bruce

reviewed how the building was architecturally conceived. He added that the design was not specific to one Native group, but tried to be generalized. He gave some examples. Bruce then discussed preservation of and access to collections. He noted that museum ideals and Native ideals about preservation could conflict. He thought that the CRC attempted to bring together these differing ideals. Bruce reviewed the move of the collection. Bruce continued with the tour, discussing various aspects of the design. He noted that there was an openness to the storage area. This was a result of Native input. Indian people did not want the collections to be isolated. Bruce noted that this was very different from the storage conditions in the NMAI's Bronx facility. He added that there was a section to separate sacred and sensitive objects. Bruce also said that each tribe's objects would be housed together, rather than housing similar types of objects together. He noted that Jim Pepper Henry had been consulting with tribes about how they wanted their collections organized. Bruce felt that the NMAI was in stewardship of the collections, but its obligations were to the communities. Bruce discussed the types of relationships the NMAI would have with tribes.

Richard asked if collections would fill the entire storage area.

Bruce thought they would.

Gillian thought that the RRC should ask for another tour, once the collections were moved.

Roger asked if the NMAI would move the collections by tribal affiliation or by object type.

Bruce said that it would depend upon the existing organization of the objects in New York.

Roger asked how this would impact collections being available for repatriation consultations.

Bruce answered that the NMAI was asking tribes who wanted to visit to send a letter and then give the museum three months to move the requested collections.

Gillian asked if the museum was already packing up in New York.

Bruce answered that they had been packing for about a year. He said there were a few objects already in the CRC.

Roger asked if any tribes had requested that archeological materials be stored along with their other materials.

Bruce answered not yet. Bruce thought that the term "archeological" was a non-Native construct and therefore Native people might not see a difference between archeological and non-archeological materials.

Roger agreed.

Bruce continued, stating that the museum did not want to have to move any human remains, but rather wanted to return them all before the move was finished. Bruce noted that the CRC was not designed or intended to have remains.

Roger asked how Native people felt about funerary objects.

Bruce said that they were being integrated with the remains and would be either returned with them or moved to the CRC with the remains. He added that they would be treated in a respectful way and separated from general access. Bruce continued with a tour of the ceremonial space. He described the room and access to it.

Gillian asked how the ventilation system worked.

Bruce said that the air vented to the outside. He clarified that it was a separate ventilation system. Bruce then turned to a tour of more private consultation rooms, which had computers. He added that all research staff would be based at the CRC and the museum on the Mall would have exhibit space and some administrative offices. He continued, stating that archives and photo service would also be based at the CRC. He noted how this was different from the MSC, which was mainly for collections and collections based staff. The tour ended.

The meeting was adjourned.

APPENDIX C

Minutes of Meeting on August 31, 1999

Final Repatriation Review Committee Meeting Minutes August 31, 1999 Juneau, Alaska - Goldbelt Hotel, Cedar Room Prepared by Katherine Ramey

Repatriation Review Committee Participants:

Roger Anyon, Richard Dalton, Sr., Lynne Goldstein, Andrea Hunter (Vice-chair), Ronald Little Owl, Russell Thornton (Chair), Christy Turner II

Smithsonian Staff Participants:

Gillian Flynn, Repatriation Review Committee Coordinator, NMNH Thomas Killion, Program Manager, Repatriation Office, NMNH Katherine Ramey, Assistant Repatriation Review Committee Coordinator, NMNH

Tuesday, August 31, 1999 - 9:30 am

I. Introductory Remarks

Russell Thornton opened the meeting and welcomed everyone. He thanked Richard Dalton, Gillian Flynn, and Katie Ramey for organizing the outreach conference and then said that the conference would be discussed later on in the meeting. Russell also mentioned that Carolyn Rose, Bob Fri, and Lauryn Grant were not able to attend the meeting due to scheduling conflicts.

Gillian Flynn added that Carolyn's daughter was having a baby and Bob Fri had Senate meetings to attend.

Russell continued, noting Secretary Heyman's resignation would be in November 1999. There was a short list for the selection of a new Secretary, which would happen before November. Russell thought that the Repatriation Review Committee (RRC) should be notified about the official short list when it was released. (No short list was ever made public). He also wanted to add an item to the agenda. It was a letter from Vera Metcalf, requesting that the RRC fund seven people to visit the SI to examine cultural and funerary objects from St. Lawrence Island. The delegation would include three people from Gambell, three people from Savoonga, and Vera. Russell asked Gillian if she wanted to make any other opening remarks.

Gillian raised the Repatriation Office's (RO) staffing issue, but noted that Tom Killion would discuss it in more detail. She also reminded the RRC members that she had given them copies of employment announcements for the RO's staff positions.

Russell added that he had discussed it with Bob Fri, because he was concerned about the security of Gillian's position. According to Russell, Bob said that the RO restructuring did not apply to her.

Gillian had thought her position was expiring in December 1999, but it actually did not expire until December 2000. Because of this later term expiration date, the RRC Coordinator position would be advertised later on in the process. She noted that although the position would be permanent, candidates would have to compete.

Russell continued, saying that Tom would not be involved in the staff selection process.

Lynne Goldstein asked who would be involved.

Gillian thought that Dennis Stanford, Carolyn Rose, and some Anthropology Department curators would be.

Lynne asked if there would still be money to hire contractors in the RO.

Gillian explained that programs were only allowed to spend ninety percent of their budgets on salaries, but any leftover money could be used to fund contractors. She thought Tom would plan to spend this money on contractors.

Russell commented that he did not know if the RRC would have input into the selection process. He did not think that it was appropriate for the case officer selection, but possibly for the program manager.

Lynne suggested that the RRC receive a short list for comment, but not necessarily for selection.

Russell asked Gillian if she thought that the RRC would have input into the selection.

Gillian noted that the RRC had a chance to comment on the restructuring of the RO when she had sent the Anthropology Department's request for comment. She thought that the RRC would have some input.

Roger Anyon stated that there would be three case officer positions, but wanted to know how many technician positions there would be.

Russell answered that there would also be three technician positions.

Gillian further clarified that the RO already had three permanent positions. She stated that there was a permanent photographer, office manager, and secretary for the RO. She then noted that there would be a permanent case officer and technician for the physical lab and two permanent case officers and technicians for the RO. Gillian raised the issue of terms that would be ending soon. She said that Gayle Yiotis's, Stephanie Makseyn-Kelley's, Beverly Byrd's, Stuart Speaker's, and Karen Mudar's terms would be ending before December 1999.

Christy Turner asked if there would be an interruption in productivity.

Gillian thought that there would be about a fifty percent reduction in productivity.

Ronald Little Owl thought that the RRC should make a recommendation to maintain current staff in the RO for continuity of the process and program.

Russell noted that the positions were defined broadly, so anyone in the RO could apply for any position. He thought that many of the present staff would be rehired.

Lynne asked when the permanent selections would be revealed.

Gillian thought that the process was moving fairly quickly and the positions would be revealed within the next two months.

Russell commented that the RRC should know who the permanent staff would be by the November meeting. He then turned to the issue of the RRC members' raise. He said that the RRC members would receive a raise, but it was only about \$10.00 per day.

Gillian added that she had inquired with the Office of Personnel Management about it and the fee would increase from \$443.00 per day to \$454.00 per day.

Russell thanked Gillian for attending to that matter. He then reminded the RRC that five RRC members' terms would expire in March 2000. Everyone would be reappointed. However, if a member did not want to be reappointed, then he or she should notify Bob Fri. Russell asked Gillian about the process of badge renewal.

Gillian thought that it would not be a problem to renew badges at the May 2000 meeting.

Russell turned to the Ishi repatriation. He updated the RRC by stating that it was still in progress. He said that Ishi's brain had been offered for repatriation, but the tribes had not yet responded. He had received a telephone call from Larry Meyers of the California State Native Heritage Commission. This call regarded a dispute between the Redding Rancheria and Pit River Tribe. The dispute did not involve the brain, but rather involved Ishi's ashes and possessions. According to Russell, the state of California wanted to designate only one of the groups for the return. Meyers had asked Russell if he would act as a mediator in this dispute. Russell said that he discussed it with Bob Fri, who did not have a problem with that. However, Russell also wanted to discuss it with the RRC.

Lynne and Roger asked why the state could not grant joint designation to both tribes.

Russell did not know.

Roger thought that the discussion needed to begin with the state of California. He then asked if the dispute would affect the SI's decision.

Russell did not know what would happen. He thought it could affect how the brain was returned, but not the SI's decision to repatriate. Russell noted that the press had been involved in this issue. He raised some of the issues that Tom would address and then asked the RRC members if they had any other issues they wanted to raise with Tom.

Roger wanted to ask how Tom thought the staff reorganization would affect the RO.

Christy did not want productivity to dramatically decrease, but, initially, he thought that it could slightly decrease.

II. Repatriation Office Issues

Tom Killion attended this session.

Russell welcomed Tom and said that Tom would update the RRC on RO cases and offer his views about the RO staff reorganization.

Tom thanked Russell and the RRC for inviting the RO to participate in the Juneau conference. He thought that it was an important experience for his staff and the RO was very appreciative. He added that the conference had a positive outcome.

Russell thought the RRC would host another workshop in Oklahoma and asked if Tom and the RO would again want to participate.

Tom thought that the RO would definitely want to participate. Tom said that he wanted to address some thoughts about what the RO needed to prepare for these conferences. He then gave an overview of his presentation. He said that he would address the staff reorganization, pending case work, and how that work would be affected. Tom also noted that he was working on the annual report. He began by reviewing the reorganization. The permanent RO staff would include a program manager, a program assistant, a secretary, a computer specialist, a photographer, three case officers, and three technicians. He said that there would be a forty percent reduction in staff. Tom said that he had to submit a budget projection for ten years into the future. According to Tom, it had to be determined if the RO could be supported as permanent, based on the one million dollars per year allocation from Congress. Because the budget must be able to absorb salary increases, the amount of permanent staff had to be decreased. Tom then turned to pending case work throughout the country. He said that there were eight priority cases which resulted from areas from which the RO had official requests. These areas were the Plains, the northwest coast of the U.S., Alaska, the southeastern U.S., the Great Lakes, California, the northeastern U.S., and the southwestern U.S. Tom thought the reduction from four archeologists to one would have implications on the case work, but there might be funding available after the reorganization. Tom also thought that the program manager and the physical anthropology case officer would have to assume some of the case work. Tom then discussed projected case work that the existing staff would start or complete before terms ended. In the Plains, Bill Billeck

would complete the Arikara case by December 2000. According to Tom, Bill would also begin the Witchita case, including the Spiro mounds, and additional Mandan-Hidatsa remains. Also in the Plains, Stephanie Makseyn-Kelley would finish the Sioux requests. Tom thought that the Woodland case, which encompassed a large number of human remains, would still remain and additional cases would probably arise. Tom stated that outreach would still be important and would take case officers' time. Cases existing in the Northwest, where Paula Molloy was the case officer, were northeast Oregon/southeast Washington, Grand Ronde, Nez Perce, Umatilla, and funerary objects from Columbia River. Tom noted that the northeast Oregon/southeast Washington case would probably be the largest return in the United States and would therefore require significant outreach in arranging the return. Tom also noted that the Grand Ronde case could result in a dispute. Tom then turned to Alaska. He said that the case officer for that area, Karen Mudar, would only be working until the end of November 1999. He projected that possibly only the Doyon case would be finished. The RO had been tying up cases in Alaska, but there was still a lot of activity there. Tom thought that he would begin dealing with case work in Alaska. The case officer for the Southeast was also Paula Molloy and Tom thought that little would be accomplished in the Southeast in the remaining time. Requests from that area were from the Tunica-Biloxi for over 2000 sets of remains, the Caddo request, and the request from the eight state-recognized tribes of Virginia for over 800 sets of remains. Tom noted that Paula had already conducted a significant amount of outreach in that area. There were two outstanding requests in the Great Lakes area from the Chippewa and Menominee. Karen Mudar was also the case officer for this area, so Tom did not think that much could be accomplished before her term expired. Tom projected that California could require significant attention, based on the Ishi case. Stuart Speaker was the case officer for that area. In the Northeast, Paula Molloy had finished a Mohegan report, but there was also a request from the Abenaki, a state-recognized tribe. Regarding the Southwest, there was no further development in the Yavapai Apache case. Tom noted that there was always uncertainty in the area, but potentially a great deal of work. Tom thought that money for contracts could become available for additional work. Regarding ethnology work, Chuck Smythe had conducted an enormous amount of consultations. Tom noted that these consultations required much preparation. He noted that Chuck has support from one museum technician, but Tom thought that Chuck needed more support.

Roger asked Tom to list when the RO's staff members terms would end.

Tom said that he wanted to avoid using names because it was upsetting, but thought it was relevant. He said that Gayle Yiotis's and Stephanie Makseyn-Kelley's terms would end on September 15. Beverly Byrd's and Karen Mudar's would end on November 30. Stuart Speaker's would end in April. The remaining staff members' terms would expire on December 31, 2000. This excluded Beth Eubanks and Betsy Bruemmer, whose terms would end on December 31, 2002. Tom also noted that three case officers and three technicians would be selected for permanent positions on September 15.

Roger thought that those who were not selected would immediately begin looking for jobs. He asked Tom if he had a contingency plan to cover the resulting workload.

Tom answered that the contingency plan was for the workload to fall on remaining staff. Tom thought that additional contractors could also be hired. He noted that the process of sending a report for review that was authored by a contractor was different from that authored by an employee.

Lynne commented that, theoretically, the reorganization could result in three new case officers being hired.

Tom said that was true, but highly unlikely. He also noted that office morale was a concern.

Ron asked if the contractors would be familiar with the RO's work.

Tom thought they would, in some cases, but there would be a considerable learning curve.

Ron thought that the tribes have been getting positive responses from the RO. He stressed that continuity was important.

Tom said that he was not involved in the selection process, but that he supported all of the present RO staff. He noted that it was a very positive development to go from temporary to permanent staff, but there was a price to be paid. He thought that Dennis Stanford and Carolyn Rose were committed to hiring as many of the existing staff as possible.

Russell asked if all of the existing staff had applied for the permanent positions.

Tom thought that they had, but did not know for sure. He had encouraged all of them to apply. He noted that this reorganization was like a reduction in force (RIF) or a cutback.

Andrea suggested that the RO ask for more money from Congress.

Tom addressed that issue. He said that it was frowned upon for SI employees to lobby Congress for more money. He thought others groups such as the RRC or the Indian community could lobby for more money for the RO on Capitol Hill.

Andrea thought that when the Indian community heard what was happening to the RO, some members of the community might lobby for more money for the RO.

Tom thought that the RO could look for alternative solutions such as seeking outside funding. The RO must demonstrate that it can adjust to change. He noted that there were positive aspects to the reorganization. The transformation of the RO from temporary to permanent represented a significant adjustment in the attitude toward repatriation at the SI.

Lynne cautioned about asking Congress for more money, because the budget could be reevaluated, which might lead to other budget cuts. The RRC and Tom continued to discuss

different scenerios that could happen if more money was lobbied for.

Roger asked about obtaining outside funding.

Tom said that the RO could fund consultations and workshops by applying for grants. He noted that the this was a common approach for permanent staff at the SI.

Lynne was concerned about the reduced RO staff spending time applying for grants.

Christy thought that the RO would have to do that now.

Lynne asked how many additional people could be supported after the reduction.

Tom answered that two additional people could be supported for ten years. He expected the physical case officer to work on cases in the Plains and the program manager to work on cases in Alaska. Tom also thought that a contractor would be hired for the Wichita request. He then turned to a request from Vera Metcalf, concerning a large set of artifacts (1500 ethnographic objects and 6100 archeological objects) from St. Lawrence Island. Tom thought that the RO should conduct a series of consultations with the Alaska Natives to examine whether or not the objects were subject to repatriation as funerary objects. Tom discussed Vera's request for RRC funding for seven visitors and noted that both Karen Mudar and Chuck Smythe support the consultation.

Ron noted that he and Elgin Crowsbreast had consulted with the RO on over seventy skulls in 1994.

Tom told Ron that Bill Billeck had identified additional Mandan-Hidatsa remains.

During that consultations, Ron also thought that they were supposed to visit the MSC to examine ethnographic objects.

Tom said that Bill hoped to finish the Arikara work by December 1999, but the arrangements for the return could extend beyond Bill's term.

Ron told a story about remains being brought to his house. He then added that Gill Baker was the new repatriation contact for the Arikara.

Tom reviewed the trip to Oklahoma City for the Spotted Skunk Symposium and the Cheyenne consultation, regarding the Sun Dance buffalo skull. Tom, Chuck, and Candace Greene attended from the NMNH. He said that he had brought photographs of the buffalo skull for the Cheyenne to examine. They visited the location of the 1903 Sun Dance from where the skull had been taken. There, they set up a teepee and discussed the Sun Dance. Chuck presented information on the acquisition of the buffalo skull. Tom also noted that the visit was covered in *The Watonga*, a

local paper, and he would send the article to the RRC. Tom thought that many Indian people were concerned about revealing information about the skull. According to Willy Fletcher, Cheyenne elder and Sun Dance priest, the skull would not be subject to repatriation, because a new skull was always used each year. Fletcher was, however, appreciative that the museum had preserved the buffalo skull for its historical significance. He had varying opinions about the display of the skull. Fletcher felt that the manner in which the skull had been previously displayed was too powerful of an image because it was positioned as if it were in use on a Sun Dance altar. Because of this, Fletcher suggested that the skull should be placed upside-down when on exhibit. Tom thought that Fletcher offered very important information on the traditional treatment of the object. He noted that Fletcher was concerned that if he did not relay his knowledge of the Sun Dance, it would be lost. According to Tom, Fletcher was adamant about preserving his knowledge. Tom concluded by noting that it was a very valuable trip.

Russell asked Tom about the possibility of RRC members accompanying case officers on their consultation visits.

Tom welcomed the idea. He further explained that he supported the concept as long as he and the case officer felt that it would enhance the visit. He thought that it might be beneficial for RRC members to attend some of the consultations at the NMNH. Tom then mentioned an international repatriation request from the Kuna of Panama. He had informed the Anthropology Department about the request and an Advisory Committee meeting was held. The department decided it would handle the request because it did not want the RO dealing with requests that were not covered by the legislation.

Ron asked if that applied to repatriations to Canadian tribes.

Tom noted that the RO did conduct repatriations with Canadian tribes through their relatives on the U.S. side of the border. He gave the example of the Haudenosaunee. He then discussed the NAGPRA Committee's draft principles on culturally unidentified human remains. Tom said that he had provided his own comments and comments on behalf of the Anthropology Department to the NAGPRA Committee. He mentioned the new version of the Hastings Amendment and that he was hoping to meet with Jim Pepper Henry to coordinate more with the NMAI.

Christy asked if the NMAI's RO was permanent.

Tom answered that the NMAI's RO, which had five staff members, had always been permanent.

Lynne asked Tom if he knew about the NMAI's process for developing reports.

Tom answered that he knew very little. He said that the NMAI did standard reports. He thought that the NMAI had trouble getting approval to disseminate its reports, because the NMNH has experienced problems in requesting and receiving them.

Gillian said that she had discussed the problem with Bruce Bernstein. The RRC now received them and the RO could have access to these copies. Permission for duplication of the reports would have to be obtained from the NMAI's RO.

Christy asked if the Secretary reviewed the NMAI's reports.

Tom did not know. He thought that they might be reviewed by the NMAI's Board of Trustees.

Gillian added that Lauryn did not always review the NMAI's reports.

Russell asked Tom if the RO would be interested in participating in the Oklahoma workshop.

Tom asked what the RRC was planning. Tom thought he would like to be able to prepare a more formal presentation than he did for the Juneau conference. He wanted to clarify with the RRC what would be needed from the RO staff. Tom then asked about the NMAI's participation.

Russell noted that the NMAI had been invited to the Juneau conference. Russell said that the RRC viewed these conferences as an informational gathering event.

Tom suggested that it might be beneficial for a representative from the RO to present basic repatriation information at these conferences. He noted that many tribes have differing needs, because of the high turnover rate of tribal repatriation consultants.

Regarding President Thomas's comment about the video conference, Russell asked if the RO had conducted any follow-up on it.

Tom answered that the two requests from Angoon resulted from the video conference. He did not believe that there was any substitute for visiting the museum to examine the objects. He thought that President Thomas was asking for a list of the objects.

Russell thought that was what the Tlingit wanted.

Andrea raised Cheryl Eldemar's comment that the RO needed to go beyond providing lists.

Tom did not think that there was much information available beyond what had already been provided.

Lynne asked Richard if he thought that a video would help.

Richard thought that friction within the communities would always exist, but a video would help.

Ron asked if the SI allowed Indian visitors to bring there own equipment to videotape collections.

Tom answered yes. He further noted that the RO would sometimes contract with a videographer for a consultation.

Ron told a story about videotaping objects at the Hood Museum in New Hampshire. He said that when the videotape was replayed, the sacred objects did not show up on the video, but the voice on the tape could be heard. Ron set up a sweat lodge to discover why this had happened.

Tom noted that it was clear from the conference that Tlingit people wanted pictures, video, and further documentation of objects, especially for those of unknown affiliation. Tom thought that the RO would try to provide this.

Richard discussed the development of the Hoonah Cultural Center and commented that objects of Hoonah affiliation belonged in Hoonah. He then thanked the SI for conducting the conference in Juneau.

The RRC thanked Tom for his presentation and the meeting adjourned for lunch.

III. In-Camera

This portion of the minutes is not circulated.

APPENDIX D

Reports Reviewed by the Repatriation Review Committee

	REPORTS REVIEWED BY THE REPATRIATION REVIEW COMMITTEE
July 1993	1993 Annual Report of Repatriation Office Activities
	Inventory and Assessment of Human Remains from Upper and Lower Memaloose Islands and Adjacent Areas of the Middle Columbia River, Oregon and Washington in the National Museum of Natural History
	Inventory and Documentation of Skeletal Remains from the Prince William Sound in the Physical Anthropology Collections of the Department of Anthropology, National Museum of Natural History
	Cheyenne Repatriation: The Human Remains
	Mandan, Hidatsa and Arikara Ethnographic Collections Report (draft 1)
September 1993	With a Lock of Hair for Remembrance: Nakota and Central Dakota Legacy at the Smithsonian Institution
	Shota (Smoke), An Oglala Lakota Chief
	Arapaho Repatriation: Human Remains
November 1993	The Pawnee Ancestry Report
	The Pawnee Biological Distance Study
	Mandan, Hidatsa and Arikara Ethnographic Report (draft 2)
	Gros Ventre Ethnographic Report
	September 1993 Review Committee Meeting Minutes
April 1994	The Craig Mound at Spiro, Oklahoma
	November 1993 Meeting Minutes
	Cochiti Ethnographic Report
	Inventory and Assessment of Human Remains from Clallam County, Washington in the National Museum of Natural History
	1994 Annual Report of Repatriation Office Activities
	NMNH Repatriation Policy
	Report on Mortuary Context, Grave Good Associations, and Cultural Affiliation of Human Remains at the Smithsonian Institution Claimed by the Pawnee Tribe
	Inventory and Assessment of Human Remains Potentially Related to the Apache and Yavapai Tribes in the National Museum of Natural History
October 1994	Inventory and Assessment of Human Remains from the Hand Site, Southampton County, Virginia
	Inventory and Assessment of Human Remains Potentially Related to the Kiowa Tribe in the National Museum of Natural History
	Non-Skeletal Human Remains Pertaining to the Cheyenne River Sioux Tribe

February 1995	Inventory and Assessment of Human Remains From Northeastern Washington and Northern Idaho
	Santa Il'Defonso Ethnographic Summary
	Santa Clara Ethnographic Summary
	Inventory and Assessment of Human Remains and Associated Funerary Objects Potentially Related to the Pawnee
May 1995	Hopi Ethnographic Summary
	Inventory and Assessment of Human Remains and Associated Funerary Objects from Cook Inlet Region Incorporated, Alaska in the National Museum of Natural History
	Inventory and Assessment of Human Remains from North-Central Montana in the National Museum of Natural History
June 1995	The Craig Mound at Spiro, Oklahoma
	A Chronology of Middle Missouri Plains Village Sites
	Ethnographic Summary: Salish, Flathead, and Kootenai
·	Ethnographic Summary: Chickasaw
	Ethnographic Summary: Pawnee
	Ethnographic Summary: Tunica-Biloxi
September 1995	Steed-Kisker Reports and supporting documentation
October 1995	Preliminary Report on the Human Remains from Golovin Bay, Alaska
	Inventory and Assessment of Human Remains from the State of Connecticut
	Summary of Ethnological Objects in the National Museum of Natural History Associated with the Taos Culture
	Assessment of the Six Nations Iroqouis Confederacy Request to the National Museum of Natural History to Repatriate Two Wampum Items
	Inventory and Assessment of Human Remains and Associated Funerary Objects from Wainwright, Alaska in the National Museum of Natural History
November 1995	Inventory and Assessment of Human Remains and Associated Funerary Objects from Anaktuvuk Pass, Alaska in the National Museum of Natural History
December 1995	Inventory and Assessment of Human Remains and Associated Funerary Objects Affiliated with the Cheyenne River Sioux Tribe in the National Museum of Natural History
January 1996	Ethnology Summaries for: Haida, Tlingit, Tsimshian, Zuni, Zia
March 1996	Ethnology Summaries for: Menominee, Kaw (Kansa), Quileute, Wiyot, Ponca, Makah
May 1996	Ethnology Summaries for: Assiniboine, Yavapai, Chippewa, Apache
	Inventory and Assessment of Human Remains and Associated Funerary Objects from the Post-contact Period in Barrow, Alaska
June 1996	Inventory and Assessment of Human Remains and Funerary Objects from the Puget Sound and Grays Harbor Regions of Washington State in the National Museum of Natural History

Inventory and Assessment of Human Remains from the Geographical Territory of the NANA Regional Corporation, Alaska in the National Museum of Natural History
Inventory and Assessment of Human Remains from the Historic Period Potentially Affiliated with Eastern Dakota in the National Museum of Natural History
Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Mandan and Hidatsa of the Three Affiliated Tribes in the National Museum of Natural History
Inventory and Assessment of Human Remains and Associated Funerary Objects from Northeast Norton Sound, Bering Straits Native Corporation, Alaska in the National Museum of Natural History
Ethnology Summaries for: Havasupai, Stockbridge, Hualapai (Wapalai), Washoe, Sauk and Fox, Quechan (Yuma), Karok, Yaqui, Yurok, Yakama, Hupa, Blackfoot
Inventory and Assessment of Human Remains and Funerary Objects from Pt. Hope, Alaska in the National Museum of Natural History
Ethnographic Summaries for: Puebloan, Tesuque, San Felipe, Tewa, Pecos, Nambe, Pojoaque, Tigua, Santo Domingo, Santa Ana, San Juan, Sandia, Laguna, Jemez, Isleta, Acoma, Salishan, Iroquois
Inventory and Assessment of Human Remains Identified as Nez Perce in the National Museum of Natural History
Inventory and Assessment of Human Remains and Funerary Objects from Nunivak Island, Alaska in the National Museum of Natural History
Ethnographic Summaries for: Natchez, Choctaw, Chitimacha, Cherokee, Catawba, Caddo, Alibamu-Koasati, Creek, Seminole
Inventory and Assessment of Associated Funerary Objects in the National Museum of Natural History Affiliated with the Assiniboine
Inventory and Assessment of Native American Human Remains from the Western Great Basin, Nevada Sector in the National Museum of Natural History
Ish-ta Cha-ne-aha (Puffing Eyes), A Chief of the Two Kettles Lakota
Inventory and Assessment of Human Remains and Funerary Objects from Northwestern Oregon in the National Museum of Natural History
The Ontonagon Boulder: Sacred or Secular?
Ethnology Reports for: Eskimo (I) and (II), Cheyenne, Crow, Osage, Comanche, Omaha
Ethnology Reports for: Ahtna, Achumawi, Atsugewi, Bannock, Cahuilla, Cayuse, Chemehuevi, Chetco, Chickahominy, Chinook, Chumash, Cocopah, Colville, Costanoan, Gabrielino, Gosiute, Huchnom, Iowa, Juaneno, Karankawa, Kitsa, Kitanemuk, Klikitat, Luiseno, Maidu, Maricopa, Mattaponi, Mohegan, Modoc, Mono, Naltunnetunne, Nanticoke, Nez Perce, Niantic, Nisenan, Nomlaki, Oto-Missouri, Panamint, Ottawa, Penobscot, Powhatan, Rappahannock, Schaghticoke, Serrano, Shasta, and Siletz
Ethnology Reports for: Navajo, Iroquois, Aleut, Kutchin/Tanana, Mohave, Shoshone, Pomo, Pauite, Athapaskan, Miwok, Sioux, Spokane, Takelma, Tanaina, Tipai-Ipai, Timucua, Tolowa, Tonkawa, Tubatulabal, Umatilla, Wailaki, Waksachi, Walla Walla, Wampanoag, Warm Springs, Wasco, Wenatchi, Wichita, Wintu, and Winnebago
Ethnology Reports for: Papago, Pima, Karok, Delaware, Pamunkey, Makah, Kiowa, Arapaho, and Kickapoo

June 1997	Inventory and Assessment of Human Remains from St. Lawrence Island, Alaska in the National Museum of Natural History
	1997 Repatriation Office Annual Report
	Response to Repatriation Request for Objects Associated with Wounded Knee, Submitted by the Cheyenne River Sioux Tribe
August 1997	Inventory and Assessment of Human Remains and Funerary Objects from the Lower Columbia River Valley, Oregon and Washington States, in the National Museum of Natural History
September 1997	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Oglala Sioux Tribe, in the National Museum of Natural History
October 1997	Ethnology Listing for Culturally Unidentified Objects
	Addenda to Ethnology Reports of uncatalogued collections for the following cultures and areas: Acoma, Apache, Blackfoot, Cherokee, Chippewa, Choctaw, Cochiti, Cree, Creek, Hopi, Ipai/Tipai, Iroquois, Kiowa, Koasati, Kutchin, Navajo, (northeastern tribes), Osage, Pauite, Papago, Pima, (Plains region), San Ildefonso, San Juan, Santa Clara, Santo Domingo, Sioux, Tesuque, Makah, Mohave, Mohawk, Zia, Zuni, Eskimo, Haida, and Athapaskan
December 1997	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Ponca in the National Museum of Natural History
	Letter to the Keewenaw Bay Indian Community regarding the Ontonagan Boulder
March 1998	Ethnology Report for Hawaii
April 1998	Physical Anthropology and Archaeology Inventory for California
May 1998	Repatriation Office Annual Report
June 1998	National Museum of American History Draft Collections Inventory
August 1998	Human Remains in the NMNH Associated with the Battle Near Immigrant Springs, OR July 14-15, 1878
	NMAI Report on Human Remains and Unassociated Funerary Objects from the Dalles and Memaloose Island, Oregon
	NMAI Report on Haudenosaune (Iroquois) Medicine Mask
	NMAI Report on Human Skull Fragment from Boyton's Shell Heap Lamoine, Hancock County, ME
	NMAI Report on Human Remains from Cuba
September 1998	Inventory and Assessment of Human Remains from Cape Denbigh, Bering Straits Native Corporation, Alaska (NMNH)
	Case Report for Named Individual, Jim Keki (NMNH)
April 1999	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Brule Sioux in the National Museum of Natural History
	Assessment of Request for the Repatriation of Seven Wooden Masks from Prince William Sound by the Chugach Alaska Corporation (NMNH)

April 1999	Assessment of a Request for the Repatriation of a Kiowa War Shield (Big Bow's Shield) from the National Museum of Natural History (draft 1)
May 1999	The Human Remains of Ishi, a Yahi-Yana Indian, in the National Museum of Natural History, Smithsonian Institution
·	Assessment of a Request for the Repatriation of a Kiowa War Shield (Big Bow's Shield) from the National Museum of Natural History (draft 2)
November 1999	Cheyenne River Sioux Tribe's Repatriation Request of August 18, 1998 (NMAI)
	Kootznoowoo Tlingit Headdresses (NMAI)
January 2000	Assessment of Request for the Repatriation of the Ontonagon Boulder by the Keweenaw Bay Indian Community (NMNH)
	Inventory and Assessment of Human Remains and Funerary Objects from Unalakleet, Bering Straits Native Corporation, Alaska in the National Museum of Natural History

APPENDIX E

NAGPRA Meeting, December 10-12, 1998

NAGPRA Committee Meeting Notes
December 10-12, 1998
Santa Fe, New Mexico
Compiled by: Gillian Flynn and Katherine Wright

(These notes are personal observations and are not to be taken as the official minutes from the meeting. Also, some of the names may be spelled phonetically).

NAGPRA Committee Members: Tessie Naranjo (Chair); Vera Metcalf; Martin Sullivan; John O'Shea; Armand Minthorn; James Bradley; Lawrence Hart

Thursday, December 10, 1998

Tessie Naranjo opened the meeting, Governor Manuel Archeluta of the Picuris Pueblo gave the invocation, and Jerry Rogers welcomed everyone.

Review of the Agenda and Implementation Update

Frank McManamon began by reviewing the agenda for the meeting and continued by giving an update on implementation. He reviewed the notices that his office had received and inadvertent discoveries. He said that his office had lists of summaries on file from over 1000 institutions and lists of inventories on file from 773 institutions. He said that there have been 250 notices published in the Federal Register so far. This covered 1300 sets of human remains and 300,000 funerary objects. Frank also noted that 100 notices of intent to repatriate have been published so far. This covered 700 sacred objects, 600 objects of cultural patrimony and 40,000 unassociated funerary objects. Frank thought that these numbers demonstrated the willingness of agencies to return.

Jim Bradley asked what these numbers mean on a grand scale.

Frank said that he thought over 90% of the agencies required to create the summaries and inventories had done so and that he did not expect a big surge of incoming summaries and inventories.

Tim McKeowan added that there were about 10,00 institutions listed in the American Association of Museums guide. He said that someone from their office went through the list and only a few institutions with large holdings had not sent in summaries and inventories.

Tessie Naranjo then asked why 30 notices were still waiting publication.

Frank answered because it has taken time to get the correct information and terminology.

Tessie asked about the Committee's request (Portland Meeting) for more resources for the

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NAGPRA Office. She expressed concern for the lack of resources in the office and asked if any resources had been extended.

Frank answered that the office had sent letters to the Secretary of the Interior regarding this problem and that it was in the budget cycle for 2000.

Tessie asked what else the Committee could do because it has remained a big concern since the paperwork had been accumulating.

Armand Minthorn commented that the Committee has heard this issue repeatedly. He said that a backlog meat that tribes were waiting for repatriation confirmation. He suggested that the Committee send a follow-up letter to the Secretary of the Interior. He was also concerned that one or two people would not be enough to cover the backlog.

Lawrence Hart also suggested sending a copy of the letter to members of Congress. He said that Congress needed to hear more from tribal groups in addition to Committee members. Lawrence also asked Frank about the discrepancies with the figures.

Frank clarified that inventories covered human remains and associated funerary objects and summaries covered sacred objects, objects of cultural patrimony, and unassociated funerary objects. He also explained that notices of intent to repatriate only covered sacred objects, objects of cultural patrimony, and unassociated funerary objects and did not cover human remains and associated funerary objects.

Tessie asked how many notices were published this year.

Frank answered that he did not know the number off the top of his head, but he could get it for the Committee.

Jim Bradley noted that it was in everyone's interest to get more resources to alleviate the backlog.

Vera Metcalf also thought it would be good to show NAGPRA's progress to Congress.

Frank continued with his update, stating that the Department of the Interior (DOI) and the National Park Service (NPS) were working with the Army Corps of Engineers and Indian tribes to resolve the issue of Kennewick man. Frank said that he had drafted a document and now that his office was working with all involved parties, preparations have been made to move forward with an initial examination (non-destructive), documentation, and investigation of the remains. He expected to get a group of experts together by January and referred the Committee to their binders to look over the information. Frank then turned to NAGPRA grants and said that fiscal year 1999 would provide another year of grants to Indian tribes, universities and museums. He thought this was a positive aspect of implementation of the statute.

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Armand asked if museums and universities that receive grants were required to provide consultation and travel

Frank said yes.

Armand asked if it can be assured that museums were using the grants only for those purposes.

Frank said that it was written into the text of the proposal.

Armand suggested that the text be enhanced or emphasized.

Frank said that museums who were not in cooperation with the tribes would not be considered in competition to receive grants.

Lawrence brought up the issue about museums that submit requests for extensions on deadlines and asked if the Committee was going to discuss it.

Frank said that some museums have made appeals for extensions on deadlines. Some have been extended for 1-3 years, which expired November 30, 1998. Frank continued, saying that 6 museums have made appeals for additional extensions and his office has developed criteria for evaluating the additional appeals for extensions. This criteria included a demonstration of effort to cooperate with the tribes. Frank said that his office would evaluate these appeals and make recommendations to the Secretary of the Interior.

Tessie noted that the University of Texas (Austin) had not demonstrated any effort to comply with the law and it had asked for an extension.

Tim McKeowan said that it had been unable to complete their inventory.

Tessie thought there should be a penalty for this. She did not think it was right for the University to show no evidence of doing anything and then ask for an extension.

Frank said that it would probably not get an extension.

Jim asked what the thresholds for civil penalties were.

Frank said that there was a copy about this at the back of the Committee members' binders. He noted that the Committee did not play any role in the penalty.

Jim expressed concern because he did not want the burden of imposing penalties to fall on a short-resourced staff.

Frank said that a civil penalty would take time and the investigation would be meticulous.

Marty noted that 58 extensions were granted in 1995 and 6 institutions have asked for additional extensions. He then asked if the other 52 completed their inventories.

Tim answered yes, except for one institution whose extension had not yet expired.

Armand commented that he disagreed with additional extensions. He thought that the civil penalties needed to be enforced. He then asked who would do that. He said that everyone should be held accountable for enforcing the law. He also reinforced the need for additional resources.

John O'Shea said that it would be a mistake to not issue extensions to institutions that were acting in good faith. He thought that only those who were not acting in good faith should be penalized. He did not think that a blanket policy of not issuing extensions was a good idea.

Frank said that the law allowed for the possibilities of extensions (no specific number limit). He said that they would take into account whether or not an institution was acting in good faith. Frank then turned to the Native American Consultation Database and asked Jennifer Schansberg to describe it.

Jennifer briefly explained the database. She said that the database contains information on tribes and query options were available on the Web. The database could generate two different types of reports, one comprehensive and one NAGPRA contact. She hoped to be able to create more reporting options. The information was on the Web so that people would be able to keep it up-to-date. Jennifer noted that the database was already out-dated.

Frank then asked Tim to summarize trafficking.

Tim began by stating there were three provisions in the law. He said that the third related to criminal laws on trafficking of Native American human remains and cultural objects. He said that since 1990 there have been 11 prosecutions under this third provision.

Tessie asked about the status on the Iowa letter and the Sonoma State letter.

Frank said that he had a draft of the Iowa letter that was similar to the Minnesota letter. Regarding Sonoma State, his office had received further communication from them, but he would have to go back and check on the status.

Tessie said that this needed to be taken care of and the Committee's recommendations needed to be addressed.

Overview of Culturally Unidentified Human Remains

Frank began by reviewing where the Committee was on the issue of culturally unidentifiable

human remains. He said that the statute required the Committee to make recommendations to the Secretary regarding the culturally unidentified. He said that the drafts of 2 recommendations were in the Committee members' binders. He noted that a third document (Principles of Agreement) was drafted at the Portland meeting. This document was designed as a starting point. It discussed early archeological collections and modern tribes and suggesting putting together large groups of tribes.

Carla Mattix said that there was nothing specific that she wanted to add. She mainly wanted to advise the Committee to be consistent with its recommendations and advice so that the Secretary could be consistent.

Tim reviewed the Committee's database printouts regarding the culturally unidentified.

Specific Requests Regarding the Disposition of Culturally Unidentifiable Native American Human Remains

1. Request from Carlsbad Caverns National Park and Guadalupe Mountains National Park

This case involved the Carlsbad Caverns and Guadalupe Mountains National Parks consulting with a collaboration of 12 Indian tribes over 3 years, devising a proposal, and requesting a recommendation for reburial of culturally unidentified human remains. The 12 tribes included the Mescalero Apache, Jicarilla Apache, Ft. Sill Apache, Kiowa, Hopi, Zia, Ysleta del Star (Sol?), Zuni, Comanche, White Mountain Apache, San Carlos Apache, and the Apache of Oklahoma. The panel that addressed the Committee included Jeff Denny, who spoke on behalf of the Parks, and tribal representatives from Mescalaro, Jicarilla, Ft. Sill, Kiowa, and Hopi. Jeff Denny began by explaining that their proposal for repatriation to a group of tribes was covered by the inadvertent discoveries provision which allowed for geographic regions to factor into repatriation. He then gave the archeological background on the collections. The material came from three archeological sites. Site A was excavated in 1965 by NPS archeologists. Mescalaro culture was found on the surface. Two subsurface burials, dated between 6000 BC and 500 AD were also found. No direct line tying the archaic to the modern day could be drawn using the archeology so oral histories were used to do so. Site B was excavated in 1934-5 by an archeologist from the University of Pennsylvania. It contained six burials. Ceramic and basketry styles were used to date the site between 3000 BC and 500 AD. Site C did not have very good data because it was not part of a scientific excavation. It was determined that the objects from this site were Native American through association with Native American pictographs. Through anthropological research and consultations with the Tribes, Apache affiliation was determined for this site. Jeff Denny continued to explain that the Parks in consultations with the Tribes looked at oral tradition, sacred sites, and tribal travel routes to determine affiliation. Additional Pueblos were contacted, but no response was received. He said that every tribe wanted the human remains returned to the original locations. In meetings with the Tribes, repatriation was discussed and a consensus was reached to repatriate. In

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collaboration with the Tribes a proposal was finalized where the 12 Tribes would seek repatriation as a group. The Parks did not seek definitive cultural affiliation with 1 specific tribe, because they did not want to pit the Tribes against each other. Jeff Denny also noted the there have been no research requests on these items since excavation. He finished his presentation by requesting a recommendation on this proposal to repatriate the human remains to the 12 Tribes.

The tribal representatives also spoke, requesting support for reburial from the Committee.

The Committee gave very favorable comments on this proposal. Jim Bradley commended the group on a good presentation and said they provided a good model for others to follow. He was pleased to recommend repatriation.

Lawrence Hart also thought that this regional method was a good model. He then asked about the disposition of the 22 bags of bone fragments.

Jeff Denny answered that it was a two step process. First they just wanted to work on getting approval for the proposal and then they were going to work on the reburial.

Lawrence asked if there would be a communal reburial for the 22 bags of bone fragments.

Denny answered that they were still figuring that out. He said they would address the issue and work it out with the Tribes at future meetings.

Lawrence hopes that they will use a communal reburial because he thought it would be better for the tribes.

Armand Minthorn said that this proposal was a great effort and he recommended reburial. He continued, saying that the NPS has referenced oral histories as no way to link the modern to the archaic. Armand commented that oral histories should be given equal consideration with archeology and anthropology. He also asked what measures would be taken to protect reburials, since the lands were part of a national park.

Denny noted that oral histories were given equal consideration. He said that the Park would work out the details of protection with the Tribes at future meetings. He thought this protection might involve excluding visitors from certain areas.

Armand then asked about the time frame to ensure that these measures were taken.

Denny said as soon as possible. He noted that money was a factor. He thought that a consultation with the Tribes should happen within the next three months and reburial within the next year.

Armand asked if these Parks have Cultural Resource Management (CRM) plans.

Denny said that Carlsbad was formalizing its CRM plan.

Tessie Naranjo said that she was happy for the tribal representatives and appreciated that they have been working together. She also supported the proposal and recommended repatriation.

Vera Metcalf said this case was an excellent model and recommended repatriation.

Marty Sullivan also supported repatriation and thought it was a good model.

John O'Shea said that the proposal was a great model. It demonstrated that using the regional basis, a solution could be found. He also thought it was a good example of consultation and consensus. He noted it was important to consider the possibility of future affiliation and the loss of scientific data. He then asked about the inventory.

Denny answered that an inventory was done but he could not say how detailed it was.

John also was concerned about interim recommendations agreeing with final recommendations. He wanted to know if the Committee should wait until a policy was passed.

Lawrence said that he had the same concerns.

Carla Mattix said that this could be a foundation for future recommendations and the final product.

Lawrence recommended that the Committee approve the proposal because it was a great example of people working together seriously on the issues of culturally unidentifiable remains.

Armand asked if the Committee was creating a framework with this decision.

John asked what the Committee was recommending.

Tessie asked Frank to paraphrase the recommendation for the Committee.

Frank said that the Parks have considered cultural affiliation and determined that the remains were legally culturally unidentifiable. In consultation with the Tribes, the Parks have agreed upon the next step. The NPS has described the remains according to the statute and has considered the likelihood of their scientific value and the likelihood of ever affiliating them with precision. The Parks developed a proposal to repatriate the remains. The Committee supported the proposal in this instance, under these circumstances. The Committee felt that it would be more appropriate to move forward than to let these remains sit. Frank then proposed that a letter regarding this recommendation be sent from the Secretary of the Interior to the Director of the

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NPS. The letter would be a provision for the accountability trail and would go out very soon.

2. Request from Harvard University

Trish Capone from the Peabody Museum at Harvard University laid out a proposal requesting that the Museum be able to repatriate culturally unidentifiable human remains to a non-federally recognized group from central Massachusetts (Nip Muk?). The remains consist of 2 individuals from central Massachusetts. One individual is from the Uxbridge(sp?) area and came to the Museum in 1898 and the second individual is from Concord and came into the Museum in 1890. In her presentation Capone explained how she followed the 5 steps for repatriating culturally unidentifiable remains laid out in NAGPRA.

Tessie asked which tribes were in the Wampanoag Confederation.

Capone said that there was one federally recognized tribe and two non-federally recognized tribes in the Confederation.

Tessie asked if other tribes were to be contacted.

Capone asked John Brown, an audience member, to speak.

John Brown of the Narragansett Tribe said that regarding the Uxbridge remains there was no doubt that they were Nip Muk. However, regarding the Concord remains, Brown felt that the Narragansetts should have been contacted. He said that they would have written a letter of support. He noted that the Narragansetts have ancient ties to the Nip Muk.

Capone said that she thought that the Narragansett were only located in Rhode Island.

John Brown countered that the Narragansetts should have been contacted.

Tessie said that John Brown's issue was that the Narragansetts were not consulted in this process.

The Committee's comments: John O'Shea said that he thought there should be more guidance on consultations. Marty Sullivan, Vera Metcalf, Tessie Naranjo, and Lawrence Hart said that they supported the proposal and recommended repatriation. Armand Minthorn said that he was concerned about how universities initiate consultation with the tribes. He thought that there needed to be enhancement and follow-up on what consultation encompasses. He noted that the avenues for research exist. Armand also recommended repatriation. Jim Bradley noted that a similar issue occurred with the Andover Museum in 1996. He also recommended repatriation.

Frank McManamon said that he would draft a letter from the Secretary of the Interior to the Director of the Peabody Museum at Harvard University.

Tessie adjourned the meeting for a lunch break and said that Governor Johnson of New Mexico proclaimed December 10 to be American Indian Ancestors Day.

Lawrence Hart presided as chair for the session after lunch.

Public Comment

The agenda was altered and Jefferson Keel of the Chickasaw Nation gave his public comment. He began by saying that he wanted to give the Committee an update on the repatriation process in Tennessee and the Southeastern United States. According to Keel, there have been ongoing deliberations and consultations with state officials regarding indigenous homelands in several Southeastern states. Human remains were discovered in Tennessee and tribes were not consulted. Keel said that Tennessee regarded all remains in the same manner. The process had been difficult and arduous but with the help of the state archeologist, but they were finally making some progress. The state archeologist has been the main proponent for reburial. Keel said that Indian people have encountered problems with construction companies. The JDN ** Construction Company (for Walmart, Inc.) has destroyed ancient burial sites. Keel said that construction companies disregard burial sites because it would disrupt the construction and would cost money. Keel said that the policy statement by the 5 Civilized Tribes Council has led the Tribe to be more involved in consultations regarding this. Keel also discussed changes in state law so that funerary objects and human remains could be returned for reburial. He said that the Chickasaw Nation sent a letter to the DOI so that it could facilitate meetings for other states. He said that there would be a meeting in March 1999 with 23 tribes of the Southeastern states.

Specific Requests Continued

3. Request from the Fine Arts Museum of San Francisco

For this request the Fine Arts Museum did not have a representative before the Committee. This case involved 91 burial goods that were dug up during oil work in the Bay Area in the early 1900s. There were a variety of objects in this collection. None could be categorized under the law as objects of cultural patrimony, sacred objects, or funerary objects. Lawrence asked for the Committee's recommendation.

Frank noted that the first question that the Committee should consider was whether the objects fit the category of associated or unassociated funerary object.

John O'Shea noted that the Museum already went through a deaccession and repatriation. He

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asked if that occurred through the normal NAGPRA process.

Frank said no.

Jim Bradley noted that this did not seem serious and they have not gone through the process. He suggested that the Museum start with the law.

Frank suggested that his office should write a response, on behalf of the Committee, to the Museum stating that they have given insufficient information.

The Committee agreed.

4. Submission from the Commonwealth of Virginia

A representative from the Commonwealth of Virginia did not address the Committee regarding this request. Carla Mattix noted that there was an FYI letter addressed to the Committee which said that reburial has already taken place. This situation did not fall under NAGPRA because it occurred on private property. The Committee determined that they did not need to hear further on this issue because it did not apply to NAGPRA.

5. Submission from the Minnesota Indian Affairs Council

This request was regarding unaffiliated human remains from the state of Minnesota. Dallas Ross, Chairman of the Minnesota Indian Affairs Council, and Joseph Williams, Executive Director of the Minnesota Indian Affairs Council, addressed the Committee. Apparently, this proposal had come before the Committee at the January meeting in Washington, DC. Dallas Ross reviewed his proposal and said that the inventory was complete. He then said that he thought that the Committee had endorsed repatriation at the January meeting. However he has since received confusing letters from Frank McManamon's Office. He did not understand why he was restricted to repatriating within Minnesota. He said that if he has to contact tribes outside of Minnesota, he would like to be able to repatriate to them. Ross did not want to slight tribes outside of Minnesota.

- Lawrence asked Frank about Ross's claims.

Frank apologized for the confusion and said that he put on paper what the Committee agreed to do. Frank said that there were concerns about the tribes that did not currently reside in Minnesota, but might have at one time and thus have an interest in the human remains. Ross was to contact them to ensure that they were aware of the repatriation and the tribes were to give a letter of endorsement. Frank said that under NAGPRA other tribes could make a claim for the remains.

Ross asked who he needed confirmation from.

Frank said that the NPS needed to look at the inventory to ensure it was complete

Ross asked if the NPS Office was confirming that the inventory was complete, how long this case was going to be in a preliminary state, and what his council needed to do to move it along.

Frank again apologized and said that he was not sure, but that he could confirm it immediately upon return to Washington, DC.

Ross continued, saying that he had contacted the other tribes, but had not received responses from all of them. He asked how long does he had to wait for responses, because he wanted to get these remains reburied as soon as possible. He wanted to know the status from the DOI's standpoint. He also apologized for his frustration.

Lawrence commented that he thought that the Committee had make it clear that the Minnesota Indian Affairs Council could proceed with reburial. He apologized for the delay.

Frank apologized about the inventory and said that it was complex because human remains from an entire state were being dealt with. He said that the conditions were not the DOI's, rather they were points that the Committee had made at the meeting. Frank said he could check the transcripts. He thought that requiring written concurrence from other federally recognized tribes was consistent with what the Committee had done in the past. He said that it would take lots of work because many tribes lived in Minnesota at one time or another. He also noted that the Committee could put a time frame on the written concurrence.

Ross said that he referenced the DOI, because the letters he had received were on the DOI's letterhead.

John O'Shea expressed that the Committee needed to be careful. He said that consultation with tribes was an important part of the repatriation process and it protected the rights of other federally recognized tribes. He did not think that there should be a time limit on consultation.

Tim McKeowan articulated the definition of consultation. He said that it was clarified in the Regulations in three degrees. The first was notification, the second was consultation, and the third was consent. He noted that consultation could take a very long time.

Jim Bradley commented that the Committee had put a very high standard (consent) in the letter and suggested that maybe the Committee really only wanted notification. Jim thought that notification was good.

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Marty commented that Ross's patience was amazing. He suggested that it was time to move ahead on this issue. This could be done by publishing the notice in the Federal Register and distributing copies to the tribes already notified to move the case along.

Ross said that was pleasing to hear.

Frank asked what the recommendation of the Committee was.

Tessie said that Marty's suggestion was good and said to publish the notice of inventory completion in the Federal Register. She asked Frank how long this would take.

Frank said that he would move it to the front of the line.

Carla suggested that the Committee document why it was changing its former recommendation of written consent.

Marty said that the Committee did not discuss concurrence as a higher standard, rather it was using the term loosely.

John said that he was concerned with the standard changes because the material was extensive and from lots of sites. He thought that the Committee would be dissatisfied with that in other instances. He noted that Minnesota was a unique case and he did not want the desire to move ahead quickly to compromise the standards of the Committee.

Jim said that he agreed with Marty and thought that plenty of work had been done on this case.

Vera said that it could not wait another year.

Tessie did not want to keep deliberating between notification and consent. She said that the tribes had been notified and as far as she was concerned a non-response equals consent.

Jim asked about where the burden of responsibility fell.

Tessie said that was a lot to ask.

Tim McKeowan was concerned because he thought that lowering the standard to notification was inconsistent with the rest of the statute. He suggested that the Committee investigate and suggest how to complete the consultation level.

Marty noted that the Committee was breaking new ground and suggested that any future correspondence be clarified with a time limit. If other tribes did not respond within the time

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limit then proceed with the reburial.

Jim recommended that the Committee ask for evidence of notification and a record of consultation.

Armand said that the consultation definition was too broad. It needed to be fine-tuned to prevent this situation from reoccurring.

Tessie said that tribes should not wait so long to a receive a response. She noted that this issue came up at the January 1998 meeting and the response letter to the Minnesota Indian Affairs Council was dated November 10, 1998.

The Committee, through Lawrence, recommended that a notice of inventory completion be filed in the Federal Register. He said that Frank's office would do this as soon as possible.

6. Request from the University of Nebraska-Lincoln

This case involved the University of Nebraska-Lincoln requesting a recommendation in favor of repatriating a collection of culturally unaffiliated human remains to a group of tribes. Priscilla Grew spoke on behalf of the University. Representatives from the Three Affiliated Tribes, Pawnee, Ponca, Winnebago, and the North Dakota Intertribal Reinterrment Committee (NDIRC) were also present. Grew said that the remains in question were culturally unidentifiable, with no accompanying information, and housed in a repository at the University of Nebraska. She said that it was the University's policy to work toward the repatriation of unaffiliated remains even though there are no federal regulations for unaffiliated remains. Grew said that consultation meetings were held with the Tribes. She then turned the presentation over to Pemina Yellow Bird, tribal representative from the Three Affiliated Tribes.

Yellow Bird said that the Tribes were making a joint intertribal claim for unaffiliated human remains. She described how these remains were not treated properly. She said that she did not believe that tribes need to ask for permission from anyone for their ancestors' remains, because their sovereign status. She also noted that a mechanism within NAGPRA has existed for a group of tribes to do joint repatriation.

After the presentation, the Committee asked questions. Jim began by asking about culturally affiliated human remains associated with this collection.

Grew said that 1700 sets of remains were in the University's collection. Notices for tribes such as the Omaha, Pawnee, Arikara, etc. for the culturally affiliated remains have been published in the Federal Register. The issue before the Committee today concerns 152 (minimum number of individuals) remains that were culturally unaffiliated.

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Jim asked about the process by which the University made determinations of affiliation.

Grew said that the University's inventories were completed by 1995 and draft notices went out to the Ponca, Omaha, Pawnee, etc. She continued saying that the remains were deemed culturally unaffiliated because the standard of affiliation with one tribe was used. Since a shared, group affiliation has now been accepted, the University wanted to take a proactive approach to the unaffiliated remains. She said that this was controversial within the University.

Yellow Bird reinforced that the issue before the Committee deals with 152 unaffiliated remains. She said that these remains were part of a teaching collection and they were destroyed to the point where no affiliation could be made.

Jim asked about the University's history of consultation with the Tribes from 1993 to the present case.

Grew said that these consultations were mainly concerning affiliated human remains.

Yellow Bird commended the University on its consultations. She said that the University went about it in the best possible way, being respectful, sincere, and positive.

Jim said that he wanted to hear from other members of the Committee before he made his recommendation.

Armand asked if there were any funerary objects associated with the remains.

Grew and Yellow Bird answered that there were no funerary objects associated with the 152 remains under consideration.

Armand said that he recommended repatriation.

Like Jim, Tessie and Vera said that they were waiting to hear from other Committee members.

Marty said that he agreed that the University displayed shameful conduct in how it treated the remains. Because there was so little information and documentation associated with the remains, Marty asked about the degree of certainty that the remains are Indian.

Grew said that intensive research had been done on the remains and many professors studied them. Some were identified as definitely Native American, some as definitely not Native American, and some as probably Native American. Grew said that this identification process legitimized their claim because most were identified as Native American.

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Marty then asked what the University planned to do with the non-Native American remains.

Grew answered that those remains were being held in the biological sciences repository.

John O'Shea commented that he was conflicted, because he thought the request was abrupt and not a well argued process with easy-to-follow steps like the Carlsbad Caverns and Harvard University cases.

Marty said that this University of Nebraska case was unique and should be judged on its own merits. He recommended repatriation.

Lawrence, Jim, Vera, and Tessie also recommended repatriation, while John remained conflicted.

Frank clarified and confirmed that the Committee's recommendation was that the Secretary of the Interior write a letter to the University of Nebraska-Lincoln, saying that the University should proceed with repatriation of the remains to the group of Tribes.

Tessie reconfirmed.

Public Comment

- 1. Peter Jemison of Haudenosaunee (Iroquois, Seneca, Onondaga, Tuscarora, etc. Nations)
 Standing Committee on Burial Rules and Regulations spoke about the origin of Indian people and how that related to culturally unaffiliated human remains. Jemison said that according to the Peabody Museum and the Rochester Museum and Science Center, his Tribes came into existence between 900 and 950 A.D. According to his Tribes' oral tradition, his people originated on Turtle Island at the beginning of time. Jemison said that these origin stories and oral traditions were valid. Based on oral tradition origin stories, he rejected the notion of prehistoric peoples and culturally unaffiliated human remains.
- 2. Mr. Robert Gough, estate of Crazy Horse and Ms. Amanda Burt of Rudnick, Wolfe, Epstien & Zeidman brought to the attention of the Committee a collection of Indian artifacts from Washington College that were all (except Red Cloud's war bonnet) sold at auction through Sotheby's. Burt said that she has been working with the estate of Crazy Horse and the Rosebud Sioux Tribe regarding this matter. She said that a Cheyenne poet named Henson noticed the modest collection of Indian artifacts at Washington College and expressed concern about them. According to Gough, Washington College did not submit summaries or inventories under NAGPRA. He continued, saying that the collection was sold without a notice. Burt and Gough thought that Washington College should be held accountable and penalized for non-compliance with NAGPRA, because the College has received federal funding. Gough and Burt requested

that the Committee hold true to the law and hold Washington College responsible for not completing summaries and inventories.

3. Ramona Peters of the Wampanoag Confederacy gave a brief presentation about the tool she was offering to the Native American Community who have been actively involved in repatriation. This tool contained models and samples for working with museums, map making capabilities, database information, and ways to solve problems. Peters further noted that she would give a more in-depth presentation at 5:30pm.

The Committee's response to the public comments were mainly directed at the Washington College issue. Jim said that the Committee needed to act if the College was not complying with NAGPRA. He suggested that it should receive something written from Frank's office. Regarding Peter Jemison's comment, Armand said that he had major concerns with the Peabody Museum and the Rochester Museum and Science Center. He objected to the arbitrary dates which museums place to determine cultural affiliation. He noted that anthropologists need to be sensitized to tribes' spiritual beliefs and oral traditions. Armand also expressed concern about the Washington College matter. Tessie asked Frank to respond to the Washington College issue. Frank said that there was enough information to warrant looking into the matter. He continued, saying that the first action would be to write to the College. If the College's response was that NAGPRA did not apply, then his office would evaluate the response and investigate. It must be determined if Gough's claim met the definitions in the law. Frank noted that resources would be needed for civil penalties. Vera commented that penalties should be enforced for noncompliance regarding the Washington College issue. Marty was irate about the Washington College issue. He asked if the College got the letter about NAGPRA compliance that went out to all institutions. John had no comments.

Gough responded to Marty's question by saying that Washington College was aware of the law, amendments, statute, and regulations.

The meeting adjourned for the day.

Friday, December 11, 1998

Tessie opened the meeting and said that Jim Bradley would chair the morning session. Tony Herrera of the Cochiti Pueblo gave the invocation.

Implementation of the statute in the Southwest

1. Governor Joseph Suina, Pueblo of Cochiti, discussed issues of confidentiality and sacred knowledge and how it impeded defining sacred objects. Suina had concerns regarding relationships with NAGPRA because of the Pueblo peoples commitment to maintaining certain knowledge to themselves (confidentiality). For the Pueblo peoples, knowledge has been based on maturity, gender, and commitment to an aspect of life. Suina emphasized that it was not an Indian/non-Indian issue, but also within the community. Pueblo cultures have kept their information secure by closing villages (to non-Indians, but also other tribes) for certain activities. Suina noted that Pueblo peoples have the longest running contact with Europeans, but have been the least changed among Indians. This was because they protect their traditions and maintain their religion, culture, and language. Suina discussed how his people could not claim objects for repatriation, because the religious leader did not want to violate the sacred knowledge by explaining why the objects were needed. Suina noted that the religious leader could tell neither a non-Indian nor Suina (Pueblo political leader), because neither had made the commitment to the sacred knowledge. Suina brought this issue before the Committee to try and resolve how to be able to claim items without violating the privacy of his culture.

Jim asked for the Committee's comments.

Frank commented that Suina's issue related to the definition of sacred objects and the intent of NAGPRA. Frank noted that the both NPS and Pueblo peoples agreed that some of the objects were sacred and those were in the process of being repatriated. Other objects, however appeared to be utilitarian. DOI/NPS thought that these objects did not fit the definition within the law. Frank also noted that, as part of their mandate, DOI/NPS needed to maintain educational and research collections for all Americans.

Lawrence commented that he wanted to continue to discuss and focus on intellectual property rights. He said that it was remarkable and tragic that the Pueblo peoples did not what to share the information.

Armand commented that each tribe has its own way of life, traditional ceremonies, and sacred items. Once tribes identify an time as sacred or needed for a ceremony, nothing else needs to be said. Armand said that he could relate to what Governor Suina said. The law has not considered individual tribes' definitions of sacredness. There needs to be an open-mindedness among DOI/NPS to different ways of life. The unwritten law of Indians need to be considered. Indians

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do not want to violate their unwritten laws and traditions. This issue is important and must be worked out.

Tessie noted that, as a Pueblo person, she could also relate to what the Governor said. The NPS should respect the knowledge of religious leaders and Pueblo traditions.

Vera also commented that she is from Alaska and could relate to the Governor's comments. She asked Frank what objects were being repatriated.

Frank said that 53 objects were in disagreement and the others were being repatriated. He noted that the NPS was not trying to be disrespectful, but it was just dealing within the definition in the law. He noted that the narrow definition of sacred objects had been discussed in the past.

Marty commented that no one understood the journey that lay ahead when NAGPRA was passed in 1990. He said that the NPS's concern was precedent. He also thought that if the Pueblos religious leaders value their privacy so much that they would relinquish the objects, than the NPS should reconsider their decision.

John said that he understood the NPS's position, as a government agency, to follow the law. He thought that determination on a case-by-case basis would be the middle ground. He did not think that this needed to be a precedent setting case.

Jim said that the law was parsimonious on the definition of sacred objects. He thought that traditional religious leaders were the experts on sacred objects and their authority should be all that is needed.

The Cultural Resource Manager (Superintendent) from Bandolier National Park (park where the objects in question are held) said that 22 tribes were interested in the collection. He was concerned about where to draw the line.

Armand said tribes (not museums or universities) should determine where to draw the line. He thought that with proper consultation tribes would be given the opportunity to do so.

The Committee was polled and each member recommended repatriation of the 53 objects. Marty noted that the conflict-of-interests with the NPS collections and the NAGPRA office has been problematic. Frank noted that the Secretary would recommend that the NPS proceed with repatriation.

2. Kurt Anschuetz of the Rio Grande Foundation discussed the problem of protecting Pueblo grave sites. Pueblo grave sites often have not fit the idea of traditional Western grave sites. Sometimes they were unmarked and/or located in houses. Anschuetz noted that there has been

legislation to protect grave sites, but it has sometimes been difficult to enforce and protect the grave sites because of their non-traditional nature or location on private property.

Tessie commented that this was an on-going concern of the Committee and recommendations have been made to Congress regarding this issue.

3. Alvin Moyle, Fallon Paiute Shoshone, Maurice Eben, Pyramid Lake Paiute, and Dean Barlese, Pyramid Lake Paiute gave a joint presentation to the Committee about a request for an approximately 9,000 year old set of human remains known as the Spirit Cave Man (SCM).

Dean Barlese began with a brief presentation on how repatriation has affected Indian people. He said that they have never dealt with this issue before and were taking it slow so that they would not cause any further harm to their ancestors. He believed that pain and suffering of Indians on reservations was do to ancestors not being properly cared for. Barlese also stated his belief that Indian people were created here, and did not come over from Asia.

Alvin Moyle gave a brief history of the Spirit Cave Man request. SCM was excavated in 1940 and held in the collections of the Bureau of Land Management (BLM). In October of 1996, the tribe was notified that SCM was in the BLM collections. Apparently, studies were done on SCM without informing the tribe. In March of 1997, the Paiute made a repatriation claim for SCM. BLM responded to the request late (in 4 months instead of in 3). BLM's response was that the Paiute had to prove cultural affiliation to SCM. The Tribe thought that it had proven cultural affiliation when it made the claim (One example that Moyle gave was that SCM was wrapped in a rabbit fur blanket, just like the Paiute use today). Moyle also noted that an SI report found SCM to be Caucasoid. He asked if DNA testing was done to make that determination. Moyle was upset with the federal government because people from the BLM were supposed to meet with Kevin Gover, Assistant Secretary for Indian Affairs, regarding this issue but it never happened.

Maurice Eben reinforced some of the issues brought up by Barlese and Moyle. He believes that there was a national conspiracy to change the history of Indian people. This was exemplified by anthropologists saying that Paiute history was only 600 years long. Eben said that his Tribe has done everything required under NAGPRA to make its claim and the BLM continued to place more obstacles in its path. Eben noted that the BLM has been in violation of NAGPRA, giving the example that it had performed C-14 dating after 1990. He felt that the BLM has not given the Paiute a decision because it was awaiting the outcome of the Kennewick man case. He further believes that having the NAGPRA Office under the NPS was in a conflict-of-interests and suggested that it be moved under Policy, Management, and Budget where there already existed a mechanism to deal with these issues. He concluded by asking for a decision from the Committee.

Jim Bradley said that this was something that the Committee intended to pursue and the BLM statement of 20 years to complete an inventory was unacceptable.

Marty asked for clarification from Frank. He asked if this case was a dispute.

Frank said that was not his understanding. He noted that this section of the agenda was a panel for implementation in the Southwest, and not a forum for dispute. He suggested that the Committee could follow-up with the BLM and ask questions.

Marty thought that the government side of the case sounded a little sketchy.

Alvin said that they were placed in the wrong category on the agenda and that they should have been placed in the culturally unidentified section.

Jim apologized to the Paiute representatives for not being placed on the agenda properly and explained that, therefore, the Committee was not prepared.

Frank said that the BLM needed to first make a decision. Then, if tribe did not agree with it, the case would be brought before the Committee as a dispute.

The Committee agreed that the NAGPRA Office would issue a letter on behalf of the Committee to the BLM, urging the BLM to get back to the Paiute with a decision.

Lawrence noted that he was deeply disturbed about this situation and strongly encouraged that something be done.

Armand said that he agreed with Lawrence's comments but further recommended repatriation. He said that the BLM had not been following the law. Federal agencies must report an update on their compliance with NAGPRA.

Jim suggested that in the letter the seriousness of the Committee's concerns about the BLM's lack of consultation with the Tribe should be conveyed.

Frank noted Jim's comments, but reminded the Committee that it was an advisory group and could not force the BLM to do anything.

6. David Brugge, retired NPS employee and former employee of the Navajo Nation, presented on his genetic research and the use of mitochondrial DNA and the Y-chromosome to show that Navajo were closely related to Puebloan people. He thought this could be useful in affiliating culturally unidentifiable remains.

- 7. William Whatley, Resource Protection Director and designated spokesman for the Jemez Pueblo, briefly gave a status report on a large repatriation involving the return of over 2000 sets of human remains, 1800 associated funerary objects, and 500 unassociated funerary objects. This was a joint request for repatriation from tribes such as the Jemez, Cochiti, Comanche, Kiowa, and Apache. The consultations proceeded flawlessly. Whatley reported on this as an example of NAGPRA being implemented favorably among tribes, federal agencies, and private museums with a high degree of mutual respect. Reburial was scheduled for the spring.
- 8. Virgil Swift of the Wichita Tribe gave his time to the Paiute Tribe.

Consideration of Issues Related to Confidentiality

Jerry Rogers noted that comments from the public reinforced the seriousness of the issue of confidentiality. He discussed how the Freedom of Information Act related to this issue. He has tried to use government-to-government relationships to protect confidentiality, but trust on behalf of Indian governments has precluded that.

A representative (Peter ??) from the Zia Pueblo also reinforced the seriousness of confidentiality. He said that Pueblo peoples have never volunteered any information about burial practices or included outsiders in religious ceremonies. However, this type of information was essential in the NAGPRA process and thus these people have been forced to disclose information to justify their repatriation claims. This information was community (rather than personal) intellectual property. The representative stressed that this information should be kept confidential and not used to exploit Indian people for non-Indian profit.

Jim thought that there must be some protection for confidentiality in the federal statutes.

John asked what information was shielded in the Freedom of Information Act (FOIA).

Jerry said that the locational information about a site was shielded in FOIA.

Frank commented that the problem was that protections in the National Historic Preservation Act refer to the location and significance of sites and it would be difficult to extend that protection to the individual objects.

Armand said that this issue reinforced the need for federal agencies to keep the Committee appraised on federal agency compliance with NAGPRA.

Jim asked if it was appropriate for the Committee to draft a recommendation that the National Historic Preservation Act be amended so that it would also protect objects.

Rogers said yes, but cautioned amending because sometimes unwanted stipulations are added or wanted stipulations are taken away.

Public Comment

A representative from the Society of American Archeology (President-elect from the University of Arizona - Kintigh??) addressed the Committee. He said that he also shared the goal of protection of information. He also commented on traditional and scientific evidence as two fundamentally different forms of evidence that need to be evaluated on their own, with a mutual respect for each. He recommended that NAGPRA be extended to private lands.

Jim Bradley ended the morning session and the meeting broke for lunch.

Federal Compliance with the Statute

2. Steve Fosberg of the Bureau of Land Management reported to the Committee about his compliance with NAGPRA. He said that the inventories were essentially completed and that he had received his first inquiry. There have been no repatriations yet, but he has been in contact with the Hopi. He said that he found the annual reporting process to be helpful.

Tessie asked what Fosberg meant by "essentially" completed inventories.

Fosberg did not feel that the inventories would ever be completed because items always come up and updates would always have to be done.

Tessie asked Frank about Fosberg's answer.

Frank answered that inventories were to be completed by 1995 and federal agencies were not eligible for extensions. He also noted that procedures have been developed for items that come up.

Tessie then asked Frank about the status of the regulations for future applicability.

Frank answered that they were drafted some time ago and being circulated within the DOI for publication. They would soon be published as rules in the Federal Register.

Tessie asked for a time frame and Frank said that he could put an emphasis on them to get published before the next Committee meeting. Tessie was satisfied with that.

Armand commented that he did not think that the entire BLM was in compliance with NAGPRA. He commended Fosberg on his good effort to be in compliance. He though that this

point reinforced the disconnect with in federal agencies on a national and regional level.

3. Frank Wozniak reported to the Committee about the Southwest regional quarter of the Forest Service and its compliance with NAGPRA. Summaries for cultural objects were provided and sent in November of 1993 and inventories were completed in November of 1995. There were substantial collections of human remains (5500) and funerary objects (15,000), which made the inventories about 50,000 pages. In order to help tribes deal with this deluge of information they have been receiving, the Forest Service prepared abstracts of inventories on a site-by-site basis. These abstracts were sent out in March of 1996. A listing of all culturally unidentified human remains was sent to the Committee in May of 1996. Repatriations include 150 sacred objects and objects of cultural patrimony. Wozniak also noted that the Forest Service was carrying out regular consultations with interested tribes.

Lawrence asked Wozniak how many sets of unidentified human remains were in the Forest Service collections and if there were any plans to repatriate these yet.

Wozniak answered that there were less than 400 sets of remains (mostly from southern New Mexico). Regarding the second question, as a federal agency, the Forest Service was only required to repatriate to lineal descendants and affiliated tribes.

Lim commended Wozniak on managing to get that all done.

Wozniak said that a major factor in being able to complete everything was centralizing the regional office for efficiency.

Armand asked if the field offices have consultation guidelines and if the cultural heritage specialists receive on-going NAGPRA training.

Wozniak said that the offices were beginning to collectively develop guidelines and that the specialists have been receiving on-going training.

Armand then asked how many remains have been repatriated.

Wozniak said none, because his office has not received any requests. However, he noted that he was in consultation with the Hopi, Pima, and Mericopa regarding 1200 sets of remains and was waiting to hear back from the Tribes.

Armand urged Wozniak not to wait, but to initiate consultation.

Wozniak said that he was waiting to see if the Tribes wanted to proceed collectively or individually and he did not want to press the issue.

Marty said that there was a growing movement of agreement among tribes to work together and the Forest Service should look to make the process go faster by working with tribes.

Frank suggested that the next Committee meeting should be in Washington, DC to discuss the report on federal agency compliance.

Marty commented that these issues were of deep, important, and emotional meaning. The Committee has never met with the Secretary of the Interior. The urgency of NAGPRA was not evident to everyone. Marty expressed interest in meeting with the Secretary of the Interior.

Public Comment

1. Sebastian LeBeau of the Cheyenne River Sioux Tribe discussed a problem encountered with the NPS's NAGPRA Office refusing to publish a notice of intent to repatriate. He explained that the problem resolved itself (just before he left to come to the meeting he received a memo that the NPS will publish the notice) and, therefore, has no real business with the Committee. This notice was regarding battlefield collections (regarded as sacred objects) from the Harvard Peabody Museum, the Heard Museum, and the Wyoming State Museum. The items from Harvard and the Heard were returned. The NAGPRA Office refused to publish the notice from the Wyoming State Museum. LeBeau did not think that the NAGPRA Office had the right to refuse. He thought that the NAGPRA Office had a responsibility to publish the notice. He also noted that the NAGPRA Office did not keep up communication, as he did not receive a response for four months. The NAGPRA Office said that battlefield collections were not classified under NAGPRA. LeBeau said that Indian people would determine what was sacred and the Wounded Knee material would come home.

Frank said that battlefield objects were not to be repatriated under NAGPRA. He contacted the Wyoming State Museum and said that the Museum could return the material without a published notice or the consent of NAGPRA. The Museum felt that it needed to go through the process, but the entire event could have been avoided.

- 2. John Brown of the Narragansett Tribe brought up some concerns about the repatriation of human remains from Johnston(?). The Narragansetts have been reluctant to rely on written histories, because those histories were not written by Narragansetts, but rather by whites with a political agenda. He gave the example of Speck's writings being too heavily relied upon regarding repatriations. Brown believed that Speck was biased against Narragansetts because he was removed from their village. Brown noted that Harvard Peabody has questioned the Narragansett's standing. He would like this to have a full hearing regarding this matter.
- 3. Barbara Isaac of the Peabody Harvard Museum discussed the Museum's compliance with NAGPRA and the difficulty it has encountered with multiple tribe cultural affiliation. The

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Peabody Museum has made a best faith effort to comply. The Museum has a large number of human remains it its collections. The Museum has consulted with over 200 tribes, regarding repatriation for over 31 states. This consultation which consisted of phone calls and visits has proven to be very rewarding. Consultation has been difficult when there have been contested claims of cultural affiliation among tribes. Regarding the Wampanoag/Narragansett consultation, conflicting evidence has been presented. The Wampanoags have presented oral tradition and written evidence in favor of their affiliation. The Narragansetts have presented oral tradition and BIA recognition as evidence of their affiliation. Most of the evidence seemed to weigh in favor of the Wampanoags. Isaac asked if federal recognition of a tribe took precedence over cultural evidence.

Frank said that he had no answer for that.

- 4. Trish Capone of the Peabody Harvard Museum commented on the process of determining cultural affiliation and the difficulties encountered in this process. According to NAGPRA, all types of evidence, including oral tradition, must be used in determining cultural affiliation. Frustration arose for the Peabody Harvard Museum over material from Johnston, RI that could possibly be affiliated with three groups (Wampanoag, Narragansett, Nip Muk). Misrepresentation has resulted from this frustration and the Museum hoped that NAGPRA could help alleviate this.
- 5. Donna Roberts of the Abenaki (VT, NH, ME, MA) spoke against the theory that Indian people came across a land bridge and also against state archeologists making determinations about what would constitute a sacred object. The Abenaki were not federally recognized and this has been an obstacle for the Tribe in repatriation. Because the Tribe was not federally recognized, its ancestors were termed culturally unaffiliated. Roberts spoke in support of repatriation to the Nip Muk and also in support of spiritual leaders determining what would constitute a sacred object.
 - 6. Alan Emarthle of the Seminole Nation and Jefferson Keel of the Chickasaw Nation addressed the Committee on behalf of the Intertribal Council for the Five Civilized Tribes. They presented a policy statement regarding the treatment of sacred sites. Since their Tribes have been removed from their aboriginal lands they have been hindered in protecting their ancestors' graves. In addition, the policy statement discussed working together to repatriate all culturally unidentifiable human remains. The policy was not meant to exclude other tribes, but to act as a foundation.

Lawrence and Jim commended Emarthle and Keel on the policy statement. It should be a model to be followed that would help avoid tribal disputes.

8. Marsha Monestersky of the Sovereign Dineh Nation and another tribal representative

addressed the Committee asking for protection of Anasazi and Dineh burial sites on Black Mesa. Destruction of grave sites was the result of construction and mining operations by the Peabody(?) Construction Company. They have sought help from the Navajo tribal council, but believed that the Navajo and Hopi tribal governments were receiving money from the mining company and would thus not help the Dineh. There was a pending lawsuit: the construction company; Navajo government; Hopi government vs. the Dineh Nation. The Dineh believed that the Navajo and Hopi governments were subverting NAGPRA and Dineh burial sites were being destroyed. They asked the Committee what it could do and if protection could be enforced. They also invited the Committee to conduct a hearing on Black Mesa.

The Committee members were appalled about what they heard regarding this case. Lawrence asked why these graves were not protected and asked why Kevin Gover, Assistant Secretary for Indian Affairs, was not involved in this case. Jim noted that tribal lands were subject to NAGPRA and wanted to hear from the Navajo Nation. Tessie asked if Marsha had been in touch with the Historic Preservation Office.

Marsha answered yes, both the Navajo and state offices. However, she noted that the chief authority was with the Office of Surface Mining.

Tessie noted that this was such a short time to resolve such a serious issue. John was appalled and suggested that the NPS should begin with an investigation into violation of the law.

Frank noted that tribal governments were sovereign and the regulations were only recommendations. He thought it might be an ARPA violation. He suggested sending letters to the Secretary of the Interior and the Assistant Secretary for Indian Affairs.

Carla Mattix did not think that this situation fell under the criminal provisions of NAGPRA. She said that she would have to talk to the Solicitor's Office and the Office of Indian Affairs about it.

The session ended.

Saturday, Dec 10, 1999

Public Comment Period

Dennis Funmaker of the Ho-Chunk Nation raised the issue of Ho-chunk sacred bundles currently held at the Field Museum. The museum wants to write in a clause in the deaccession memorandum stating that the Ho-Chunk agree to return a clan war bundle to the Field if they wish to alienate it. The Tribe has argued that the donor did not have the right to alienate the object. The Tribe feels that it cannot partly own a bundle. They have discussed it in their tribal court and their legislature agrees.

Arville Greendeer of the Ho-Chunk discussed how the war bundle came to be at the Field Museum. He explained that there is only one elder left who knows the story of this bundle so it is crucial that the Tribe get it back. He said that the Ho-Chunk have no personal ownership of war bundles

Funmaker made the point that if the Tribe is unable to get the Field Museum to delete this clause, then the Tribe would not proceed with repatriation.

There were a number of responses by individual NAGPRA Committee members including some remarks to the effect that if the Tribe had established ownership then there shouldn't be any restrictions. But Sullivan and O'Shea pointed out that if the Field Museum had right of possession to the object they were not required to repatriate at all, so that a restriction on a voluntary repatriation might be acceptable. The Committee decided that it did not have enough information to make a formal comment and asked Frank McManamon to draft a letter to the Field Museum asking for information.

Consideration of a Situation Between the Central Sierra Me-Wuk and the Hearst Museum

Martin Sullivan presented a case involving the Hearst Museum at Berkeley and the Central Sierra Me-Wuk Tribe. He gave an overview of the disputed case. Tim White, a professor at UC Berkeley has been accused of denying access to Me-Wuk human remains and impeding the inventory process.

Reba Fuller said that she had first raised this concern at the last NAGPRA hearings. Berkeley was in violation of NAGPRA. The Berkeley academic senate had held hearings on the matter and supported Tim White. She has received no communication from the NAGPRA Committee about her complaint. She said that the University has not inventoried the remains and has not made any information available to the Tribe for consultation. She pointed out that Berkeley has asked for an extension from the NAGPRA office. She asked the NPS to deny their request and institute civil penalties. Dorothea Doratus of the Me-Wuk reiterated Fuller's concerns.

Pauline Montoyo, a representative from a coalition of Menodino County tribes that included the Me-Wuk and the Pomo, stated that Tim White claims he has a first amendment right to teach

using these remains. The tribes have insufficient resources to monitor repatriation cases. They recently discovered other human remains held by Berkeley from two other sites. There is no review panel to oversee this process in California.

Sullivan reviewed the dispute resolution procedures. He explained that part of the grievance was that UC Berkeley had used the Me-Wuk as a signatory to receive a NAGPRA grant for inventory purposes and was in violation of the terms of their grant proposal. He asked the Committee to consider this point as well as the extension that the University had asked for.

Fuller said that White claims the remains aren't Native American.

Phillip Lube of the Hearst reviewed the NAGPRA grant project. He explained that Fuller had been contracted to provide the Museum with traditional care information on remains that were on loan to the University. The loan was recalled and had expired and the Assistant Vice-Chancellor for Research at the Museum had pressed for the return of the loan.

Linda Fabre of the Hearst explained that the Assistant Vice-Chancellor of the Museum reports to the Vice-Chancellor of the University. White had asked the Academic Senate Review Committee for Tenure to review the matter. The Senate decided that the full Senate should hear the case, but this hearing has not happened. She also explained that the Museum was frustrated by the lack of closure. The University is supposed to be forming a new committee for developing a policy on human remains in teaching collections.

Bradley noted that the Regents of the University of California owned the Hearst's collections.

Fuller stated that if the Me-Wuk had known about these additional remains they would never have entered into the grant agreement. She also complained that any inventories that might have been completed have not been circulated.

Vera Metcalf asked for clarification on whether or not the University could do as it wished with their collections even though the inventory process had begun. She also wanted to know how many extensions the University had received.

McManamon explained that the University had a fair amount of latitude. He also confirmed that the University had received one extension.

Armand Minthorn wanted the NAGPRA Committee to monitor this case.

McManamon noted that the inventories that Berkeley had submitted were pre-NAGPRA. The remains were in control of the Museum but in a separate room.

O'Shea asked if Native visitors could go into this room. Lube explained that the Museum did not have any interns but Native visitors could enter that room if they were coming to consult.

O'Shea asked if the extension renewal could be postponed to facilitate moving this case along.

McManamon believed that the Committee could do that, but wondered what impact it would have on the process. He pointed out that the University would then be out of compliance. Fuller felt very strongly that they should not receive an extension and that civil penalties should be assessed. Lube felt that this would not be productive. The Committee asked if there had been adequate consultation. Fuller said there had been no good faith effort to consult. The Museum asked for tribal support to receive their grant then changed the grant proposal. The Tribe will never do another joint grant. The elders do not want these remains to be used as teaching props. Lube did admit that the human remains were available for teaching purposes.

O'Shea thought a letter should be sent to Berkeley outlining the Committee's concerns and warning them that are in danger of being out of compliance. He thought a time limit should be set and asked if an interim extension could be granted. Metcalf did not feel they should be given an extension. Naranjo was very concerned about White's insistence that he had a right to use these remains for teaching purposes. She thought civil penalties could stop this. Sullivan thought the letter could state that Berkeley could not fulfill its inventory requirement until White is restricted. Minthorn said he would only agree to an extension if strict provisions were included. O'Shea thought civil penalties would slow the process down. Hart felt that one professor should not be permitted to circumvent the law. Sullivan was profoundly distressed that they had been unable to complete the inventory process although they had received three grants and one extension.

McManamon agreed to draft a letter and agreed that the length of the extension would be considered.

Public Comment Period

Kathy Wormer of the Confederated Tribes of the Colville Tribe discussed the Kennewick Man case. She read tribal resolution 1998-876 regarding Kennewick Man that stated that they believed Kennewick Man to be affiliated with the Palouse. She also read a message from Steve Banegas of the Kumeyaay tribal coalition supporting a rally to be held in conjunction with the NAGPRA hearings in opposition to retaining Kennewick Man.

Pat Lefthand of the Salish-Kootenai said the they wanted to have Kennewick Man reburied where he was found. Lefthand was the person responsible for retrieving remains from Museums. He was dismayed at having to go to the Smithsonian to see the ancestors on display in the corridors in 2' x 2' boxes piled ceiling high with bits and pieces of human remains. He said they needed to bring these people home. He said his Tribe was uncomfortable divulging sacred information in front of the non-Indians on the NAGPRA Committee and they might decide to leave objects at museums rather than have to share sacred information. He went on to say that the Bureau of Land Management (BLM) prohibits his Tribe from reburying human remains on the BLM land from where they were removed.

NAGPRA Committee Future Activities

Naranjo explained that they were running out of time and asked other members of the public if they would submit their comments in writing. She turned to discussing NAGPRA Committee business. She thought the Committee should meet three times a year. John O'Shea thought the Committee should meet in Washington, DC to discuss federal agency compliance. Hart mentioned that he hoped the Tallbull conference would be held in April. Bradley wanted to have the next meeting in May. Metcalf invited the Committee to hold the next meeting in Nome, AK in May. McManamon reminded the Committee that holding a meeting in Nome would be very expensive. Minthorn suggested Little Rock, Arkansas for the next meeting. O'Shea said it was important that the Committee continued its work on drafting the regulations and it didn't matter where that work was done. The Committee agreed that the next meeting would be held in the Southeast.

Pamina Yellowbird lead a group from the floor that complained that holding meetings in these out of the way places was a way to avoid having public scrutiny of the meetings. Yellowbird also said that Martin Sullivan should return the approximately \$40,000.00 that he had raised with assistance from the Native American community for the Tallbull Conference because he was acting in bad faith. There was a lot of angry shouting from the floor which really stemmed from the fact that there were a lot of people who were attending the meeting who had been unable to make public comments and feelings of frustration seemed to pervade the meeting because the NAGPRA Committee had heard many cases but had not been able to provide much assistance.

APPENDIX F

NAGPRA Meeting, May 3-5, 1999

NAGPRA Committee Meeting Notes 17th Meeting, May 3-5, 1999 Silver Spring, Maryland Compiled by Katherine Ramey

(These notes are personal observations and are not to be taken as the official minutes from the meeting. Also, some of the names may be spelled phonetically).

NAGPRA Committee Members: James Bradley; Lawrence Hart; Vera Metcalf; Armand Minthorn; Tessie Naranjo (Chair); John O'Shea; Martin Sullivan

Monday, May 3, 1999

Tessie welcomed everyone and opened the meeting. Jerry Cordova, Office of the Secretary, (Taos Pueblo) gave the invocation.

Review of Agenda

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Frank McManamon began by introducing his supervisor, Kate Stevenson, Associate Director, National Park Service (NPS). Stevenson gave a brief presentation, addressing three concerns: extensions, conflict of interest, and fairness of allocation of grants. Stevenson then discussed recent actions regarding these concerns. Regarding extensions, Stevenson said that the Assistant Secretary for Fish and Wildlife decided that additional extensions would not be granted. According to grant statistics, sixty percent of the funds have been allocated to tribes and forty percent have been allocated to museums. This contradicted accusations that more grant funding had been allocated to museums. Regarding the NAGPRA office being in a conflict of interest because of its location within the NPS, Stevenson noted that the Departmental Consulting Archeologist has experience and knowledge in excavation and collections and also ten years of experience in working with tribes and the Committee.

Frank then reviewed the agenda. He said that it was organized around three topics. The first was the Committee's report to Congress. The second topic was the dispute between the Hopi Tribe and the Chaco Culture National Historic Park. The third topic was the disposition of culturally unidentified human remains. Frank said that the Committee would also address concerns about meeting protocol and the NAGPRA office conflict of interest.

Armand asked if the NPS felt that a conflict of interest existed.

Stevenson answered no.

Regarding extensions, Jim Bradley noted that quantity of material and involved consultations might have prevented institutions from completing inventories on time. He

thought that it would be arbitrary and shortsighted to suspend extensions for institutions that may be acting in good faith.

Stevenson noted that the Assistant Secretary for Fish and Wildlife would be meeting personally with each of the directors of the institutions, which would not be granted extensions. She also noted that there would be period of forbearance for institutions acting in good faith.

John O'Shea said that he agreed with Bradley.

Stevenson thought that the time for extensions had past and civil penalties must be understood.

Armand noted that the NPS was caught between tribes on one hand and museums and federal agencies on the other. He said that tribes were concerned about extensions and then reminded everyone of tribal incentives to maintain traditional lifeways.

Implementation Update

Regarding extensions and discoveries, Frank discussed Kennewick Man. In late February/early March a team of experts examined the human remains, using non-destructive measurements to determine if the remains were Native American as defined by NAGPRA. The experts' report was ready and would be discussed within the Department of the Interior (DOI), with the Army Corps of Engineers, and with the tribe. Frank thought that the next steps would be to determine affiliation and then disposition of the remains.

Armand asked who, within the DOI, would make the determination of affiliation and what process would be used.

Frank said that the decision would be made by consensus from a variety of perspectives.

Armand asked what type of staff would make the decision.

Frank answered that a group including Native Americans, legal experts, and himself had been assembled so far.

Jean Kelly, a NAGPRA office staff person who processes federal register notices, gave a presentation regarding the publication of the notices. *Please see attached "NAGPRA UPDATE" sheet regarding facts and figures.* In addition to reviewing notice statistics, Kelly also discussed the problem of backlogged notices. According to Kelly, there were one hundred eighty backlogged notices. These were broken down into forty priority notices and one hundred forty non-priority notices. Notices have been placed in the priority category if they were claim-driven notices of intent to repatriate or if they regarded human remains or funerary objects.

Bradley noted that the RRC has been concerned about the backlog and how to expedite the notification process, especially for priority notices.

Stevenson was also aware of the problem. On April 21, 1999 an appeal was made for additional resources.

Armand asked what else could be done.

Stevenson said that Congress had determined that other concerns were more important in NAGPRA's appropriations.

Laura Mahoney of the NPS's NAGPRA office reviewed the grants program. She explained that there are two types of grants, documentation grants and repatriation grants. These grants are available to both tribes and museums. According to Mahoney, applications are reviewed by a grant panel. For fiscal year 1999, seventy-seven applications have been received, fifty-six from tribes and twenty-one from museums. Mahoney also quoted grants awarded between fiscal years 1994 and 1998. *Please see attached "NAGPRA UPDATE" sheet regarding facts and figures.* Mahoney noted that the grant applications have consisted of highly collaborative projects.

Bradley noted that grants have been extremely beneficial to collaborative relationships between museums and tribes. He gave an example of this at his museum.

Armand asked Mahoney about the composition of the grants panel and tribal representation.

Mahoney answered that it was a four-member panel of federal employees, two of which were Native American.

Tim McKeown discussed civil penalties. He said that nine allegations had been received. Please see attached "NAGPRA UPDATE" sheet regarding facts and figures.

Bradley asked about Carla Mattix because he thought that the Committee would be better represented with legal counsel. He also mentioned concern about the database backlog.

Frank answered that Carla would be attending the meeting on Wednesday, May 5, 1999. Stevenson has also been looking for funding in other areas for the database.

Tim continued, by discussing trafficking. He said that the NPS was not responsible for trafficking, rather the Department of Justice (DOJ) was. Tim noted that the NPS has been monitoring trafficking. He said that ten individuals had been prosecuted and found guilty. They have received the maximum amount of time in prison (twelve months).

Armand commented on trafficking. He mentioned that he would like to see how the DOJ implemented and enforced the law.

Marty mentioned that he was involved as a witness in a few of the cases. He noted that the process began at the level of the U.S. Attorney. He thought that the DOJ had been well informed in the cases in which he had been involved.

Federal Compliance

The Committee reviewed its report to Congress. Tim began by stating that the report dated December 6, 1998 contained information from federal agencies such as the Army Corps of Engineers (ACoE), the Bureau of Land Management (BLM), the United States Air Force (USAF), the Bureau of Reclamation (BR), and the Tennessee Valley Authority.

Armand said that he had some problems with federal agencies and then proceeded to list some of the problems. Regarding the Fish and Wildlife Service, Armand was concerned about how it would implement NAGPRA at the regional level and its statement that it would never be totally in compliance. Armand was also concerned about BLM's large artifact collection and the ACoE's human remains collections. Parts of each agency's collections are not housed in federal repositories. Armand continued to voice concerns about the Forest Service and its collections located in other countries. He questioned how to get these collections back. Armand commended the Department of Defense (DoD) on its efforts to comply with the law and consult with tribes. He thought the DoD set a great example. Other agencies that Armand commented on included the Navy, the Department of Energy, the National Park Service, and the Marine Corps. Armand thought that employing a Native American liaison would help federal agencies better implement NAGPRA.

Jim Bradley agreed with Armand's comments. He also thought that some of the numbers were low. He could not believe that the BLM was only responsible for 531 sets of human remains.

Frank suggested that the Committee focus on the intent of the report, which was to identify problems and give the Committee data with which to work. He thought that a useful way implement this information would be for the Committee to state the questions it had for the agencies in its report to Congress.

Frank very briefly commented on responses to the questionnaire regarding the documentation of the DOI's museum property, human remains, and funerary objects. John Berry, Assistant Secretary for Policy, Management, and Budget was not available to discuss these issues. Frank explained that the DOI has instituted a program on museum property where its agencies report on their museum property. Frank said that John Berry would have given an update to supplement the draft report that the Committee already had.

Discussion of the Committee's 1998 Report to Congress regarding Federal Agency Compliance Reports

John O'Shea introduced the Committee's discussion because he had drafted the report. He began by stating that there were three basic principles in the federal compliance section of the report. The first regarded federal agencies being held accountable; the second covered NAGPRA duties beyond completing inventories and including extensive consultations with tribes; the third principle covered funding strategies. The other Committee members then gave comments on O'Shea's draft.

Bradley thought that federal agencies should be held accountable in the same manner as other institutions.

Marty agreed, but asked to whom the agencies would be accountable. He suggested that Congress should take into account failure to comply with NAGPRA when it assesses an agency's performance.

Tessie agreed.

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Bradley noted that the Committee needed accurate information from federal agencies before it could go forward.

Armand suggested that the Committee obtain information about the condition and location of the non-federal repositories holding human remains and objects. He then thought that tribes could work directly with these non-federal repositories regarding repatriation issues.

Marty suggested that the Committee set up a process to monitor the progress of federal agencies.

Bradley suggested that the Committee could receive an annual report or update from the federal agencies. He thought it could be set up to fit federal agency reporting cycles (i.e. fiscal or annual year).

Tessie and Marty agreed.

Frank reviewed and clarified the Committee's recommendations and the subsequent requirements of his office.

Discussion of Committee Meeting Protocol

Tessie reviewed the existing protocol, requiring consensus by Committee members, and then opened the discussion to redefine protocol with the new Committee members.

Vera Metcalf offered some suggestions and recommendations. Regarding requests for dispute resolution, Vera suggested that the NAGPRA office receive requests, with all

relevant information and final resolution expectations, one hundred twenty days before Committee meetings. Requests for non-dispute presentations should be received thirty days before Committee meetings with abstracts to determine relevance. Vera also suggested that presenters should be endorsed by a specific tribe and the presentation should last for a fixed amount of time, regardless of the number of presenters. Vera also suggested scheduling more than one meeting in advance.

Lawrence Hart also suggested that there be no direct contact between Committee members and dispute parties prior to the meeting. He thought that all contact between Committee members and dispute parties should be channeled through the NAGPRA office.

Tessie agreed.

Marty brought up the issue of expectations of parties involved in the dispute process.

Tim reviewed the history of disputes and resolutions.

Bradley noted that disputes vary and, therefore, the Committee should be flexible. He suggested that making a resolution within two meetings should be used as a guideline by the Committee.

Tessie said that she and Vera would get together to summarize points on meeting protocol and then distribute the points to the Committee. These points would include setting a term for the Committee chair position, setting a standard for arranging two meetings in advance, and discussion of Committee communication. Tessie thought that the systematic go-around-the-table was effective because it ensured that each voice was heard.

Hart questioned what the Committee should do when it encountered disagreement among its members.

Marty and Tessie thought that the method of consensus had worked. They noted that consensus did not mean a unanimous decision.

The meeting broke for lunch.

After lunch, the meeting resumed with continued discussion of Committee meeting protocol. Regarding the number of meetings per year Bradley suggested that the Committee should plan on two meetings but have three when necessary or possible. Bradley suggested that this would balance the Committee's duties. These duties included making recommendations regarding regulations, compiling an inventory of culturally unidentified human remains, making recommendations regarding the disposition of culturally unidentified human remains, hearing disputes, hearing public comment, and monitoring the implementation of the statute. Bradley thought that issues related to culturally unidentified human remains were the most important.

O'Shea suggested prioritizing the agenda and issues at meetings. He thought that the Committee could focus on one issue per meeting.

Armand asked about how to coordinate this with the NAGPRA office.

Frank said that if the Committee identified an issue before a meeting, it would help the NAGPRA office respond to requests.

Regarding public comment presentations, Tessie asked if thirty-day notification was a reasonable time limit.

Marty cautioned against rigidity.

O'Shea thought that the time limit was reasonable and the Committee could be flexible by allowing additional speakers as time permitted, during the allotted public comment period.

Regarding written submissions, Tessie asked if a fifteen-day notification period was necessary.

Marty thought that fifteen was necessary in order for the Committee to be able to read the submissions.

O'Shea did not want to preclude people from written submissions, but thought that people should know that written submissions should be received fifteen days before Committee meetings in order for the Committee to give them full attention (i.e. for the submissions to be placed in the Committee members' meeting binders).

Tessie agreed with O'Shea's suggestion. She then asked about Vera's suggestion that presenters be authorized by a tribe.

Bradley suggested that official representatives of tribal communities be given first priority in presenting and the general public be given second priority.

Discussion of the Committee's 1998 Report to Congress

The Committee discussed different aspects of the report including additional funding and staffing for the NAGPRA office, additional funding for grants, amending the statute regarding repatriating to non-federally recognized tribes, and the definition of sacred objects.

Public Comment

Alvin Moyle, Chairman of the Fallon Paiute Shoshone Tribe, Steve Chestnut, and Rochanne Downs discussed the tribe's claim to repatriate the remains known as Spirit

Cave Man (SCM). Moyle gave some background information on the remains, saying that they were found on aboriginal tribal lands which were now regulated by the Bureau of Land Management (BLM). Moyle stressed the sacredness and religiousness of the remains. He said that the tribe believed that the SCM was an ancestor, regardless of its ancient age (9000 years old). The main complaint of the tribe was the Nevada State Museum's (NSM) custodianship of the SCM remains. Moyle said that the NSM has been systematically studying the remains for thirty-three years and not respecting the wishes of the tribe. Moyle said that the museum has been conducting destructive testing, photographing the remains, taking CAT scans of the remains, and publishing the photographs without contacting or consulting the tribe. Moyle believed that the NSM has masked these violations by making a media campaign over the scientific importance of the remains. Because of this, Moyle felt that the NSM has lost all objectivity and can no longer act in good faith regarding repatriation. The tribe has sought help from the BLM, but the agency did not have the resources to help the tribe. Moyle said that the tribe did not want to go to court over the issue, but wanted the Committee to act regarding the NSM's violation of the rights of the tribe.

Jim Bradley said that he was grieved to hear that a museum would treat a tribe with such disrespect.

Armand noted the similarity between the SCM case and Kennewick Man case, which was now in court where the rulings have been unpredictable. He thought that the Committee should take a more proactive role with tribes and prevent cases such SCM's from going to court. He said that he supported Moyle and the Paiute in their efforts to justify the violations committed by the NSM. He suggested that the NSM come before the Committee to address the claims made by the Paiute representatives. He noted that Indian people have unwritten laws that conflict with the white man's written laws.

Steve Banegas and Laura Miranda of the Kumeyaay and Luiseno cultural groups submitted a paper and presented a position regarding the issues of burden of proof, culturally unidentified human remains, and the composition of the Committee. Regarding the first issue, Banegas and Miranda thought that it was an unfair for the burden of proof to be placed on tribes. They did not think that a preponderance of evidence needed to be submitted by tribes in order to make repatriation claims. They also felt that oral tradition has not been given equal weight as a line of evidence and thought this was unfair, biased, and prejudiced. Requiring tribes to present the preponderance of evidence has also placed tribes in a position to compromise the confidentiality of their sacred knowledge.

Regarding culturally unidentified human remains, Banegas and Miranda suggested that the Committee allow coalitions of tribes with a shared group identity to claim these remains. They also suggested that the Committee develop and implement regulations on culturally unidentified human remains.

Banegas and Miranda disagreed with the present composition of the Committee. They felt that the majority of the members should be Native American and museum professionals

should not be represented. They felt it was a conflict of interest for museum professionals to serve on the Committee because these people would not want to return objects from museum collections and would not impose civil penalties on the institutions that employ them. Banegas and Miranda further suggested that the present Committee should be dissolved and a number of regional repatriation review committees should oversee the process. They thought this would expedite the repatriation process and local committee members would be more familiar with local Indian traditions.

John Brown of the Narragansett Indian Archeological-Anthropological Committee did not speak.

Ramona Peters of the Wampanoag Confederation on behalf of the Wampanoag Tribe of Gay Head discussed the mismanagement of funding.

Ron Little Owl of the Mandan-Hidatsa Tribe discussed the power of spiritual healing. He said that he was a spiritual leader and gave examples of using spiritual methods to heal people who were hurt. Little Owl said that he had composed spiritual writings on Kennewick Man. He thought that spiritual leaders should be represented on the Committee and noted the conflict between the scientific and Indian communities. He thought that the pursuit of science has been hurting Indians.

The meeting ended for the day.

Tuesday, May 4, 1999-8:30 A.M.

Tessie Naranjo opened the meeting and reviewed the agenda. A representative from the Pomo Nation gave the invocation. The Committee discussed dispute resolution procedures before hearing the dispute between the Hopi Tribe and Chaco Culture National Historical Park

Dispute Resolution Procedures

Marty began by stating that the Committee had approved dispute resolution procedures three years ago. He reviewed the Committee's statutory requirements and noted that the Committee's findings have no legal standing.

Bradley wanted to clarify at what point in the process did an issue become a dispute. He thought it might be when the Consulting Archeologist and the Committee chair agreed that an issue had become a dispute.

O'Shea thought there should be an appeal process if a dispute was denied consideration by the chair and the Consulting Archeologist.

Marty agreed that O'Shea's thought was a good point and the issue should come before the entire Committee if denied at first by the chair and the Consulting Archeologist.

Armand was concerned about time and did not want a group to have to wait for the next meeting before the Committee could consider its issue. He thought the Committee could be polled by phone or fax.

Tessie agreed with Armand.

Frank noted that the Committee must make decisions in a public forum and can not meet by phone or fax. He said that a time lag was inherent in the dispute resolution process.

Marty thought that the Committee should be flexible and phone or fax communication could be added as a contingency in the procedures.

Tim asked if the Committee wanted to discuss the its ethical requirements regarding Committee member communication with opposing parties involved in a dispute.

Lawrence thought that Committee members and opposing parties should not contact each other once a dispute has been formalized.

Tessie agreed and asked that this be put in the procedures. She then turned the discussion to the move or restructuring of the NAGPRA office within the DOI due to a conflict of interest. She asked the Committee members for comments.

Vera was in favor of a move, but was concerned that there would be a lapse in the processing of notices, which would compound the backlog problem.

Marty thought that the Committee would not be the body to make this decision, but rather the DOI or the Congress Oversight panel would. He was also concerned about the backlog of notices and thought that more resources should exist wherever the program was placed.

Bradley thought that the Committee should focus more on its own work.

Tessie favored a move.

Armand favored a move and stressed that the backlog must be alleviated.

Lawrence deferred an answer.

O'Shea believed that the move or restructuring of the NAGPRA office was an internal issue within the DOI and thought that it was an inappropriate issue for the Committee to discuss. He thought that staff resources was the key issue.

Dispute between the Hopi Tribe and Chaco Culture National Historical Park (CCNHP)

John O'Shea acted as chair for this session. He said that Frank would give an introduction to the dispute and then both sides would give testimony. The Committee would engage in minimal discussion during the morning, but would discuss some aspects of the dispute after lunch.

Frank began by welcoming everyone. He said that the Committee should listen to the testimony and consider the facts and how to resolve the dispute. He noted that the Committee did not need to issue a finding or a resolution and also reminded the Committee that its findings and resolutions were advisory.

Presentations on behalf of the Hopi Tribe

Clay Hamilton, a research assistant for the Hopi Cultural Preservation Office, began the presentations by reading the testimony (dated April 16, 1999) of Wayne A. Taylor, Jr., Chairman of the Hopi Tribe Council. Taylor's testimony reviewed the Hopi's experience with the law, which the tribe saw as random, arbitrary decisions made by museums and federal agencies. The CCNHP's affiliation decisions have caused the Hopi to question the implementation of the law. The testimony stressed that each tribe was unique and the assumption that all southwestern tribes were affiliated was a "quick fix." This homogenization ignored the uniqueness of tribes and was not a good practice. Taylor's testimony concluded by asking that the Committee not make an immediate decision on this issue, but rather consider these issues and make a decision at a later date.

Another representative for the Hopi (Eldred?) read a statement prepared by Malcolm Bowekaty, governor of the Pueblo of Zuni. This statement also reinforced that an arbitrary and politically expedient decision would not respect unique tribal qualities. The statement condemned the CCNHP's methodology, saying that consultation was not conducted on an object by object basis and there was a disregard for finding cultural affiliation. Zuni revoked its signature of approval and requested a full re-evaluation of the procedures.

Two additional Zuni representatives presented on behalf of the Hopi. One read an all-Indian resolution recommending the establishment of specific guidelines in the repatriation process that would incorporate tribal standards. The second representative stressed that the process of determining cultural affiliation under NAGPRA was flawed.

Dalton Taylor, cultural advisor from the Village of Songoopavi discussed Hopi history, cultural affiliation, and NAGPRA. He noted that the Hopi Tribe has known its origin and history. He said that the tribe has migrated from the ruins to present day locations, bringing along culture, tradition, religion, and language. He stressed the complications regarding cultural affiliation and reburial. These complications have resulted from Indians' lack of written laws regarding reburial.

Wilton Kooyahoema, cultural advisor from the Village of Hotvela also discussed the Hopi's long history and migration.

Linda Cordell, archeologist, presented on behalf of the Hopi. She began by stating her background. She has been working in archeology of the Southwest for twenty-eight years. She was currently on the faculty at the University of Colorado at Boulder and director of the museum there. Cordell's comments reflected her beliefs that the process conducted by the CCNHP was flawed. She saw cultural affiliation and a cultural relationship as non-interchangeable terms. She thought it was difficult to follow the path of logic used by the CCNHP in determining cultural affiliation. In addition she also thought the process showed a lack of explicit thinking on the part of the CCNHP which might have been due to a lack of clarity in the law. She did not think that a preponderance of evidence was given. She did not think there was substantive archeological evidence for Navajo affiliation with the CCNHP. Cordell also discussed the term Anasazi and how it negated Navajo affiliation with the CCNHP. She said that it was a Navajo term, which meant enemy or non-Navajo ancestor. Because of its meaning, she thought that the term indicated that a shared group identity could not exist between the Navajo and Hopi people. Regarding the biological evidence, she noted that DNA evidence has suggested intermarriage between the Navajo and Pueblo people. She did not dispute this, however, Cordell thought that cultural relations and biological relations were very different. Cordell noted that individual consultation with each tribe, which was crucial for issues of confidentiality, was not conducted. Using this reasoning, Cordell concluded that the process for determining cultural affiliation used by the CCNHP was flawed and that the law needed to be clarified.

Leigh Kuwanwisiwma, director of the Hopi Cultural Preservation Office, concluded the Hopi presentations. He began by summarizing previous presentations and reinforcing some of the issues discussed in the presentations. He mentioned that the Hopi have been very active in repatriation and have developed relationships with liaisons for federal agencies and museums. In this case, he did not feel that individual consultation with respective tribes was conducted. A memorandum of agreement regarding the repatriation and reburial was developed and issued to the tribes for signature. The Hopi expressed displeasure with this method and withdrew from the memorandum of agreement. The tribe felt that the memorandum was developed because it was the most politically expedient manner in which to deal with the repatriation. In the tribe's opinion, the memorandum was illegal, the CCNHP did not comply with the law, and objectivity and fairness were not exercised. Kuwanwisiwma recommended that the Committee develop guidelines regarding cultural affiliation determinations. He was concerned about the application of the law and political undertones. He felt that the CCNHP did not comply with the law because it did not attempt to work independently with all tribes to determine cultural affiliation. The tribe wanted to ask the Committee to examine the process and application of the law in this case, but did not want the Committee to issue a resolution immediately.

Presentations on behalf of Chaco Culture National Historical Park (CCNHP)

C.T. Wilson, superintendent of the CCNHP, was the first to speak on behalf of the park. He began by stating that determining cultural affiliation was a sensitive issue, because it might not agree with traditional history. He thought the dispute was political. He noted that the CCNHP carried out its NAGPRA duties in good faith by consulting with twenty-five tribes and making a determination, based on a preponderance of evidence, that twenty tribes had a shared group identity. He did not think that direct of affiliation of a single present day tribe with the Anasazi was possible, but rather the Anasazi were ancestral to many present day tribes of the Southwest. He said that a determination was made that the Navajo could be descended from the Anasazi based on a preponderance of the evidence. The Navajo asserted oral tradition and ceremonial practices as evidence of the tribe's relationship with Chaco Canyon and the Anasazi people. Wilson also noted that Chaco Canyon was located within aboriginal Navajo lands. This geographical information was also used to affiliate. He did not think that archeological evidence needed to be reconciled with oral tradition, but rather only a preponderance of evidence needed to be determined. He concluded by stating that he thought a common ground could be found in this dispute.

Alexa Roberts, ethnographer for the NPS's New Mexico office, presented on behalf of the CCNHP. She discussed consultation meetings between the park and the tribes. She said that the Navajo claim of affiliation was controversial, but the Navajo submitted writings regarding affiliation with Chaco Canyon as a sacred place.

David Brugge, an archeologist who had worked with the Navajo in research and applied capacities, gave a presentation in support of Navajo affiliation. His presentation was based on a paper called "Navajo Religion and the Anasazi Connection." It discussed a number of similarities, including agricultural methods, between the Navajo and Pueblo peoples.

David Smith, a physical anthropologist specializing in genetics, discussed using mitochondrial DNA analysis and other scientific methods to study shared group identity. He noted that the concept of shared group identity was dynamic. He used graphs and figures of morphometric data to demonstrate a close relationship between Pueblo, Navajo, and Anasazi people. In addition, blood group studies also supported admixture of Navajo and Pueblo peoples. According to Smith, these lines of evidence strongly supported common ancestry for the Navajo and Pueblo peoples.

James Charles, superintendent of the Navajo National Monument, presented on behalf of the CCNHP. He began by stating that he was an enrolled member of the Navajo Nation and gave his family ancestry. He discussed clan relationships and their ties to Chaco ruins. He also described multiple tribal affiliations based on intermarriage between Navajo and Hopi peoples. He reinforced that people of dual or multiple ethnic backgrounds should not be precluded from either group, but rather should share heritage from both groups. He did not think that being Navajo should preclude him from ties to other tribes.

Ronald Largo, cultural advisor for the Navajo Nation Traditional Cultural Program, through his translator, discussed conflict over the Navajo relationship to Anasazi culture and Chaco Canyon. He said that he was a medicine man (a singer). He discussed the Navajo creation myth. Pueblo people built the ruins while other people worked at different tasks such as farming, hunting, and making pottery. He discussed how differences between the groups emerged. There was quarrelling and differences in language, ceremonies, and customs developed. People then dispersed, taking their different tasks with them. He said that Rio Grande people took pottery, the Hopi took agriculture, and the Zuni took the birds. Largo reinforced though that the Navajo and Hopi originated from the same place and their stories were similar. He said that the Creator predicted that the groups would disagree and quarrel over situations such as this.

Eric Blinman, an archeologist from the Museum of New Mexico, was the last person to present on behalf of the CCNHP. He discussed the different lines of evidence, perspectives, and issues in this dispute and how the interaction of these variables could affect point of view. He discussed archeology and oral tradition as valid forms of evidence from differing perspectives. He also discussed intermarriage, direct cultural descent, and shared cultural identity and how these relationships have not necessarily coincided. He said that Pueblo people have identified themselves as very different from Navajo people. He said that affiliation could occur on many levels, varying from close to distant. He also noted that affiliation could be an exclusive or inclusive process.

The meeting adjourned for lunch.

Discussion of the Dispute

The meeting resumed after a lunch break and the Committee discussed the dispute and questioned both the CCNHP and the Hopi.

Tessie brought up multiple lines of evidence and asked the CCNHP which types of evidence were used to determine cultural affiliation and why.

The CCNHP answered that biological, oral history, geographical, archeological/anthropological, kinship, and expert opinion were used. The park said it followed the instruction given in the handbook on NAGPRA.

Tessie then turned to a shared group identity as a way to determine affiliation and asked about how the Navajo felt about a shared group identity.

The CCNHP answered that it worked off of the assumption that the Navajo felt a shared group identity.

Bradley discussed issues of process. He thought that how cultural affiliation was determined was important. He said that this dispute grieved him because NAGPRA was developed to empower tribes and bring them together. However, he mentioned that on

the positive side, this dispute made the Committee aware of these issues and could allow it to clarify the law. Bradley also discussed methods to weigh the lines of evidence. He thought that evidence must be comprehensive, consistent, and replicable. He also questioned whether cultural affiliation was an all or none value.

Marty brought up the nineteen relevant facts (chronology) submitted by the CCNHP to the Committee. He asked about how these determinations were made.

The CCNHP answered that determinations were made through consensus among the tribes. The park also thought that cultural affiliation should be valued on a scale or continuum, not as all or none.

Vera asked if the tribes' privacy was protected.

The Hopi answered that tribes did not discuss sacred, confidential issues.

Armand asked both the CCNHP and the Hopi if there was a need to examine cultural history to determine cultural affiliation.

Both the CCNHP and the Hopi answered yes.

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The Committee discussed a possible conflict of interest because a representative from the CCNHP had been detailed to the NAGPRA office during this dispute.

Frank answered that the office was very careful to avoid the conflict of interest. The representative only worked on notices to alleviate the backlog and avoided all aspects of the dispute. He apologized for the apparent conflict of interest.

O'Shea thought that weighing, contextualizing, and evaluating the evidence was necessary. He thought that a standard must be set for cultural affiliation versus cultural relationship. He suggested separating some of the collection. He thought that there could have been a way to alleviate some of this controversy.

The CCNHP noted that in early discussion reburial rather than repatriation was discussed.

The Hopi said that it wanted the park to evaluate items on an object by object basis because that was the standard set in the law.

Marty asked if the park could reinitiate the evaluation process.

The park thought it would depend on the guidelines. If the guidelines were fine-tuned, then the park could re-evaluate.

The Hopi said that it also wanted further clarification of the guidelines and a proper application of the law.

The park thought that there must be a compromise between the Navajo and the Hopi, regardless of whether or not there was a re-evaluation.

Bradley asked the CCNHP if it thought that proper consultation with the Hopi occurred and why it did not include an official representative from the Navajo Nation.

The CCNHP felt that it did conduct proper consultation. The park included Navajo tribal members rather than an official representative because it did not want to appear overly influenced by the Navajo.

Bradley asked the Hopi where it saw the role of the Navajo in repatriation at the CCNHP.

The Hopi answered that it would support the Navajo in the repatriation of Athabascan or Navajo remains and the return of one set of remains from Aztec National Park.

Lawrence commented that the Committee needed to work on the guidelines.

Selection of Dates for Upcoming Meetings

The Committee decided upon late August in Salt Lake City, Utah. N.B. This has since been changed to September 20-22 in Boston, Massachusetts. (not confirmed)

The Committee also selected early December in Nashville, Tennessee for a second meeting.

Public Comment

Jean McCoard of the Native American Alliance of Ohio informed the Committee about the lack of protection of Indian graves in Ohio. She began by stating that she has maintained her Cherokee heritage, but has kept it secret because of anti-Indian laws that were only recently rescinded. She said that there are not any federally recognized tribes in Ohio. She discussed some of the problems stemming from this such as grave goods being auctioned, human remains sold publicly, and mounds being plundered. She also noted that cemetery laws were not amended to include Native American gravesites until 1998. She stressed the need for Native American interests to be protected in Ohio and the need for the resources to do so.

Barbara Crandell also of the Native American Alliance of Ohio informed the Committee of a specific instance where she thought the law was being broken. She purchased a Native American skull that was on display at an antique shop. She then informed Tim McKeown who turned it over to the Department of Justice (DOJ). The DOJ determined there was no criminal intent. The skull then passed to the FBI who, in turn, sent it to Ohio State University where testing was performed on it. Crandell thought this was a blatant

violation of the law and did not know were to turn at this point. She asked why Ohio has not been protected.

Frank commented that his office would make further inquiries with the DOJ regarding why it had not followed up on this case.

Alan Downer of the Navajo Nation responded to the Dineh Nation's claims, made at the Santa Fe meeting, regarding the Navajo's violation of NAGPRA. He began by stating that the Sovereign Dineh Nation was not related to the Navajo Nation. He then stated that the Dineh testimony was alleged and the Peabody Mining Company had actually mined around individual burials. He continued by saying that the Navajo Nation's Council had approved this company. He said that there was no evidence that the company violated NAGPRA or ARPA. He wished that the Committee had given the Navajo a chance to respond to the Dineh's claims at the Santa Fe meeting.

Lawrence said that he thought that the Committee had provided an opportunity to respond. He was also relieved that Downer had alleviated some of the images produced by the Dineh's testimony.

Bradley apologized that the Navajo did not get a chance to give its side in Santa Fe. He thought that the meeting sort of unraveled after the Dineh's presentation.

Downer also mentioned that the Navajo Nation would have wanted to be represented in the Hopi/CCNHP dispute.

O'Shea said that the Navajo were not a party in the dispute and therefore should not have been officially represented. He cautioned that the Committee must keep within dispute procedures.

Downer noted that the Navajo-Hopi conflict was the true underlying issue in the dispute.

Armand said that he would like to get a written response from the Peabody Mining Company regarding the Dineh's claims.

Frank asked if a response from the company was necessary.

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Tessie apologized to Downer and said that she had not wanted to put the Navajo Nation on the spot at the Santa Fe meeting.

Martha Graham from the American Museum of Natural History (AMNH) addressed the Committee regarding the blanket denial of additional extensions. She said that the AMNH had been denied an extension although it has been acting in good faith. She said that the museum has been trying to balance the need to conduct consultations with the need to meet the inventory deadline. She also noted that the AMNH had not yet done inventories

for Chaco Canyon or Aztec Monument materials, which may develop into potential problems.

The meeting adjourned for the day.

Wednesday May 5, 1999 - 8:30 am

Tessie opened the meeting and reviewed the agenda. Wayne Taylor, chairman of the Hopi Tribal Council gave the invocation.

Administrivia

Tessie said that there would be two insertions into the Committee's procedures regarding dispute resolution protocol. The first was that a party would have the potential to appeal an issue to the entire Committee if the chair and the Consulting Archeologist considered the issue inappropriate for dispute. The second insertion was regarding inappropriate communication between Committee members and involved parties when a dispute was underway. Tessie then said that the Committee was ready to finalize dispute protocol procedures.

The Committee then turned its discussion to changes in the federal report on compliance. Marty began by saying that he did not think that traditional religious leaders needed to reveal confidential information about ceremonies and sacred objects. He asked if this required an amendment to the statute.

Frank said that he did not think so. He said that other forms of evidence exist in addition to the expert opinion of the traditional religious leaders.

Armand referred to the Senate Oversight hearing with Senator Inouye. He said that Senator Inouye had asked for a definition of the term sacred. He noted the difficulty in transcending language differences to translate unwritten traditions into written English words. Armand did not recommend amending the statute because he thought it would take too long to get a consensus among all tribes.

O'Shea agreed with Armand. He thought that museums and institutions must be able to accommodate religious leaders who claim that an object is sacred but can not state the reason behind it. He said that the Committee must find a way to give weight to religious leaders' testimony.

Lawrence also agreed with Armand's statement about the difficulty in coming up with an accessible definition of sacred. He said there would always be a gulf between the Indian world and non-Indian world in this regard and that the Western mind and the Indian mind would never converge on thinking. He said that people who violate sacred things would be punished and he gave the example of the two traffickers of human remains who had died. He said that this did not surprise Indian people.

Bradley thought that the issue of confidentiality and sacred objects could be dealt with in administrative procedures, rather than as an amendment.

Armand noted that some tribes have not been proceeding with repatriation because they did not feel it was their duty to explain to museums why an object is sacred.

Tessie turned the meeting over to Bradley.

Discussion regarding the disposition of culturally unidentifiable human remains

Discussion of Draft Principles

Bradley began with an apology about using the terms "culturally unidentifiable" and "disposition." He said that he realized that Indian people find these terms offensive, but the Committee would use them because they were in the language of the law. He then reviewed the statute and responsibilities of the Committee. He said that remains might be culturally unidentifiable for three reasons. The first was because a tribe did not have federal recognition status. The second was because the present day population does not exist. The third was because not enough information about the human remains exists. Bradley suggested that a regional basis could be used.

Marty and Tessie commented on past development of the policy.

Bradley continued and reviewed joint requests to the Committee regarding recommendations of disposition. He said that he also tried to work on the principles and broaden the recommendations. He tried to break down the definition of culturally identifiable and make it more specific. He then reviewed the five sections of the policy. The first regarded the intent of NAGPRA. The second discussed culturally identified human remains. The third contained guidelines for the disposition of culturally unidentified human remains. Bradley said that he attempted to develop something workable and enforceable, because the idea of a shared group identity was not working. The fourth section discussed documentation. He said that documentation was required by the statute and must be conducted within some kind of standard. The fifth section addressed two models for the disposition of culturally identified human remains. The first model discussed joint recommendations where all relevant parties agreed. The second model centered around regional consultations where regional solutions, based on the circumstances of the area, would be developed.

Marty asked if the document should be published in the federal register in order for the Committee to get feedback.

Lawrence thought it should be.

O'Shea thought that widespread distribution of the document was important, but cautioned that a less official forum such as the NPS website should be used. He did not want the document mistaken for something that was complete.

Armand suggested publishing it in the federal register as a draft.

Tessie asked about sending the document out to the mailing list. She said that she agreed more with O'Shea than with Armand.

Frank said that his office could do either or mailing distribution or post the document on the website. He thought the latter would save a lot of work.

Bradley said that he was hesitant to publish the document in the federal register. He thought that posting it on the website was a good idea.

Armand was concerned that many tribes would not have access to the website.

Frank suggested a mailing.

Bradley asked what the Committee's final decision was. The Committee decided to publish the document in the federal register, but as a discussion draft.

Request from California State University-Fresno (CSU-Fr)

Ellen Gruenbaum, speaking on behalf of the president of CSU-Fr, reviewed the case. She said that the university was petitioning the Committee to recommend the repatriation of one hundred twenty-two unidentified remains to a group of tribes. She said that thirty-eight sets of remains had been affiliated, but the tribes did not want to take receipt of them until all remains could be repatriated. She said that the university had consulted with the tribes who, in turn, signed petitions. She said that all of the remains were to be reburied at the Santa Rosa Rancheria, except four sets of Mewuk remains, which were to be buried at the Mewuk's Rancheria. Delores Roberts, tribal chair of the North Fork Rancheria, stated that the Rancheria was in agreement with the repatriation. Reba Fuller of the Mewuk added that CSU-Fr had acted in good faith. Gruenbaum also said that the university had letters of support from the Senators of California.

The Committee then asked the panel questions and made comments. Vera asked how many tribes were involved.

Gruenbaum said that there were fifteen signatures from tribes and intertribal coalitions. She said that four federally recognized tribes were involved.

Marty did not have any questions.

Tessie commented that this was a good demonstration of institutions and tribes working together.

Lawrence asked about the possibility of getting a signature from Table Mountain Rancheria.

Gruenbaum thought they would get the signature.

O'Shea asked if CSU-Fr was repatriating artifacts along with the remains.

Gruenbaum said that the university would repatriate associated funerary objects with culturally identified human remains. She thought that human remains were the most urgent and important issue with which to deal and artifacts would be addressed at a later date.

The Committee unanimously recommended repatriation. Frank said that he would prepare a letter.

Request from the Commonwealth of Virginia

The Committee discussed the case because the state recognized tribe of Virginia did not have a representative at the meeting. The Committee noted that this case was difficult because there were not any federally recognized tribes in Virginia.

O'Shea did not feel that there was enough information or evidence to make a ruling. He said that he would like to see more consultation. He was uncomfortable with recommending repatriation.

Lawrence said that he had the same discomfort.

Armand said that he would like representatives to present at the next Committee meeting.

Tessie said that she was uncomfortable with the non-federally recognized tribe and did not think that there was enough proof of consultation.

Marty said that he had the same feelings as Tessie.

Vera wanted additional information for the next meeting.

Jim Bradley summarized the various Committee members' comments. He said that there was no evidence of inventory completion and that documentation of inventory requirements needed to be met. There needed to be more evidence that consultation had taken place. He suggested that the group expand to a regional model. In general, the Committee was not prepared to make a recommendation until it received a more comprehensive proposal.

Requests from the Peabody Museum of Archeology and Ethnology and from the New Hampshire Division of Historical Resources

Barbara Isaac said that the Peabody Museum was requesting a recommendation to repatriate thirty sets of culturally unidentified human remains (twenty-eight from New Hampshire and two from Vermont) and three associated funerary objects to the Abenaki, a non-federally recognized tribe.

Trish Capone presented the process used by the Peabody Museum. She outlined the steps from the 1996 guidelines that were followed. Capone said that during the consultation phase, the Abenaki gave extensive oral history information to establish territory and time-depth. She also said that the institution had received support to repatriate to the Abenaki from all federally recognized tribes in New England. Capone concluded that based on archeological, historical, published, and language information, and oral tradition that a shared group identity existed. She then asked if associated funerary objects could be returned with culturally unidentified human remains.

Bradley said that it was an institutional choice to return associated funerary objects since they are not covered in the guidelines or the law.

Donna Roberts addressed the federal recognition status of the Abenaki. She said that the tribe was first on the list after the Nip Muk were finished. She said that the time frame they had in mind for the reburials was after the first frost in the Fall or last frost in the Spring. The tribe would not perform burials during the growing season. She also mentioned the letters of support from other tribes.

Gary Hume from the New Hampshire Division of Historical Resources discussed his institution's consultation process with the Abenaki. The New Hampshire Division of Historical Resources held seventeen individuals from New Hampshire. He said that the institution looked at each site on an individual basis and determined that the remains should be repatriated to the Abenaki. The Abenaki aboriginal territory covered most of New Hampshire except for portions of the Northeast and extreme Southeast. Hume noted that all burials were located within Abenaki territorial boundaries. He thought that the Penobscot or the Wampanoag might have an interest in the Seabrook remains. He notified both tribes about the potential interest, but the Penobscot responded that it was not interested and the Wampanoag did not respond. He thought that no response equaled consent. He concluded by stating that there was a consensus among academic and Abenaki groups to repatriate the remains.

The Committee then gave its comments. Vera passed.

Marty began by commending the group. He was concerned about the precedent that the Committee might set by recommending repatriation. He was concerned because there was

not a letter of support from the Wampanoag who were federally recognized. He asked if that could be obtained

Ramona Peters, a representative from the Wampanoag Confederation, said that she would bring it before their council, but she did not foresee a problem with the repatriation.

Tessie said that she had the same concerns as Marty and that she appreciated Peters' comments, but she would want written documentation before she made a recommendation.

Armand and Lawrence did not have any questions or comments for the group.

O'Shea asked about the archeological evidence. He was concerned about how affiliations were made with archaic individuals. He asked what was the argument for continuity.

Capone answered that there was evidence of continuity in settlement patterns, social organization, and in bibliographic sources. Hume said that there was also burial pattern evidence.

Bradley summarized the Committee members' comments and concerns and proposed a solution. He said that the Committee was being asked to make a recommendation about remains that were considered culturally unidentifiable for two different reasons (first, the Abenaki were not federally recognized; second, some remains were archaic). He noted that the Northeast was a difficult part of the country with which to work. He suggested that the Committee recommend repatriation contingent on a written letter of support from the Wampanoag Confederacy and the Wampanoag Tribe.

The Committee agreed.

Public Comment

Keith Kintigh of the Society for American Archeology discussed the issue of sacred objects brought up at the Senate Oversight hearing. He mentioned that Senator Inouye suggested that a small group of Indian spiritual leaders, archeologists, and museum professionals convene to define sacred objects. He thought that culturally affiliation was a matter of degree among archeologists, but was an all or none value for Congress in the law. He suggested that a regional approach be taken to deal with this issue.

A representative from the Pawnee Tribe discussed the guidelines regarding culturally unidentified human remains. He said that the guidelines needed to be adopted, but in a proper way so as not to be divisive among tribes. He also discussed imperial archeology and its negative portrayal of Indian people. He thought that non-Indians should not make decisions about the disposition of culturally unidentified human remains and the development of the guidelines. The representative also discussed the conflict of interest

regarding the NAGPRA office and thought that Indian people should determine the placement of the office.

Pemina Yellow Bird of the Three Affiliated Tribes stated her comments. She began by apologizing for her public outburst at the Santa Fe meeting. She said that Indian peoples' ancestors were suffering. Indian people never forget their dead and always respect their dead. She said that NAGPRA was not passed to protect museums and scientific institutions, but rather to protect Indian ancestors and descendants. She thought that very little empowerment had been given to tribes under NAGPRA. She then said that she was concerned about the Committee's principles of agreement, in that they were based upon a worldview that was foreign to Indian people. She said that no scientific tests on human remains could give conclusive evidence about tribal identity, but all results were speculative. Yellow Bird also recommended that the draft recommendations be published in the federal register. She concluded by saying that Indian people did not need archeologists' or anthropologists' records in order to identify themselves.

Ron Little Owl of the Three Affiliated Tribes also gave his comments. He began by saying that he did not know how to read and write. He then discussed his identity as a spiritual man. He said that he has led a simple and humble life. He did not want to look at John O'Shea or Marty Sullivan. He told a story about an encounter with Doug Owsley who had come to study human remains. He told Owsley to go home and be with his daughters or one of them would die. He then discussed spiritual identification of human remains. He also defined the term sacred on three levels. The first was that of man-spirit-nature and it happened millions of years ago. He said that it was present in places such as the water, air, rocks, and wood. The second level was that of languages or powers within a deity. The third level was that of medicine man powers. Little Owl said that he would like to take O'Shea, Bradley, Sullivan, and McManamon into a sweat lodge so that they would be able to understand sacredness. He concluded by apologizing to Armand for speaking this way.

Michael Haney of the American Indian Arbitration Institute was the last to give his comments. He said that he was from Oklahoma and was of Sioux and Seminole descent. He discussed the evolution of the Committee and the law. He was concerned because Indian people have not gotten a lot of their materials back. He noted that there were numerous federal laws, but people were still digging up Indian human remains and desecrating graves. He was also concerned that Congress was taking away legislation that protected Indian people. He said that he thought that a disproportionate amount of funding was going to museums. He did not like having to go to the NPS (which he termed the enemy) to get his ancestors back. He did not think that the NPS should administer NAGPRA. He also thought that only people who attend ceremonies should have input into the disposition of human remains. He suggested that Indian people go to Congress to streamline their position and strengthen NAGPRA. He concluded by stating that funding for NAGPRA was going to museums to impede Indian people from getting their ancestors back.

Election of Committee Chair

Tessie began by stating that she has served as chair for six years and that it was time for her to step down and for a new chair to be selected.

Lawrence thanked Tessie for her service and style of leadership. He thought that the Committee was entering a transition and proposed the election of a chair for tenure of three meetings. He nominated Marty Sullivan.

Marty said that he was deeply honored, but thought that the chair should be a Native person. He then asked if any Native people on the Committee would accept nominations.

Vera said that she supported Lawrence's nomination.

Armand said that he thought the chair should be an Indian person, but agreed with Lawrence's recommendation.

Marty said that he was not a Native person, not an archeologist, and not an anthropologist. He said that he was moving to an institution that did not have collections that fall under NAGPRA and that his term would expire in one year.

The Committee voted Marty Sullivan as chair.

Tessie thanked everyone and the meeting adjourned.

NAGPRA UPDATE

[April 21, 1999]

NEWSPAPER NOTICES (for excavations/discoveries on Federal/tribal lands)

- Seven pairs of notices have been published since 1995.
- One of the seven pairs of notices was subsequently rescinded.

SUMMARIES

- Summaries have been received from 1032 institutions.
- 98 institutions have been entered in the database.

INVENTORIES

- Inventories have been received from 733 institution.
- 213 institutions have been contacted about incomplete inventories.
- 57 institutions have been entered into the database.
- 58 extensions were granted in 1995 of which all have expired.

FEDERAL REGISTER NOTICES (for Federal agency and museum collections)

- 270 Notices of Inventory Completion published accounting for:
 - 15,277 human remains; and
 - 297,337 associated funerary objects.
- 113 Notices of Intent to Repatriate published accounting for:
 - 39,946 unassociated funerary objects;
 - 781 sacred objects;
 - 483 objects of cultural patrimony; and
 - 281 sacred objects/objects of cultural patrimony.

GRANTS

- 116 grants have been awarded to Indian tribes and Native Hawaiian organizations accounting for \$6.5 million.
- 89 grants have been awarded to museums accounting for \$4.2 million.

CIVIL PENALTIES

- Three assertions of failure to comply have been evaluated and declined.
- Four assertions of failure to comply are under review.
- Two assertions of failure to comply are under investigation.

REGULATIONS

- Proposed regulations on future applicability are under review by the Department.
- Final regulations on civil penalties are in preparation.

TRAFFICKING

• Ten individuals have been successfully prosecuted, one twice.

APPENDIX G

Southeast Alaska Outreach Conference

Notes from the Repatriation Review Committee's Southeast Alaska Outreach Conference August 30, 1999 Alaska Native Brotherhood Hall, Juneau, AK Compiled by Katherine Ramey

(These notes are personal observations and are not to be taken as the official minutes from the conference. Also, some of the names may be spelled phonetically).

Monday, August 30, 1999 - 10:20 am

Russell Thornton opened the conference and Richard Dalton gave the opening prayer. Russell introduced himself and thanked the Tlingit and Haida Central Council, the Alaska Native Brotherhood, and the Lieutenant Governor of the State of Alaska for their participation in the conference. He then turned the meeting over to Andy Ebona, President of Second Camp of the Alaska Native Brotherhood.

Andy Ebona thanked the people from the Native communities and the Smithsonian Institution's (SI) Repatriation Review Committee (RRC) for attending.

Fran Olmer, Lieutenant Governor of Alaska, Second Camp of the Alaska Native Sisterhood, and adopted member of the Tlingit, made some opening remarks.

Edward Thomas, President of the Tlingit and Haida Central Council, then made some remarks about the importance of repatriation. He began by stating that he did not want to offend the visitors, but delays in returning objects have been disturbing. He said that the people of southeast Alaska recognized the importance of repatriation early on in the movement, but the absence of resources was a problem. Thomas noted that the Tlingit and Haida had received limited success in repatriation. He noted that the community had received grant funding from the National Park Service, but not from the SI. He said that resources were needed within each community and clan. He also felt the need for institutions to cooperate with tribes. He asked why there was resistance from museums to return objects that were in storage and not even on display. He thought that Native people were enthusiastic about repatriation three years ago, but that enthusiasm has died since people did not get results.

Nelson Frank on behalf of the Alaska Native Brotherhood gave some opening remarks.

Jackie Martin, Grand President of the Alaska Native Sisterhood gave some positive opening remarks.

Russell continued with introductions of the RRC members.

Tom Killion introduced attending Repatriation Office (RO) staff.

Russell then gave a brief history of the repatriation legislation and repatriation at the SI. He noted that this was the first time that the RRC had hosted an open forum to hear issues and complaints. He continued, saying that objects had come to museums as a result of Indian tragedy. He thought that repatriation could bring closure as part of the healing process. He then discussed the Cherokee Trail of Tears as part of his history. He also discussed repatriation and consultation grant funding possibilities. He thought that repatriation has give Indian people more control over their lives than they had fifty to one hundred years ago. He gave some examples of his participation in repatriation ceremonies.

President Thomas thought that bureaucracy should be eradicated from the process and objects and photographs should be provided.

Tom Killion discussed what the RO had accomplished so far in repatriation. He noted that repatriation was a large task. He said that there have been a large number of requests, with a small number of staff to work on these requests. He understood that the process was taking a long time, but noted that the RO was working as fast as possible. He added that information sharing between museums and tribes was part of the process. He said that each case was different and required individual attention. He concluded by emphasizing the need for continued consultation and the use of the RRC's funding.

President Thomas said that he understood the enormity of the task. He thought that photographs and listings of objects should have been brought to this forum. He added that items, other than human remains, were important to Native people of southeast Alaska. He thought that information should be shared in a meaningful manner to short circuit the bureaucracy.

John Martin discussed land claims and allotment in southeast Alaska and how Native people's history has been taken away.

Matthew Fred, Sr. raised the issue of problems of identification and affiliation of objects and human remains. He noted that there was only one Tlingit person on the RRC. He asked how the remaining members would vote on Tlingit issues. He also discussed problems of discrepancy in evidence. He gave an example of a publication affiliating an object with the Haida, but a museum affiliated it with the Tlingit.

Leonard John asked how many unidentified items from southeast Alaska existed in the SI's collections. He suggested gathering clan leaders from southeast Alaska for a consultation visit to the SI to help identify these objects. He thought this would be necessary to acquire accurate information.

Tom addressed John's inquiry and comments. He thought that the RO's staff could facilitate that meeting. He noted that the RO had received a request from Angoon and was gathering a large body of information as a result of that request. Tom suggested that John discuss this with Stuart Speaker and Chuck Smythe.

Stuart noted that the information would be available within two months.

Chuck added that the RO had begun a documentation project for all unidentified collections from the northwest coast of North America.

President Thomas commented that the manner in which the items had been taken should reflect the manner in which the items were returned. He thought that the Tlingit people should receive all items identified as Tlingit. He thought that Native people should determine what objects should be returned and what objects should remain in museums.

The conference adjourned for lunch.

The conference reconvened at 1:45pm.

Russell reopened the conference and introduced Rosita Worl.

Rosita Worl spoke on behalf of the Sealaska Heritage Foundation. She discussed points of contention between Native Villages of southeast Alaska and the government over fishing and hunting rights. She also noted that the Sealaska Corporation was committed to the well being of Native culture.

Karen Mudar, RO case officer for Alaska, spoke about the privilege of being able to work with Native Alaska communities. She addressed a question that Cheryl Eldemar had posed earlier in the conference about repatriations that have taken place in Alaska. She reviewed some of the completed returns. Karen then explained that the repatriation process was driven by Native people and proceeds at their pace. She noted that a case began with a written or oral request from a Native group.

President Thomas asked where in Washington, DC he would go to find out about repatriation.

Russell reviewed aspects of a repatriation claim. He said that it began with a letter from the tribal chair, addressed to the NMNH's RO. Russell noted that this letter could be general or specific.

Leonard John asked about using the Tlingit and Haida Central Council as a vehicle to represent a number of Tlingit and Haida communities in repatriation cases.

Russell thought that would be an effective manner to proceed in repatriation cases.

Tom Killion added that constituent communities should make it clear to the RO that a larger community would be representing them. He also noted that Jim Pepper Henry was the program manager for the NMAI's RO.

John Martin asked if the Tlingit and Haida communities could make a request in a manner similar

to how the Iroquois did and then let individual communities take over.

Russell thought that was possible because the Tlingit and Haida Central Council was a federally recognized unit. He added that this might be necessary because of diversity among the constituent villages.

Frank White from Hoonah, AK commented about how artifacts had been sold and deposited in improper places. He was also concerned about human remains that had been excavated and placed on display in museums because he thought that this was undignified. He suggested that the Tlingit and Haida Central Council assemble tribal heads to work together and strengthen the repatriation effort.

Maureen Brown, from the cultural resources office in Hoonah, Alaska, also addressed the RRC. She noted that individual villages possess the ability to have their objects repatriated. She appreciated the assistance of the Tlingit and Haida Central Council, but thought individual tribal governments have been working together on their own.

Dick Stokes from Wrangell, Alaska raised a question about the return of a specific object, Chief Shakes' canoe. He asked about the process and if there was funding available to visit the museum to examine and stabilize the object.

Russell first addressed Stokes' question. He suggested that an official tribal representative write a letter requesting the return of the canoe. He also noted that funding was available for visitors to come to the museum to examine objects.

Tom added that the claim process began with a government to government request.

John Martin noted that the tribe did not possess any historical information about the canoe.

Chuck fielded that comment and noted that the RO would make that information available to the tribe. He then discussed the categories in the law and explained the procedure for requesting sacred objects and objects of cultural patrimony.

Russell then discussed the role of the RRC in dispute resolution.

Ken Grant, President of the Hoonah Indian Association, stated that the association had a good working relationship with the Tlingit and Haida Central Council. He further noted that there are individual communities that are viable entities and successful in repatriation related work. He also stated that healing of Native communities was not possible because museums had not yet issued an apology for taking remains and objects. He thought that shaman objects could only have been acquired by museums through illegal methods and grave robbery. Grant reinforced that tribes would like museums and institutions to issue a statement of wrong doing for desecrating grave sites. He also added that he was interested in travel grant possibilities and would like more

information about them.

President Thomas thought that the existing process for proceeding with repatriation claims was inadequate. He stated that using non-Native ways for the process was not leading to success in having items returned. He asked Cheryl Eldemar to discuss her experience with the repatriation effort.

Cheryl Eldemar introduced herself and commented on her experience working in repatriation for the Tlingit and Haida Central Council. She thought that relationship building was an important step in the process. She noted that the Central Council submitted claims, which were driven by individual communities, for 113 objects and human remains located in museums and institutions throughout the country. She stated that only two returns resulted from these claims. One was a knife that was returned from the NMAI and the other was soft tissue human remains that were returned from the NMNH. Cheryl recognized the burden that existed for both the tribes and the museums in the repatriation process. She noted that travel was a problem, because it was taxing on tribal elders. She thought that visual representation of objects would be a way to bridge the geographical gap between museums and Alaska Native communities, because she did not think that the inventory reports were adequate in representing the objects. She asked who spoke to the unidentified objects. She thought that repatriation needed to be taken to the next level. She also asked if the RRC could fund cultural resource positions for the individual communities.

Russell thought that videotaping collections was a good idea. He suggested that Cheryl make a formal request for that.

President Thomas added that the people of southeast Alaska were feeling frustrated with the system because they were not accustomed to waiting idly for responses. He then expressed appreciation toward the SI for coming to Alaska to hear Native people's feedback.

Rosita Worl commented about how museums were frightened about repatriation because of the philosophical differences between museums and Native people. She noted that repatriation was a legal process that could be beneficial to both Indian people and museums. She suggested that museums hold in-house workshops on repatriation for curators and other research staff. She further noted that clans were the traditional property owners and, therefore, had the right of possession for objects. She asked how the SI would treat the situation of the Tlingit and Haida requesting all objects of cultural patrimony.

Russell responded that the SI would treat it very seriously.

Tom further responded by reviewing the RO's procedure. He stated that the RO would examine the request, gather information, write a report with a recommendation, have the report and recommendation reviewed by the SI's curators and Secretary, and then submit a response to the claimant.

Ron Little Owl discussed unwritten, spiritual law. He stated that he could identify with the issues that the Native people were raising at the conference. He questioned the elders about whether or not sacred objects were ready to be photographed. He cautioned that his people believe that once a photograph was taken, Native culture would end. He added that he had been invited many times to use spiritual methods to identify objects and human remains.

Frank White from Hoonah discussed the issue of right of possession. He began by stating that, traditionally, each clan had a caretaker who was responsible for custody of clan items. He noted that some of these caretakers, acting on their own, would sell objects to museums. According to the Native people, both the museums receiving the objects and the Native caretakers were criminals. He further noted that a clan would never decide to sell a clan item. He stated that clans have now become frustrated because they must go through red tape to reclaim the items. He concluded by noting that Native people were not consulted during the excavation of objects.

Agnes Bellinger discussed her experience in a repatriation with the Anchorage Museum. She noted that information such as photographs and genealogies were important.

The conference was adjourned.

APPENDIX H

Travel Grant Program

REPATRIATION REVIEW COMMITTEE TRAVEL GRANT PROGRAM AWARDS

1999 Repatriation Grants	1999 Consultation Grants	
Burns Paiute (Egan family)	Ноора	
Hoonah, AK (Keki family)	Kumeyaay	
Shaktoolik, AK	Spirit Lake Sioux	
Grand Ronde	Cherokee	
Tunica-Biloxi	Blackfoot	

1998 Repatriation Grants	1998 Consultation Grants		
Iowa	Норі		
Kaw	Pechanga Digueno		
Pawnee	Narragansett		
Otoe-Missouria	Ojibwe		
Gros Ventre	Mescalero Apache		
Nez Perce	Oglala Sioux		
Oglala Sioux	ONC-Bethel, AK		
Ponca-Oklahoma			
Ponca-Nebraska			

1997 Repatriation Grants	1997 Consultation Grants		
Golovin, AK	Colville		
Mandan-Hidatsa	Standing Rock Sioux		
Mashantucket-Pequot	Wanapum		
S'Klallam	Yavapai-Apache		
St. Lawrence			

1996 Repatriation Grants	1996 Consultation Grants		
Fort Belknap Assiniboine	Golovin, AK		
Fort Peck Assiniboine	Kotzebue, AK		
Cheyenne River Sioux	Nunivak		
Golovin, AK	Southern Cheyenne		
Kotzebue, AK	St. Lawrence, AK		
Point Hope			
Santee Sioux			

1995 Repatriation Grants					
Pawnee					
Yerington-Pauite		í.			
Spokane					
Devil's Lake Sioux					
Yankton/Yanktonai					
WarmSprings					

MEMORANDUM Repatriation Review Committee Office, CE 138, MRC-112, NMNH (202) 786-1240

DATE:

April 18, 2001

TO:

Lawrence M. Small, Secretary, Smithsonian Institution

FROM:

Russell Thornton, Repatriation Review Committee Chair, (310) 825-7080

SUBJECT:

Review Committee Annual Report

Please find enclosed the 2000 Repatriation Review Committee annual report. If you have any questions or concerns please contact me at UCLA at (310) 825-7080. Alternatively, you may contact Gillian Flynn, Repatriation Review Committee Coordinator at NMNH at (202) 786-1240.

cc: J. D. O'Connor, S. Burke, R. Fri, R. West, B. Bernstein, D. Rogers, B. Billeck, J. Pepper Henry



THE SMITHSONIAN INSTITUTION'S NATIVE AMERICAN REPATRIATION REVIEW COMMITTEE REPORT FOR THE 2000 FEDERAL FISCAL YEAR (October 1,1999 to September 30, 2000)

Submitted December 2000 to Secretary Lawrence M. Small

Russell Thornton, Chair

Andrea A. Hunter, Vice Chair

Roger Anyon

Michard Dalton, Sr.

Lynne Coldetein

Chriat

Turner II

The Smithsonian Institution's Native American Repatriation Review Committee Report for the 2000 Federal Fiscal Year (October 1, 1999 to September 30, 2000)

The 2000 fiscal year was a productive one for the Smithsonian Institution's (SI) Native American Repatriation Review Committee (RRC). This report inventories and discusses the mandated activities and Committee-approved efforts of the Repatriation Review Committee during the past year. It also expresses our position about the congressional mandate of the Committee to concern itself with the repatriation activities of all museums at the Smithsonian. Finally, this report details some concerns and expresses some plans for the future.

The RRC conducted its mandated monitoring and review of the operations of the Repatriation Office (RO) at the National Museum of Natural History (NMNH) throughout the year and responded to a variety of reports the RO submitted to us. We also addressed issues about repatriation activities at the National Museum of the American Indian (NMAI). In particular, we had discussions with NMAI's Assistant Director of Cultural Resources, Bruce Bernstein. A variety of other Committee activities occurred, ones congruent with the Committee's stated policy to engage Native American groups and communities. These included Committee members' attendance at repatriation conferences. Committee members, along with Committee Coordinator Gillian Flynn and Assistant Coordinator, Katherine Ramey, also attended meetings of

the Native American Graves Protection and Repatriation Act (NAGPRA) Committee.

We have both continuing and new concerns that require consideration during the 2001 fiscal year, particularly about the staffing changes of the RO at the NMNH and the freedom of the RRC to meet its mandate encompassing the Native American repatriation activities of all the component units of the Smithsonian.

Our activities involved meetings and travel, as summarized in Table 1.

Monitoring and Reviewing Activities

Our Congressional mandate, in part, states that the Committee will monitor and review the "inventory, identification, and return of Indian human remains and Indian funerary objects in possession of the Smithsonian Institution." This was expanded by the NMAI Act amendment to include objects of cultural patrimony and sacred objects at the Smithsonian. In keeping with this mandate, the Committee continued to monitor and review the repatriation activities of the Smithsonian Institution during the year.

We had three meetings--November 4-5, 1999, February 28, 2000, and August 14-15, 2000--for this purpose.

Our first meeting during the fiscal year was on November 4-5, 1999, in Washington, D.C. (See attached minutes in Appendix A.) In addition to the members of the RRC and Gillian Flynn and Katherine Ramey, those attending the meeting at various times

were: Robert Fri, Director of National Museum of Natural History

Table 1. Summary of Meetings and Trips

Date	Meeting/Trip	Participant(s)
11/4-5/99	RRC Meeting Washington, D.C.	Full Committee
11/8-9/99	Salinas National Monument Meeting Albuquerque, NM	Anyon
11/18-20/9	NAGPRA Meeting Salt Lake City, UT	Hunter & Flynn
2/28/00	RRC Meeting Gleneden, OR	Full Committee
2/29/00	Grand Ronde Consultation Gleneden, OR	Full Committee
4/1-3/00	NAGPRA Meeting Juneau, AK	Anyon, Dalton & Hunter
5/2-11/00	Repatriation Lecture & Consultation Universidad Autonoma de Barcelona Barcelona, Spain	Thornton
5/11-13/00	Repatriation Office Monitoring	Goldstein
5/16-18/00	American Association of Museums Annual Meeting Baltimore, MD	Flynn & Ramey
7/20-23/00	Conference Planning Meeting Tahlequah, OK	Thornton
8/8/00	Repatriation Ceremony for Ishi's Brain Washington, D.C.	Thornton
8/14-15/00	RRC Meeting Washington, D.C.	Anyon, Dalton, Goldstein, Hunter, Little Owl, & Thornton
8/17-18/00	Keepers of the Treasures Meeting	Anyon & Hunter

(NMNH); Ruth Selig, Special Assistant for Strategic Initiatives, NMNH; Lauryn Grant, SI Assistant General Counsel, Dennis Stanford, Chair of the Anthropology Department; Deb Hull-Walski, Collections Manager; Greta Hansen, Conservator; Lynne Schneider, Conservation Technician; Candace Green, Museum Specialist; Jake Homiak, Program Manager, National Anthropological Archives; Bruce Bernstein, of the NMAI; and Tom Killion, RO Program Manager. RO case officers Bill Billeck, Paula Molloy, Karen Mudar, and Chuck Smythe also attended.

Among the topics discussed were current repatriation activities at the NMNH and the NMAI, the quality of the NMAI repatriation reports, the NMAI practice of deaccessioning items and removing them from their formal record but not repatriating them, and the planned revision of the RRC by-laws.

The second meeting of the Committee was on February 28, 2000, in Gleneden, Oregon. (See Appendix B for minutes.)

Attending for portions of the meeting were RO program manager

Thomas Killion and case officers Paula Malloy and Steve Ousley.

Topics discussed included the planned workshop for Oklahoma tribes, the RO annual report, the Spiro Mound case, and the Grand Ronde case.

The third RRC meeting was held in Washington, D.C., on August 14 and 15, 2000. (See Appendix C for minutes.) In

addition to Committee members and Gillian Flynn and Katherine Ramey, those attending for portions of the meeting were Robert Fri, Lauryn Grant, Ruth Selig, Dan Rogers, designated Chair of the Anthropology Department, Thomas Killion, Bill Billeck, Paula Malloy, Steve Ousley, Chuck Smythe, and Gayle Yiotis, Museum Specialist. During the meeting the RRC received an update on Repatriation Office activities, including the repatriation of Ishi's brain. The Committee also discussed the upcoming conference in Oklahoma. Lynne Goldstein updated the Committee on her RO monitoring; Roger Anyon, Richard Dalton, Sr., and Andrea Hunter reported events at the April 2000 NAGPRA meetings. Gayle Yiotis gave an update on the Winter Count and brochure projects.

Reports Considered

During the year, the RRC formally considered NMAI reports on human remains and objects potentially affiliated with the Cheyenne River Sioux and the Tlingit, and NMNH reports on human remains and objects potentially affiliated with the Keweenaw Bay Indian Community, Unalakleet Native Village of Alaska, and the Mohegan Tribe.

The RRC finalized its commentary on previously provided NMAI reports during this year. The reports were on human remains from Maine and Cuba, human remains and funerary objects from the Dalles and Memaloose Island, Oregon, human remains and objects potentially affiliated with the Wampanoag, and objects potentially affiliated with the Haudenosaunee (Iroquois), Seneca,

and Tlingit. We thought the general quality of these reports was poor and not up to Smithsonian Institution standards; however, we anticipated improvement in the reports through new NMAI hires.

(See Appendix D for our evaluation of these reports in the form of a letter to Bruce Bernstein of the NMAI.)

The Committee also considered additional NMAI reports provided to it in August 2000, and prepared commentary on them that was finalized after the end of the fiscal year. (The commentary will be provided in the next annual report.) Finally, the Committee also considered a Human Sciences Review Committee Report various documents associated with the legislative history of the NMAI Act. (See Appendix E for a listing of formal titles of the reports.)

Outreach Efforts

In keeping with the Committee's long-standing decision to interact more fully with Native American communities and relevant organizations and associations, the Committee engaged in outreach efforts during the past fiscal year.

NAGPRA Committee Meetings

Andrea Hunter and Gillian Flynn represented the Repatriation Review Committee at the NAGPRA Committee meetings in Salt Lake City, Utah, on November 18-20, 1999; and Roger Anyon, Richard Dalton and Andrea Hunter represented the Committee at the NAGPRA meetings in Juneau, Alaska, on April 1-3, 2000. (See Appendixes F

and G for notes on the meetings.)

<u>Keepers of the Treasures Meetings</u>

Roger Anyon and Andrea Hunter represented the RRC on August 17-18, 2000, at the annual meetings of the Keepers of the Treasures held in Seminole, Oklahoma. The also made a presentation about the RRC and repatriation at the Smithsonian.

<u>Other</u>

Roger Anyon represented the Committee at a Salinas National Monument Consultation in Albuquerque, New Mexico, on November 8-9, 1999. Russell Thornton lectured on repatriation at the Smithsonian at the Universidad Autonoma de Barcelona in Spain and consulted with the Department of Anthropology there from May 2-11, 2000; he also attended the repatriation ceremony for Ishi's brain held at the NMNH on August 8, 2000. Gillian Flynn and Katherine Ramey attended the annual meetings of the American Association of Museums in Baltimore, Maryland, from May 16-18, 2000, and Lynne Goldstein spent May 11-13, 2000, monitoring the Repatriation Office at the NMNH.

Grand Ronde Protest Consultation

The Grand Ronde Indians of Oregon protested to the RRC a RO decision not to repatriate human remains to them. As a result the RRC arranged a consultation meeting with the RO, the Grand Ronde, other potentially-affiliated Oregon tribes, and expert consultants. (See Appendix H for those attending.) It was held in Gleneden, Oregon, on February 29, 2000. The meeting proved to

be extremely helpful; as a result, the RO decided to rewrite its report on these remains and rethink its decision.

Grants Programs

The two grant programs--the Repatriation Grant Program and the Consultation Grant Program--established by the Repatriation Review Committee continued to assist Native American groups in their repatriation activities. Groups assisted by the Repatriation Grant Program were the Chugach and Unalakleet from Alaska, and the Redding Rancheria and Pit River Tribe, who jointly accepted Ishi's brain. Groups assisted by the Consultation Grant Program were the Unalakleet, the Aluet, and the Wiyot of Table Bluff Reservation. (See Appendix I for a formal listing.)

Charter and Rules of Operation

The Committee continued with the process of modifying its Charter and Rules of Operation during this fiscal year in order to make them more congruent with the amended NMAI Act: Our congressional mandate now includes monitoring repatriation throughout the Smithsonian system of not only human remains and funerary objects but also objects of cultural patrimony and sacred objects.

The RRC Mandate and the NMAI

The RRC firmly believes our mandate encompasses the repatriation activities of the NMAI.

Public Law 101-185 (as amended) clearly gives a "special committee" (what has subsequently become the Smithsonian Institution's Native American Repatriation Review Committee) the power to review inventory, identification, and return of American Indian human remains and funerary objects, objects of cultural patrimony, and sacred objects "in the possession or control of the Smithsonian Institution." It also grants the special committee the power to engage in other duties, including the ability to "upon the request of any affected party or otherwise, review any finding relating to the origin or the return of such remains and objects." It is clear, nevertheless, that the RRC is only advisory; therefore, none of our activities infringe on anyone's authority.

Consequently, members of the RCC (and others) continue to fail to understand why we have met with so much resistance in attempting to perform our clear congressional mandate vis-a-vis all of the relevant human remains and objects at the NMAI. If we do not do so, then the NMAI is the only museum in the United States that receives federal funding but is not subject to a monitoring of it repatriation activities by an independent committee without a direct interest in activities other than repatriation.

Concerns

The Repatriation Review Committee continues to be concerned about the length of time involved in the repatriation process, particularly at the NMNH but at the NMAI as well. We still think ways must be found to accelerate the process significantly. We are also concerned about the NMNH RO staffing changes and reductions that have occurred and others that are planned. We see staff turnover and reduction as disrupting the RO and thus further slowing the repatriation process.

Conclusion

The 2000 Fiscal Year was an active one for the Repatriation Review Committee. We are satisfied that we responded appropriately to the challenges offered and that we continued to bring issues of concern to appropriate offices at the Smithsonian as the Committee sought to fulfill its legal mandate. These challenges arose particularly from our relationship with the NMAI, but they also arose from a dispute between the Smithsonian and the Grande Ronde and the dispute over Ishi's brain, which was finally repatriated during this period. The Committee looks forward to the 2001 Fiscal Year as one of further challenges and accomplishments.

Russell thought that could be possible. He asked about arranging a bus to the dinner.

Gillian mentioned that she and Katie had arranged a bus equipped with a bathroom and a microphone for the Spiro trip.

Lynne asked Gillian to contact Jim Brown again regarding the Spiro trip.

Ruth also suggested inviting Lauryn Grant and thought that Mr. Fri might be available to attend.

Russell added that Gordon Yellowman had expressed interest in speaking at the conference. He then described Western Hills Guest Ranch.

Lynne suggested inviting other academics in Oklahoma so that it would not appear that the SI was working in isolation.

Gillian asked about inviting Lawrence Hart to the conference.

Russell thought that would be fine and Roger thought it was a good idea. Russell reminded Gillian and Katie to also invite Clara Seele.

Ruth asked if the conference was open to the public and if an announcement would be placed in a local newspaper.

Gillian explained that the RRC would cover the cost of two representatives per tribe, but she expected that there would be walk-ins. Gillian then cautioned about attendance being too one-sided with a lot of academics and Smithsonian officials and only a few tribal representatives.

Russell asked how many staff members from the SI would attend.

Gillian replied that it would probably just be Paula, Bill, and Jim Pepper Henry.

VI. RRC Monitoring of Smithsonian Museums

Dan Rogers and Ruth Selig attended this session.

Russell raised the issue of the RRC's jurisdiction over the NMAI and the correspondence with Rick West. Russell mentioned that he had recently received a letter from Rick and had drafted a response. He noted that Mr. Fri suggested removing the references to the RRC's jurisdiction.

Dan thought that Rick West's concern, expressed in his letter, about a staff member's dinner companion was strange. He also thought that Rick drew a very fine line regarding jurisdiction. Dan acknowledged that he did not know the full history of the correspondence, but he did not think that the RRC would get a positive response to its request for information from the NMAI.

Roger thought that the RRC could still visit the NMAI to view the requested material.

Russell added that the information would fall under the Freedom of Information Act, but noted that Rick intimated that some of it might be confidential.

Ron clarified that the RRC had requested updated material from the NMAI in a letter to Bruce Bernstein.

Ruth thought that Rick's letter had strange timing and that the long lapse in communication made it seem out of context. She thought that Lauryn Grant would have the best sense about issues at the NMAI. She added that letters complicate matters.

Lynne noted that the RRC would not have written any letters if the NMAI had been more forthcoming with information.

Ruth thought that the issues get submerged in letters.

Roger commented that the central issue is the RRC's role in monitoring the NMAI. He thought this needed to be clarified. He further noted that when the issue is raised verbally, there is no clarification.

Russell thought that the RRC had a responsibility to the law and did not have to accept anyone's decision.

Lynne said that the NMAI would only have to share information. She did not think that it had to be deemed "monitoring," but rather, the arrangement could be finessed.

Ruth suggested that the RRC's role and jurisdiction be discussed with Lauryn. She thought that the RRC and the NMAI had very different beliefs and appeals would be made to the higher administration within the SI.

Russell thought that it was the SI's Office of General Counsel's role to make these decisions, however, he did not feel that they were making the interpretations.

Ruth thought the law could be interpreted from both points of view. Dennis O'Connor's original decision to share information could be enforced. She thought that the new Secretary was focused on issues other than the RRC's jurisdiction.

Russell suggested that the issue could be examined outside of the SI.

Lynne asked Ruth for her personal opinion in responding to Rick's letter.

Ruth suggested that the RRC see that Dennis O'Connor's initial decision is enforced.

Gillian noted that the RRC had just received a new set of reports from the NMAI and Russell added that the Committee also received a very nice letter from Bruce Bernstein.

Gillian reviewed how Bruce Bernstein's office had requested the RRC's annual report.

Katie escorted Andrea and Roger to renew their SI identification badges.

Ruth thought that the RRC was making progress in obtaining information from the NMAI.

VII. In-Camera Session

This portion of the minutes is not circulated.

Tuesday, August 15, 2000 - 8:30 am

I. Meeting with Robert Fri

Robert Fri, Lauryn Grant, Dan Rogers, and Ruth Selig attended this session.

Russell opened the meeting and thanked everyone for coming. He said that the group would discuss the NMAI issue, the letter from Rick West, and Russell's draft response to Rick's letter that the RRC discussed yesterday. Russell reviewed the situation for the group, welcomed everyone, and turned the meeting over to Mr. Fri.

Bob Fri thanked everyone for convening early. He began by discussing the new leadership at the SI. He sketched the organizational change, noting the four objectives of Secretary Small. One was to enhance the visitor experience by upgrading exhibits. The second was to focus science and research around a few areas of expertise. The third was to upgrade management models at the SI and the fourth was fundraising. Bob continued, saving that the upper echelons of the SI were organized around these goals. He said that Secretary Small created four Under Secretary positions. Sheila Burke was the head of the American museums, which included the NMAI. Dennis O'Connor was Under Secretary for the sciences, including oversight of the NMNH. There was also an Under Secretary for management and business ventures, including oversight of the museum shops, theaters, restaurants, and films. Finally, the fourth Under Secretary was charged with oversight of development at the SI. Given the new organization at the SI, Bob did not think that it was a good time to raise the jurisdictional issue. He elaborated that the NMNH and the NMAI reported to different Under Secretaries, Sheila Burke was new, and Dennis O'Connor was trying to refocus. Bob thought that the jurisdictional discussion would involve Sheila Burke and people who were not well educated in the area of repatriation. He also did not think it would be a priority and, therefore, would probably not be treated very well.

Russell responded that he understood and was sympathetic to Bob's point of view.

Bob offered some unsolicited advice. He thought that the objective of the SI was to have a well-functioning repatriation program. He suggested that the best vehicle for generating change would be to recommend a policy that would improve the quality of the repatriation program of the SI as a whole. He thought that the RRC should make a case for why its oversight of the NMAI can improve repatriation at the SI as a whole. Otherwise he thought it would be perceived as a turf war. He suggested that the RRC should continue its informal relationship with the NMAI and offer specific advice.

Russell thought that Bob's advice was excellent. He noted that it was not a turf battle, merely a statement of the RRC's position. He continued, noting that the RRC was not asking anyone to intervene, but merely stating its position for the record.

Bob thought that the RRC's position would be better received if it could demonstrate how the

RRC's monitoring would be more helpful to the NMAI's repatriation program.

Russell stated that the basic problem was that the RRC has tried to provide constructive criticism on the NMAI's reports and Rick West retaliated by stating that the RRC had no role in repatriation at the NMAI. He continued, noting that the RRC had received another set of reports from the NMAI, which it would attempt to evaluate.

Bob informed the RRC that he discussed the situation with Rick. Bob and Rick did not know what transpired during the RRC's last meeting with Bruce Bernstein, but Bruce became upset. Bob added that relations were going well with the NMAI in other areas. He suggested that the RRC continue to review and comment on the NMAI's reports.

Russell felt that it was important for the RRC to state its position. He thought that it could improve the process, because it has unique expertise to offer with its combination of scholarly and traditional Indian religious views. He added that one overarching committee for the entire SI would offer a simpler appeal process for the tribes. Russell commented that Bronco Le Beau of the Cheyenne River Sioux had complained to him about the NMAI's policies.

Bob thought the RRC should just proceed with its advising process, rather than discussing interpretation of the statute. He added that it should demonstrate its value to the SI as a whole.

Russell agreed, but thought it was important for the RRC to articulate its position. He further noted that the RRC had a good record with both the SI and the tribes.

Ruth suggested that Russell tell Bob about Bruce Bernstein's letter.

Russell mentioned that he received a cordial letter from Bruce Bernstein. He thought that this was a positive step after the surprisingly negative tone of Rick's letter. Russell thought he would proceed by responding with two letters to separate the personal and professional issues. He thanked Bob for his advice, adding that the RRC held tremendous respect for him and took his advice very seriously. Russell then noted that the RRC felt strongly that it should be able to quote from the law in its by-laws.

Bob thought it was fine to quote from the law, but it would become a question of how much to quote.

Roger also thanked Bob for the excellent advice. He thought that the RRC worked well with the NMNH and that a synergism existed between the RRC and the RO. Roger hoped that the same could happen with the NMAI.

Lynne noted that the RRC was not questioning anyone's authority. She pointed out that the RRC does not have any authority, because it is only advisory. She did not think that authority was the issue, because the RRC did not have jurisdiction over anything. Its role has merely been to give

advice to the SI and the NMAI is included under the SI.

Bob suggested that the RRC proceed in that manner.

Ron thought that the RRC's advice was good. He also remembered Bruce Bernstein agreeing with the jurisdictional issues. Ron expressed concern about jurisdiction because it was a tough issue. He noted that he lived by it whether it was the federal government, the state, the tribe, or his neighbor. Ron added that Jim Pepper Henry had an unresolved issue and the RRC offered to intervene and resolve it. Ron asked how that could be interpreted.

Bob replied that it could be resolved by competing jurisdictions.

Russell thought that jurisdictional issues can become very important.

Ron suggested addressing them one at a time.

Bob thought that when making decisions, one should rely on what is best for the SI. If a recommendation is good, whether or not it is followed should not be based upon who has made it.

Ron discussed the jurisdictional issues that he faced when organizing the Sun Dance. He further discussed reburials that he conducted. He thought that the RRC's jurisdiction would affect a lot of Indian people. He supported the RRC's stand on its role with the NMAI.

Bob thought that was very good advice. He added that it was best to discuss specific cases rather than the overarching issue. Bob also thanked Russell for attending the Ishi repatriation.

Ron thanked Bob for his advice.

Russell thanked Bob for attending the meeting and informed him about the RRC's upcoming workshop in Oklahoma. He noted that the NMAI would be participating and invited everyone to attend. He thought that the NMAI's cooperation and participation in these workshops would benefit the tribes.

Bob left and the meeting adjourned for a short break.

II. Meeting with Lauryn Grant

Lauryn Grant, Dan Rogers, and Ruth Selig attended this session.

Russell resumed the meeting.

(b) (5)

(b) (5)	
Ruth asked if Dennis O'Connor and Sheila Burke had discussed Rick's le	etters.
(b) (5)	
Regarding Rick's position on the NMAI's autonomy, Russell thought the able to report to the NMAI's Board. He thought this would strengthen I	at the RRC should just be Rick's case for autonomy.
(b) (5)	
Russell thought that the NMAI seemed to be structuring its repatriation pass the RRC. Instead of creating its own committee, it could have used thought this demonstrated that the NMAI was moving in the opposite direction.	the existing RRC. He
b) (5)	<u>, '</u>
Russell commented that Bob has been an excellent administrator and that	his comments were on
target.	ins comments were on
(b) (5)	
Russell asked which museum received the requests.	
b) (5)	
Russell then asked if the RRC would be involved.	
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(b) (5)

Dan did not think any mission could be broader than the NMNH's.

(b) (5)

Dan did note, however, that the NMNH's repatriation policy first prioritized lineal descendants, then American Indian cases, and then international repatriation cases.

Russell offered the RRC's assistance in the international repatriation cases.

(b) (5)

Russell said that the RRC would review the report and discuss the case. He noted that Indian people often inhabit villages seasonally or intermittently. He further noted that there were documented cases of Indians returning periodically to villages that had been abandoned.

(b) (5)

Dan asked Lauryn if she received the reports before or after they had been distributed to the tribes.

(b) (5)

Dan did not think that commenting on reports after they had been sent was very helpful.

Ruth noted that was the established agreement.

(b) (5)

Regarding abandonment of villages in Alaska, Richard commented that it did not happen for any reason, even illness or epidemic. He thought that any claims of abandonment were false and discussed an example in Haines, Alaska.

(b) (5)

Ron also agreed with Richard's comments. He added that there is no word for abandonment in the Indian language. He discussed Indian people's annihilation by germ warfare. He elaborated that Indian people were given blankets that were infested with small pox. These accounts had been passed down to successive generations through stories and songs. He said that present day

descendants always return to feed those that have died in these villages. He noted that the Mandan people were killed by germ warfare, whereas the Arikara people were killed in battle.

Russell said that the RRC would read the new batch of the NMAI's reports and comment on them in a letter.

Regarding pesticide and arsenic poisoning, Ron asked if it was done before or after objects were acquired by the museum.

(b) (5

Ron commented that Indian people often would not bury repatriated human remains in the packages in which the museum sent them. He continued, noting that the remains were often handled before reburial. Indian people in some areas have been aware of possible arsenic contamination and often do not welcome the return of human remains because of it.

(b) (5)

Lynne mentioned that arsenic was sometimes used in historic burials.

Ron added that, in the Hopewell civilization, arsenic was sometimes used in the burials of those who were not cremated.

(b) (5)

Regarding the Lovelock Cave case, Roger asked what the outcome was of the Bureau of Land Management's discussion about reburial.

(b) (5)

Roger noted that he was interested in the resolution, because he thought it could affect many other cases.

(b) (5)

III. Meeting with Dan Rogers

Dan Rogers and Ruth Selig attended this session.

Russell turned the meeting over to Dan.

Dan began by stating that since January his role in the department has been chair-elect. This meant that he has been Tom's supervisor as well as overseeing other activities. Dan said that he had long term interests for the operations of the RO, just as the RRC has. He discussed the RO's downsizing in staff with the decision to create some permanent positions. This reduction in staff was the result of mandatory raises and a flat budget. Dan noted that the RO's report preparation process has created a lot of information and suggested that special attention be given to the kind of information that is kept and used. Dan was concerned about the accessibility of the information and the efficacy of the databases. He noted that Steve Ousley had done excellent work with the physical database. More effort needed to be invested into the archeological databases to make them more accessible. Dan thought that he needed to work out some details with Tom. He turned to discuss the RO's interaction with Native people and how it was embodied in Chuck Smythe's position. Dan thought that it was time for the outreach effort to move beyond simple case work to a more dynamic relationship with tribes. He noted that the budgets were not providing the opportunity to expand this relationship. When examining the amount of casework for the ethnology position. Dan thought that it was easy to criticize the need for its existence. However, he thought that it was a necessary position and hoped that it would not be eliminated. Dan noted that the existing RO budget could fund an ethnology position halftime, but he thought that it needed to be full-time. Dan was surprised about the rollover amount in the RRC's budget and that it had not yet been taken by the Castle. He added that it was a lot of money and must have been noticed by this time. He suggested that the RRC seriously consider this rollover amount and the fact that it could be taken away. He noted that quantities under onehalf million dollars did not need Congressional permission to be reprogrammed.

Russell responded that the RRC has been discussing this for years. It has only been able to do half of its job, by only permitting monitoring at the NMNH.

Dan advised the RRC to consider involving itself in long term projects. He noted that there was a huge need for funds throughout the SI. He made a proposal for the RRC to participate in funding an ethnology position. He thought that the outreach components were within the bounds of the RRC's mission.

Russell noted Dan's point about the RRC's budget surplus and supported the idea of a liaison or outreach person. He thought that the RRC would be amenable to discussing the proposal and would like to review the RO's budget.

Ruth asked if the position would be a term or permanent appointment.

Dan thought that would be for the RRC to decide, but added that a permanent position was needed.

Russell thought it would be great to have a permanent appointment. He noted that the RO and

the RRC were separate entities. He thought that the nature of the existing position would change if it were funded using the RRC's money. Russell imagined that the person would work more closely with the RRC in a liaison capacity. He also suggested hiring an Indian person, since there are none on staff in the RO. Russell also thought this could be the most critical position in the RO.

Dan welcomed Russell's suggestions and understood the separate structure and budgets. He thought that the RRC could possibly have supervisory input over the position. Many positions have multiple lines of supervisory input.

Russell commented that the RRC did not want to control the RO's staff. Over the years, however, Russell noted that there have been problems with information sharing and coordinating with the RO.

Dan thought that was unfortunate, because cases should be dealt with effectively. He hoped that the problems were in the past. Dan would regret losing Chuck's capabilities in the ethnology position. He noted, however, that Chuck would not necessarily be hired, but would be one of the candidates if he applied.

Russell asked about the Grade level that the position would be.

Dan replied that Chuck was a Grade-12, which costs about \$75,000, including benefits. The RO budget could cover half of that, but he thought it would be difficult to find someone willing to work half-time in that capacity.

Roger thought that money would be an issue, because a portion of the RRC's budget had been obligated for the travel grant program.

Gillian explained that it was not officially obligated, because it was not attached to a vendor.

Ruth conceded that the travel grant program was a long-time endeavor of the RRC, but thought that the money was still vulnerable.

Dan agreed about the vulnerability of the surplus and noted his surprise that it had not yet been reprogrammed.

Roger calculated that one-half of the position cost would be about \$38,000. He asked if it would appear as obligated in the RRC's budget.

Ruth replied that it would.

Gillian cautioned the Committee members and reminded them about the discrepancy between the electronic and paper budget amounts. She reviewed the budget situation.

Dan thought that this needed to be resolved.

Roger asked if anyone foresaw any change happening to the RRC's annual appropriation.

Dan thought that the only change could be a reprogramming within the SI.

Ruth thought that the rollover would be scrutinized.

Roger asked what the best strategy to approach these problems would be.

Regarding projects, Dan thought that now would be a good time to obligate the money and spend down the surplus.

Ruth agreed.

Gillian noted that the RRC was currently funding two other staff positions and suggested that the RRC continue to do that.

Russell suggested obligating more money for the Winter Count project.

Dan pointed out that the RO has been able to fund long term three-year contracts.

Gillian expressed an interest in investigating this possibility.

Russell thanked Dan for his advice and suggestions and he left.

IV. In-Camera Session

This portion of the minutes is not circulated.

V. Repatriation Office Update

Tom Killion and Ruth Selig attended this session.

Tom began by apologizing for missing his initially scheduled time slot on the agenda and discussed travel problems that he encountered on his return from California. He then informed the RRC that the Ishi repatriation went very well and reviewed some aspects of the return.

Richard Dalton entered.

Tom continued, noting that the tribe's repatriation visit to the NMNH involved a trip to the collections and the initiation of consultation with the Redding Rancheria and Pit River Tribe. Resulting from this, Tom thought that there would soon be another request for human remains from that area of California. Tom said that he accompanied Ishi's remains on the return to California and was then invited to participate in the burial at the grave site. Tom said that this involved a long trip into a remote area. The following day, Tom visited the homes of two elders to discuss the next consultation. Tom was very pleased with how the return unfolded. He reminded the RRC that the RO was involved in recruiting a program manager, a computer specialist, and a museum specialist for the osteology lab.

Lynne asked if Steve Ousley's position was permanent.

Tom responded that it was and explained that the osteology lab position would be supervised by Steve. He then turned to the Unalakleet request for a broader consultation visit. He said that it would involve six representatives visiting for two weeks. Tom noted that this was an unsolicited proposal and that the community had officially requested the return of all ethnographic objects under the sacred and objects of cultural patrimony categories. Tom would be visiting the Unalakleet on August 24th to discuss a collaborative exhibit. He supported the visit, but thought that one week of consultation, rather than two, would be adequate. He urged the RRC to consider funding it. Tom initially thought that this consultation could be subsidized through the SI's Community Scholar Program, however, it had not been awarded a grant. Tom likened the Unalakleet consultation to the upcoming St. Lawrence Island one.

Regarding the Unalakleet request, Roger asked about the Arctic Studies Center's role in the visit.

Tom replied that the representatives would only spend one of their five days with the Arctic Studies Program.

Ruth asked if there were objects affiliated with the Unalakleet that were subject to repatriation.

Tom answered that there were. He added that the museum had already completed a return of human remains and funerary objects to the Unalakleet, so now the RO would be focusing on sacred objects and objects of cultural patrimony.

Ron commented that he had reviewed the list of objects and did not think that many would be subject to repatriation.

Russell agreed.

Ruth asked if any of the objects had been photographed.

Lynne suggested that the RRC agree to pay for a video tape of the collection, which could then be sent to the community. She thought that it was hard to justify the visit, based on the existing information.

Ruth commented that the community thought that all of the objects were subject to repatriation.

Tom wanted to avoid telling them what is subject to repatriation and what is not. He thought he could discuss this when he visited them later on in August.

Lynne thought that if the tribe did not object to photography, pictures should be used to narrow down objects for examination.

The RRC agreed that it was difficult to justify the request as it stood.

Richard asked what information the Unalakleet had been given.

Referring to the list that the RRC had received with the request, Tom explained that the NMNH held all objects on the list. The Unalakleet, however, had requested that the entire list of objects be repatriated. Tom would be visiting the community to consult and help them develop a better understanding of what is and is not subject to repatriation, according to the law. Tom thought that the tribal representatives understood that not all objects are subject to repatriation, however, they were voicing the concerns of the tribal elders. Tom hoped to consult with the elders during his visit.

Lynne asked about the exhibit project included in the request.

Tom explained that initially the community wanted to work with the NMNH to develop an exhibit, however, they found that it was difficult to produce a small exhibit. The Unalakleet then countered with a request that a larger number of representatives visit the NMNH to consult.

Ruth asked how much it would cost to fund the visit.

Gillian thought that it would be about \$2,500 per person.

The RRC noted that the Unalakleet had already received two travel grants within the past year.

Tom noted that he also wanted to discuss the RO's budget and the ethnology position. He left, saying that he would return at 1:15pm to discuss these topics.

VI. Winter Count Update

Ruth Selig and Gayle Yiotis attended this session.

Gayle began her presentation by thanking the RRC and distributing packets on the Winter Count project. Gayle noted that this packet contained Candace Greene's update on the Winter Count project and also Christina Burke's update. Gayle added that this project had gained momentum and she was working hard on it. She discussed the research.

Russell asked when the article would be published.

Gayle estimated that it would be published in the Fall issue of American Indian Art Magazine.

Russell suggested that Gayle contact some Sioux from North and South Dakota to get their input to the project. He mentioned Jerry Flute as one contact.

Gayle thought that was a good idea. She added that Candace was in contact with Timothy Tackett, who had donated the Anderson Winter Count. She thought that it would make an interesting and useful publication.

Russell also suggested distributing the publication to tribal schools free of charge.

Gayle discussed her work on the brochure for the National Anthropological Archives (NAA). She said that the project had progressed rapidly at the beginning, but work had slowed with the move of the NAA's collections. The NAA would close on September 15, 2000 to inventory and pack the collection. It was expected to reopen in June 2001, but Gayle thought that estimate was very tentative. She noted that Jake Homiak had been very involved in the move and was, therefore, very busy. She added that the result would not merely be a brochure, but rather a guide or booklet on archival methods for conducting research.

Russell asked if the guide would also include the NMAI's archives.

Gayle replied that she had been attempting to contact Diane Byrd, archivist at the NMAI, but had not yet been successful.

Russell thought that this had been settled and agreed upon.

Gillian explained that collaboration may have been agreed upon at a higher level, but not yet filtered down.

Ruth suggested that Russell remind Bruce Bernstein of this agreement in his next letter.

Gayle said that she would forge ahead in building a relationship with the NMAI's archives staff. She then discussed ideas for an RRC webpage.

Gillian informed Gayle that the RRC members did not want their pictures posted on the webpage. She also said that she would update and edit their biographies.

Russell asked how Gayle's work on the Winter Count project would be affected by the NAA's move.

Gayle answered that the NAA's collections would be closed to outside staff and the public from September 15, 2000 until June 2001. Gayle said that Candace Greene projected to complete moving the NAA's artwork by August 28, 2000, so she would still be able to work on the project.

Russell thanked Gayle for her presentation and all of her hard work.

Gayle also thanked the RRC and noted how interesting the work has been and she left.

Russell then proposed approving additional funding for the Winter Count project to improve publication quality and for consultation with Sioux experts.

Lynne asked how much additional funding. She thought it seemed fine, especially for the publication quality.

Russell said that he would discuss it with Candace and develop a budget.

Ruth suggested that the RRC purchase a digital camera. She thought it would be an appropriate use of the RRC's funds.

Lynne noted that high quality digital cameras cost about \$10,000.

Russell thought it would be a good idea for the RRC to purchase a digital camera for the Winter Count project.

The meeting adjourned for lunch.

VII. Repatriation Office Update - Continued

Tom Killion and Ruth Selig attended this session.

Russell resumed the meeting, thanked Tom for returning, and turned discussion over to him.

Tom began by discussing the ethnology position. He noted that Chuck's term was ending, but his work was very important. He said that the Anthropology Department had decided to permanently hire two archeologists and one physical anthropologist for the three case officer positions. He thought that this had been a difficult decision, but had been based on the existing workload in the RO. Tom then made the proposal that the RO and the RRC jointly fund a two to four year term ethnology position. Tom reviewed the budget that he had distributed, explaining different portions. (See attached)

Discussion of the budget continued and the RRC members thought that they had the necessary information on which to base their decision.

Roger asked if the issue of the curators requiring scientific certainty rather than a preponderance of the evidence for repatriation reports had been resolved.

Tom said that the issue was ongoing.

Roger raised the question of how to deal with it, because the repatriation legislation stated a preponderance of the evidence as the basis.

Regarding the Mohegan report, Tom said that the RO decided to offer the material that was easiest to affiliate and categorize, but hold off on offering that material still under review by the curators. Tom conceded that additional problems could arise and that it was inherent in the process.

Roger was concerned about potential problems that could arise by retaining collections that would normally go forward based on a preponderance of the evidence.

Tom noted that it takes time to move through an argument, but it does not necessarily stop the repatriation.

Roger responded that it was slowing down the repatriation process.

Tom thought that there would be a paradigm shift with the curators.

Gillian noted, however, that it was still a problem because the curators had not agreed to the repatriation.

Tom conceded and Roger agreed. Roger then asked for the CD ROM copies of the ethnology reports.

Tom and Gillian said that they would get them.

Roger asked about the status of the named individuals and if there had been any new responses to

the inventories.

Tom said that the RO had consulted with the tribes in the Southeast and the Southwest. Referring to the named individuals memorandum, seven of the nine tribes had been notified. Tom informed the RRC that he was responding on behalf of Mr. Fri to Senator Inouye's comments at the most recent oversight hearing about the Smithsonian's compliance with NAGPRA. Tom said that he would distribute copies of his letter to the RRC.

Russell was especially interested in receiving the letter.

For the next RRC meeting, Andrea requested that Tom provide the RRC with a list of cases, the respective case officers working on them, and their status.

Tom asked if the RRC would respond to the Unalakleet's request for additional consultation.

Russell replied that the RRC would discuss it and then respond. He then thanked Tom for his presentation and Tom and Ruth left.

VIII. In Camera Session

This portion of the minutes is not circulated.

Appendix A
Minutes of the November 1999 RRC Meeting

Final Repatriation Review Committee Meeting Minutes November 4-5, 1999 National Museum of Natural History (NMNH) Prepared by Katherine Ramey

Repatriation Review Committee Participants:

Roger Anyon, Richard Dalton, Sr., Lynne Goldstein, Andrea Hunter (Vice-chair), Ronald Little Owl, Russell Thornton (Chair), Christy Turner II

Smithsonian Staff Participants:

Bruce Bernstein, Assistant Director of Cultural Resources, NMAI Bill Billeck, Case Officer, Repatriation Office, NMNH Gillian Flynn, Repatriation Review Committee Coordinator, NMNH Robert Fri, Director, NMNH Lauryn Grant, Assistant General Counsel, Smithsonian Institution Candace Greene, Museum Specialist, Department of Anthropology, NMNH Greta Hansen, Conservator, Department of Anthropology, NMNH Jake Homiak, Program Manager, National Anthropological Archives, NMNH Deb Hull-Walski, Collections Manager, Department of Anthropology, NMNH Thomas Killion, Program Manager, Repatriation Office, NMNH Paula Molloy, Case Officer, Repatriation Office, NMNH Karen Mudar, Case Officer, Repatriation Office, NMNH Lynne Schneider, Conservation Technician, Department of Anthropology, NMNH Ruth Selig. Special Assistant for Strategic Initiatives, NMNH Chuck Smythe, Case Officer, Repatriation Office, NMNH Dennis Stanford, Chair, Department of Anthropology, NMNH Katherine Ramey, Assistant Repatriation Review Committee Coordinator, NMNH

Thursday, November 4, 1999 - 9:10 am

I. Breakfast Meeting with Robert Fri - Introductory Remarks, The National Museum of the American Indian's Reports, and the Repatriation Review Committee By-Laws

Bob Fri, Ruth Selig, and Dennis Stanford attended this session. Ron Little Owl was not yet present.

Russell Thornton opened the meeting and welcomed everyone, including Bob Fri and Dennis Stanford. He said that he wanted to discuss the National Museum of the American Indian's (NMAI's) repatriation reporting process and the Repatriation Review Committee (RRC) By-Laws. Russell began with the NMAI's reporting process and commented that the RRC has reviewed eight of the NMAI's reports. He did not know, however, what percentage of the total number of reports those eight represented. Russell continued, stating that he had drafted a

detailed letter to the NMAI regarding the RRC's concerns, but wanted to discuss the issues with Bruce Bernstein before sending the letter. Russell summarized the RRC's reservations about the reports. These concerns included substantive issues about the reports, particularly the failure to address cultural affiliation, and editing details. Russell thought that the NMAI's reports were similar in quality to reports that the National Museum of Natural History's (NMNH's) Repatriation Office (RO) had generated early on in the process. In the letter, the RRC would give general criticism with examples from all eight reports, request that the NMAI continue to provide the RRC with additional reports and, finally, request that the NMAI provide the RRC with a listing of all reports produced.

Bob Fri asked if there were any trends toward improvement in the reports.

Russell thought that some were clearly better, particularly the reports on Tlingit material. Russell did not think there were any trends toward consistency in the reports.

Lynne Goldstein and Roger Anyon did not think that there were any clear trends toward standardization. Lynne thought that the reports showed some improvement.

Russell said that it was not clear in the reports what items were being returned and what items were just being deaccessioned.

Christy Turner did not think that the reports were of the same quality as works produced by first year graduate students. He added that this was an objective comment and not an issue of control.

Bob asked how the NMAI determined to whom items should be returned.

Lynne and Russell said that was not clear.

Ruth Selig entered.

Russell did not think that the reports addressed the arguments for return. He further noted that reports did not contain conclusions about affiliation and they did not evaluate arguments. Russell agreed with Christy's comments. Russell hoped that since Jim Pepper Henry had been hired as Program Manager of the NMAI's RO, the reporting situation would improve. Russell added that Jim has hired some new people, one of whom Russell knew from the University of California-Los Angeles.

Lynne commented that the reports did not indicate under what type of mandate the NMAI's RO was working.

Bob asked if the NMAI's reports were a matter of public record. He assumed that they were.

Russell also assumed that they were, but it was unclear. He also did not know if the reports were

distributed to the appropriate tribes.

Roger asked if the NMAI's reports were distributed under the Secretary's signature.

Bob noted that the NMAI's Board of Directors had authority.

Ruth thought that the reports could be requested under the Freedom of Information Act (FOIA). She then asked if the NMNH's reports were available in the library. She thought that the RRC should ask Lauryn Grant and Bruce Bernstein about the NMAI's reporting responsibilities.

Bob thought that the NMAI's reports should be of comparable quality to the NMNH's.

Ruth asked if concerns over potential embarrassment could motivate the NMAI to improve the quality of its reports.

Russell answered that it depended on who read the reports. He thought that universities could be motivated in that way, but he did not know if museums could.

Lynne said that she had asked her assistant, a graduate student, to read one of the NMAI's reports and the student could not follow it.

Russell thought perhaps the staff did not have proper training in writing scholarly papers.

Roger commented that the NMAI's standards of reporting could be doing tribes a disservice. If cultural affiliation was not well established, then some tribes were potentially not being notified or included.

Bob, Lynne, and Russell agreed.

Christy was not concerned with embarrassment, but rather with the potential problem of inaccurate government documents becoming part of the public record.

Ruth thought that the SI, especially at the high levels, was very sensitive to embarrassment. She was beginning to become concerned about the comments she was hearing about the NMAI's reports.

Lynne had a difficult time believing that the NMAI's reports were acceptable to the tribes that received them.

Roger wondered which tribes were being sent reports. He wanted to know if the NMAI sent reports to all potentially affiliated tribes or only to tribes that material was being offered for repatriation.

Russell did not know how the NMAI's Board could approve these reports.

Lynne added that the tribes must be dissatisfied, because there must have been cases where there was more than one affiliated tribe.

Russell stated that he wanted to inform Bob that the RRC would be discussing the issue with Bruce Bernstein and that Bruce would be receiving a letter.

Bob wanted to discuss the issue again with the RRC members after they met with Bruce.

Roger was also concerned about the NMAI's practice of deaccessioning items but not repatriating them. He noted that these objects would not show up on museum records, but were still physically located in the museum.

Bob asked for clarification.

Roger clarified that it was his understanding that there were items that had been legally deaccessioned, but still remained in the museum.

Ron Little Owl entered.

Gillian added that this was mainly the case with human remains. She noted that tribes may not even have claimed some of this deaccessioned material.

Lynne also added that the RRC saw the room at the Cultural Resource Center (CRC) where this material was to be housed. She noted that the NMAI said that it did not want this material to appear in its records.

Roger asked about the NMAI's follow-up procedures to ensure that objects were returned to tribes. He was concerned about how this deaccessioned material was tracked.

Russell closed the topic by noting that the NMAI's procedures could lead to problems and major embarrassment. He said that the RRC would update Bob after the meeting with Bruce Bernstein and the RRC would soon be sending a letter of concern regarding this to the NMAI.

Bob thought this issue should be taken seriously because it could lead to both internal and external problems for the SI. He appreciated that the RRC was taking action at a steady pace.

Russell turned the discussion to the RRC's by-laws. He said that he and Bob had discussed it after which the RRC had discussed it at the August 1999 meeting in Juneau.

Gillian directed the RRC members to copies of the by-laws in their packets. She pointed out that the RRC had made a change to the language, replacing "NMNH" with "SI."

Bob thought that the change and its resulting implications for the NMAI would be an issue. He said that he would send it forward if the RRC wanted, but the change would be questioned.

Russell noted that the RRC's initial involvement in monitoring, outside of the NMNH, was with the National Museum of American History (NMAH).

Lynne commented that the language in the law stated "SI" and not only "NMNH." Lynne continued, noting that the RRC had put "SI" in its original by-laws, but then it was changed by the SI administration. The RRC has always felt that the by-laws should state "SI."

Bob's understanding was that the SI changed the language for a reason.

Lynne thought the reason at that time was that the SI did not want to engage in an argument with the NMAI about the RRC's by-law language.

Bob said that was correct.

The RRC felt that now could be a good time to change the language.

Ruth also thought there was a problem in the language of the by-laws, relating the RRC to the director and the Secretary. She thought that this created a tension throughout the by-laws.

Gillian discussed the reasoning behind that was that other interdisciplinary programs throughout the SI have a similar designated reporting responsibility.

Russell and Lynne noted that RRC had raised this inconsistency earlier and the Secretary said that it was not a problem.

Bob concurred.

Russell asked what the alternatives were.

Bob thought that there were three alternatives. The RRC could drop the issue, the RRC could table the issue, or the RRC could proceed forward with the issue now. Bob did not know how the new Secretary would react. Bob thought that the new Secretary might permit the RRC to advise on report quality control. It was a matter of the degree of oversight that the RRC should have. Bob brought up the issue of what would happen when there was a dispute. He suggested that the RRC evaluate its discussion with Bruce Bernstein and then determine how to proceed. If the RRC concluded that it wanted to proceed, it should approach the Secretary and ask to be designated to oversee the NMAI.

Roger thought that timing was an issue. He said that the NMAI had not yet seen any written documentation about the RRC's concerns. He asked how this documentation should be

presented.

Bob thought that the RRC should send a letter and evaluate the NMAI's response to the letter. He thought that a letter would help to clarify the issues. Bob asked Ruth how she thought the issue would resolve itself.

Ruth did not know. She did comment, however, that the by-laws should reflect the resolution of the issue. She did not think that the issue could be resolved by first changing the language of the document.

Russell thought that it could wait.

Bob also suggested that the RRC discuss the change with Lauryn Grant.

Russell noted that there was an opportunity to change the language from "SI" to "NMNH" in the amendment.

Bob mentioned that he had called Lauryn because he thought there would be a problem with changing the by-laws.

Lynne said that Lauryn thought that if there was an opportune moment, this was probably it.

Russell briefed Bob Fri and the RRC on the Ishi case. He reviewed the situation, noting that he had been approached by the California State Native Heritage Commission to mediate the dispute over Ishi's cremated remains. This dispute erupted between the Redding Rancheria and the Pitt River Tribe because the commission wanted to designate only one group to receive the remains. Russell did not know the status of the case because it had been delayed.

Bob noted that the NMNH was in a similar situation, waiting for the two tribes to decide about how to proceed.

Russell raised a concern about the list of named individual remains that the RRC had received. He noted that the NMNH has a lock of Sitting Bull's hair. He was concerned that this could lead to another major press issue, because Sitting Bull was such a prominent individual.

Dennis Stanford added that the lock of hair was found in the National Anthropological Archives (NAA).

Gillian and Ruth concurred. They said it was found in a file of field notes.

Dennis said that the presence of the lock was not known until recently.

Russell did not think that its oversight was intentional, but thought that something proactive

should be done about it. He thought that the SI should announce that it had the lock of hair, rather than the press announcing it. He added that other named individuals might be important to their affiliated tribes

Ruth clarified that it was a small lock of hair, rather than a collection of hair samples.

Russell asked about existing documentation related to the lock.

Christy believed that there had been a scholar at Harvard University that had been collecting hair samples at that time.

Ruth did not think that was the case with the Sitting Bull lock and she said she would check into it.

The RRC members said that they just wanted to troubleshoot issues that could be explosive. They continued to discuss the brain collection and named individuals in the NMNH collections.

Roger asked if named individuals were a priority of the RO.

Lynne and Gillian said that they were. Gillian added that the RO would occasionally still come across named individuals. Sometimes the tribe was not yet ready to proceed and sometimes the RO did not know whom to notify.

Bob closed with some comments about the new Secretary, Lawrence Small, and exhibit openings around the museum. He said that the incoming Secretary was formerly a banker. Bob thought that Lawrence Small had a vision for the SI, but Bob did not know his views about repatriation. Small's term as Secretary would begin on January 3, 2000. In the museum, Bob recommended the 3-D IMAX film, Galapagos. The African Voices Hall was nearly finished and would open in mid-December. Bob said that this exhibit was an example of a new approach to developing Anthropology exhibits at the NMNH, because it was done in consultation with African communities.

The RRC thanked Bob Fri for attending and he left. Lauryn Grant and Tom Killion entered.

Richard Dalton presented medicine pouches, which his wife had made, to RRC members and SI staff in appreciation for their participation in Swanson Harbor Jim's reburial. He also noted that a potlatch may be held for Swanson Harbor Jim in the next year.

II. Repatriation Office Issues

Lauryn Grant, Tom Killion, Ruth Selig, and Dennis Stanford attended this session.

Russell introduced and welcomed Tom.

Tom began with the RO reorganization, saying that it was a major issue. He stated that the Anthropology Department had completed its review of the candidates and he expected to soon hear about the selection of permanent staff. Tom thought the reorganization was an important step for the SI, but a difficult transition for the RO Program. He noted that it would challenge the RO's ability to meet its existing level of commitment to the tribes. He thought that the RO was probably at its weakest point in the process. He did not know who the staff permanent staff would be. Tom also noted that it was personally difficult for him. The reorganization would lead to inevitable readjustments in how staff would be deployed. The permanent staff would need to combine efforts as an office team and work on cases of highest priority. Tom requested feedback on this idea, but thought it was most likely a necessary approach. He turned to the case officers' work, noting that Karen Mudar's term would expire in two weeks. He and Chuck Smythe had begun to be briefed on the status of her cases. Tom said that Karen had completed the Unalakleet report in record time. There would be a combined repatriation and consultation on this case to make arrangements for the possible return. Tom noted that the report must first be approved, but he thought it would not be a problem because it was a straightforward case. Tom said that he would be conducting the consultation. He turned to the next task which was the larger consultation with St. Lawrence Island visitors in January. He thought this case would create a new precedent for dealing with funerary objects and would challenge how documentation was perceived. He noted that the University of Alaska had set a precedent for categorizing funerary objects. His interaction with Vera Metcalf, the Alaskan coordinator for the visit, had been very cordial.

Russell reminded the RRC members that they had agreed to provide funding for this consultation. He added that he had received an appreciative letter from Vera.

Tom thanked the RRC for funding the consultation. He continued, saying that he was working with Chuck on pulling together the archeological and ethnographic objects. They would be dealing with several thousand objects.

Russell asked Tom to briefly discuss what types of objects there were.

Tom thought that some, from burials, had good provenience, but others, from house contexts, were mixed with village debris. Tom gave some examples of the types of objects and fragmented material such as ground stone, pottery, whalebone, and figurines.

Russell mentioned that the report said that some of the people died in their houses and then the houses collapsed on them. From this would arise the issue of whether or not the objects in the collapsed houses were funerary.

Tom said that he would ask the representatives from St. Lawrence Island what they thought about the objects and their contexts and why the objects may or may not be funerary. Tom added that he would not make any assumptions, before completing the consultation.

Russell thought that the objects could be considered objects of cultural patrimony.

Tom said that particular argument had not yet entered into the discussion. He continued with two pending requests in Alaska from Norton Sound. One was from St. Michael and the other was from Teller. Tom said that he would complete work with the help of the RO staff and a contractor. Regarding Karen Mudar's Great Lakes cases, there was a recent request from the Bay Mills Chippewa for remains from Sault Ste. Marie. Tom discussed Stuart Speaker's work, because he would not be meeting with the RRC. Tom said that Stuart has been focusing on background information for the Tlingit request. Stuart's term would end in April, but he hoped to complete a consultation with that area.

Russell asked if there was any discussion of videotaping the Tlingit material.

Tom said that he would like to go ahead with that, but it had not been discussed. Tom noted that the Northwest Coast documentation project and the Tlingit case included a Collections Management request that he would discuss later. Tom said that he would also take over Stuart's responsibilities in the Southwest. There have been no specific repatriation requests from that area, but there have been requests for consultation. Tom discussed a consultation that would take place in Albuquerque, New Mexico. This consultation involved twelve tribes that have historic connections to Salinas National Monument ruins and would be sponsored by the National Park Service (NPS). He thought it would be an interesting case, because some of the tribes involved were no longer federally recognized. Tom said that he would also participate in a follow-up meeting with representatives from the San Ildefonso Pueblo. He commented that this consultation may encourage more requests from the Southwest. Tom said that he would continue to work with Stuart, to provide information to tribes in the Southwest, and to monitor developments in the area. Tom turned to Bill Billeck's work, stating that Bill continued to work on the Arikara case. Bill would also represent the RO at the upcoming NAGPRA meetings in Salt Lake City, Utah. Tom mentioned Bill's contributions to the RO's presentation for Staff Day at the NMNH. Tom invited the RRC to view the posters for the presentation.

Ruth explained Staff Day, noting that different programs around the building were featured in order for staff to visit and learn about them.

Tom turned to Paula Molloy's work, saying that she would discuss the Grand Ronde request later in the meeting. He had reviewed her draft addendum to the case report regarding the Grand Ronde and supported Paula's findings. He thought that avenues of consultation should be exhausted before the RRC became involved.

Russell asked when the RRC would receive a draft of the report.

Tom suggested that the RRC bring that up with Paula.

Russell continued, stating that Ryan Heavy Head has formally contacted the RRC, requesting its

involvement. Russell discussed the issue with Ryan in the Summer and he agreed to wait six months from then to see what Paula's findings would be. Russell said that the issue was really a dispute. Russell has been in contact with Ryan in the past few weeks and said he would let Ryan know what happened at this RRC meeting. According to Russell, Ryan felt that there had been enough consultation and he requested a dispute hearing. Russell did not know what consultation had taken place.

Tom said that Paula would present on that.

Russell said that Ryan shared some information about burial practices with him, which Ryan wanted to remain confidential.

Tom thought that discussion of this case should be tabled until Paula joined the meeting. Tom discussed some adjustments in the RO's procedures about how to officially communicate and respond to new requests. He wanted to develop a standard letter to send to tribes. He said there have been two or three new requests and Tom wanted to standardize the manner in which the RO responded to these requests. Tom then asked the RRC members if they had questions about the memorandum regarding named individuals. Tom noted that the RO wanted to decide internally about whether to pursue the repatriation of named individuals as a priority. He said that tracking down lineal descendants for these cases involved considerable research.

Lynne thought that the return of named individuals had always been a top priority for the RO.

Tom answered that it was, but the issue needed to be revisited in terms of the current number of pending RO cases. He said that the RO now had only one actual request for the return of a named individual. He thought the RO's method needed to be reexamined so that the case officers would work more with tribal repatriation representatives to resolve these cases. He added that the named individual cases were a considerable investment in time and work. Tom said that there were two additional individuals that were not listed on the memorandum.

Russell asked if the RRC could get the dates of when notification was given. He also asked about reports and why some of the remains were offered without a report.

Tom answered that some may have been offered within the body of other tribal reports.

Lynne asked what the differences were between some of the terms such as "in progress," "notified," and "contacted."

Tom thought that the terms were different, but he would have to ask Stuart Speaker and report back to the RRC about the differences.

Ruth asked about the status of Sitting Bull's hair.

Tom answered that a letter had been written, notifying relevant groups. The RO was now waiting to see how the groups would respond.

Ruth and Lynne asked how the hair was collected.

Tom said that the surgeon who performed the autopsy took it and passed it along as a trophy or relic.

Russell asked if the RRC could see Sitting Bull's hair.

Tom would have to check and see if the hair was at the Museum Support Center (MSC) or the NAA. He thought that the RRC would be able to view the hair.

Roger asked about the status of the named individuals that have blank spaces in the disposition section of the memorandum. He wanted to know if the appropriate tribes had been notified.

Tom said that these individuals were included in the inventories. The individual's name did not appear on the inventory, but rather the existence of a "named individual" was indicated. Tom said he would get back to the RRC on this.

Lynne asked if the memorandum was a recommendation.

Tom answered that it was a proposal to provide more information to tribal contacts on named individuals.

Lauryn mentioned that fourteen years ago, she and Adrienne Kaeppler found only thirteen or fourteen named individuals in the NMNH's collections. Notification letters, reporting the findings, were sent to tribes. Lauryn asked if the RO had any responses or follow-up from this notification.

Tom did not know of any response or follow-up to those specific notification letters.

Russell and Lynne thought it would be interesting to compare the current memorandum with Lauryn and Adrienne's older list.

Tom said he would finish discussing the RO's issues later and left the meeting.

III. National Museum of the American Indian (NMAI) Repatriation Update

Bruce Bernstein, Lauryn Grant, Ruth Selig, and Dennis Stanford attended this session.

Russell welcomed Bruce Bernstein. He said that the RRC members had reviewed some of the NMAI's repatriation reports. The RRC members now wanted to share their thoughts on the

reports and offer some helpful suggestions. Russell thought that the RRC viewed the reports as comparable to the early reports of the NMNH's RO. He noted that there has been considerable improvement in the NMNH's reports over the years and he thought, with Jim Pepper Henry building staff at the NMAI's RO, that there would be an improvement. Russell said that the RRC wanted to present a more formal review of its recommendations in writing, but first wanted to speak more informally about them here. Russell then asked how many reports had been done by the NMAI's RO.

Bruce did not know how many reports had been done by the NMAI's RO but he thought he could find that out. He asked if the RRC wanted to know what had already been returned.

Russell said that the RRC wanted to know how many reports, deaccessions, and returns had been done.

Bruce had material that covered some of that information. He noted that reports make a recommendation, but only the NMAI Board could deaccession.

Lynne and Russell said that it was the same situation at the NMNH in that reports recommend, but only the Secretary authorized deaccession.

Lauryn asked about material in legal limbo (i.e., that which had been deaccessioned but not returned). Lauryn thought that Jim Pepper Henry had been working on part of that backlog to determine to whom the material should be returned.

Bruce distributed packets containing some information about the questions that the RRC and Lauryn had posed. Bruce referred the RRC to the packets. He explained that the NMAI has assigned internal ratings to its cases and then explained some of the ratings. He said that "pending" meant that an item had been deaccessioned, but the item had not yet been returned. These items had been deaccessioned in the past by the NMAI's Board and the NMAI RO was now working to return these items in the proper way. The second rating was "domestic." Objects with this rating meant that these were ready to be returned, but not yet deaccessioned. For "domestic" objects, reports needed to be written and the objects then needed to be deaccessioned and returned. The rating of "international" applied to the return of items to groups outside of the United States and those items which would not fall under NAGPRA legislation. Bruce noted that the NMAI had a mandate, different from the NMNH, which allowed it to perform international repatriation. The "problematic" rating applied to a number of different scenarios. Bruce gave some examples. Bruce said that returning Cuban remains fell into the "problematic" category. Bruce referred the RRC to some remains from Rhode Island that was rated as "problematic," because the proper group to receive the remains needed to be determined. Bruce noted that there were an additional six objects, categorized as sacred or objects of cultural patrimony, that had been recently deaccessioned by the NMAI Board and would be returned, but did not appear in the information packets that the RRC had. Bruce said that he would get the RRC the report on these objects. (See attached email clarification).

Russell commended the NMAI on conducting international repatriation, but thought that it did not involve the RRC because it was a museum policy.

Lynne asked if "pending" meant that an item had been deaccessioned and a report had been written.

Bruce said that was correct.

Lynne said that she had thought that some of the remains had been deaccessioned without a report.

Bruce said that that was not the case. He then discussed a list of cases that had been reviewed by the NMAI's Board or repatriation committee.

Roger clarified that "domestic" meant that a case had not been started, but there was no foreseeable problem with it.

Russell asked about the NMAI's policy on unaffiliated remains.

Bruce gave an example of how the NMAI dealt with unaffiliated remains using the Choctaw repatriation and reburial. Bruce gave a copy of that report to Gillian to distribute to the RRC.

Roger asked Bruce about a Mimbres skull and mandible, because he thought that the NMAI had produced a report and conducted a consultation on those and additional remains in the Chaco Canyon area.

Bruce said that there was a consultation in Albuquerque, NM.

Lynne asked who received the reports that the NMAI produced.

Bruce answered that they were for internal use. He added that reports on objects were written in response to requests, but reports regarding human remains were not initiated by requests.

Lynne asked how widely distributed the reports were. She clarified, asking if reports were sent to all tribes that may have an interest in the return or if they were only sent to whom repatriation was being recommended.

Bruce said that it depended on the situation. He used the Cheyenne River Sioux case as an example where many tribes were notified and had received the report. However, in most cases, the report was an internal document used to verify the claim and not sent to a number of tribes. He thought that reports could be widely distributed, because they were public information.

Lynne asked if a report was sent to a tribe that makes a claim.

Bruce replied that the tribe would get a letter of notification.

Russell asked if a report would be sent to a tribe that was denied a claim.

Bruce said that a report would then be sent to explain why a claim was denied. Bruce thought that reports fell outside of the Indian realm in requesting the objects. He thought that reports were by-products of a museum's manner in dealing with repatriation.

Lynne commented that it was not clear to the RRC where the reports were sent, so the Committee was asking these questions to get a sense of that.

Russell did not think that reports were beyond the Indian world. He thought they could be used to help tribes with other claims that they might have. He noted the NMNH's RO always shared its reports with the tribes.

Bruce said that the NMAI had received requests and documentation that were structured similar to the way that reports were. He thought it was a shame that repatriation had come to be structured like this. Bruce added that this was a personal comment.

Lynne noted that producing reports required the NMAI to pull together lots of information. She asked how that information would be shared with the tribes.

Bruce answered that the collaborative process in creating the report involved information sharing between the tribe and the museum. He gave the example of the Kootznoowoo claim, where the tribe provided the museum with all of the evidence for the claim. Bruce said that reports were not distributed unless the tribes requested them. See attached.

Lynne asked what role a tribe played in the process.

Bruce again answered that it depended on the case and used the Cheyenne River Sioux claim as an example.

Lauryn thought that the point Bruce was making was that tribes did not really care about the literature that museums were producing about their cultures. The tribes' main concern would be getting their objects returned to them.

Lynne asked how other tribes that may have a competing interest in the claim were notified.

Bruce said that it would depend on the situation. He did not think that reports should be emphasized, but rather thought relationship building was the important aspect of the collaborative process.

Ruth asked Bruce if he thought any information in the report would be useful to tribes.

Bruce thought that there were useful aspects to reports.

Lauryn noted that some of the NMAI's returns, such as the Iroquois's, were widely publicized.

Christy asked if there were reports on all the materials that were categorized as "repatriated" in the packets. He also asked if this represented the total number of repatriation materials.

Bruce answered that these packets only covered human remains and funerary objects and only represented activity within the last six months.

Roger asked if the NMAI had a similar list for sacred objects and objects of cultural patrimony.

Bruce thought that a similar list could be pulled together. He said that the NMAI knew what was currently pending with those objects. Bruce added that sacred objects and objects of cultural patrimony cases were generated by requests.

Russell asked if ethnographic summaries were generated and sent to the tribes.

Bruce replied that they were.

Roger asked what was the tribal response to the summary mailing.

Bruce answered that he was not at the NMAI at the time and, therefore, did not know. He was then working with tribes in New Mexico and thought that the summaries sometimes did not fall into the hands of the proper people.

Lynne asked what were the biggest repatriation issues for the NMAI.

Bruce thought that the human remains work was going well, but unanticipated areas of concern were the inaccessibility of collections because of the move and the day-to-day care and rehousing of collections

Lynne wanted to clarify that the NMAI worked on object claims from letters of request, but worked on human remains cases without letters of request.

Bruce said that was correct.

Russell asked about the size of the repatriation program at the NMAI.

Bruce answered that the program had the capacity to staff six people. Currently, the staff consisted of three people. He thought that the program was underfunded. According to Bruce, it needed more money to host tribal visitors, for the day-to-day care of collections, and for the staff to process requests.

Russell discussed the RRC's funding of the travel grant program for consultations and repatriations. He suggested that the grants could be made available for the NMAI's visitors. Russell explained what the grant program covered.

Gillian noted that a consultation grant covered four days at the museum and a repatriation grant covered two days.

Russell thought that Gillian could give Bruce copies of the applications.

Bruce asked if Russell was suggesting that the NMAI could bring repatriation visitors to the museum using the RRC's funds.

Russell thought so, certainly the joint visitations. Russell then asked Bruce if he has read and was familiar with the older reports that the NMAI had produced.

Bruce said that he was familiar with some of the older reports and would appreciate the RRC's comments on them.

Russell said that the RRC would be sending comments on them. Russell thought that the quality of the reports ranged from very poor to quite good. He continued, saying that there were some editorial issues and also some issues of not addressing or drawing conclusions about cultural affiliation. Russell thought that the issues of cultural affiliation were particularly important.

Christy added concerns about the human remains being examined by specialists to verify that they were Native American remains.

Bruce said that the remains were examined by a physical anthropologist early on in the process. He did not know who the person was, but would find that out. He noted that in the Shuar case, there was residual skin on the remains that the tribe did not feel was Shuar and, therefore, did not want those remains returned to them. (See attached email clarification).

Christy asked if the NMAI had a physical anthropologist currently on staff.

Bruce answered that the museum did not have a physical anthropologist currently on staff, because the remains in the collections had been previously examined and their status was then determined.

Russell commented that dates, authors, and recommendations of reports were often not clear. He added that the Tlingit reports were generally better than the others.

Bruce thought that this was a result of inadequate funding. He noted that the NMAI's repatriation program did not have the same level of funding as the NMNH's. Bruce continued to discuss the priorities of the NMAI and how the museum's activity and growth have affected

funding.

Lauryn pointed out that the RRC members should keep in mind as they read the NMAI's reports that the NMAI's evidentiary standard was different from the NMNH's. The NMNH has used "a preponderance of evidence," while the NMAI has used only "a reasonable basis." In other words, the NMAI has been allowed to rely on a lesser standard of evidence, than the RRC was accustomed to.

Russell was concerned about the resulting potential conflict between groups or repatriating to the wrong group.

Christy asked who could make a claim on deaccessioned material.

Lauryn answered that deaccessioned material was pending a claim by an affiliated tribe or a regional solution.

Bruce added that the NMAI no longer followed this protocol of deaccessioning material without returning it.

Russell asked how that differed from non-deaccessioned material.

Bruce said that there was no practical difference, but the museum still needed to work on the cases of non-deaccessioned objects.

Lauryn said (b) (5) (b) (5)

Russell thought that Indian people might think this method was deceitful.

Bruce said that it was not deceitful, but rather an internal issue to be monitored and resolved.

Ron said that he had an issue that he did not know if he wanted to discuss because it might hurt people at the meeting. He discussed unmarked graves that existed in his home community in North Dakota prior to 1946 and the Garrison Reservoir construction. The tribes knew the identity of the people who were buried in the unmarked graves. Most were Indian people, but some were non-Indians who were adopted by the tribe, chose to live that lifestyle, and requested to be buried in the manner of their Indian relatives. As a child, Ron remembered being instructed not to play around the burials. Non-Indian people, scientists, and unethical people came to the reservation and removed the human remains from these burials. Ron said that the discussion during the meeting had brought out many negative feelings inside of him. He said that he was a spiritual man, who has picked up many vibrations as he travels through different areas. Ron said that he has also been selected to serve on the RRC. He did not request to be appointed to the RRC and he has often felt that he should resign, because of the hurtful and dangerous feelings

inside of him. Ron said that he had difficulty commenting on Russell's letter, because many of the issues discussed in the letter were totally against Ron's lifestyle. Ron also got lost on the way to the meeting and, for many reasons, he did not want to attend the meeting. He concluded by saying that many of the so-called unaffiliated remains were non-Indians people who chose to be buried in the Indian way.

Russell thanked Bruce for attending the meeting and said that the RRC would be sending a letter commenting on the NMAI's reports.

Bruce left the meeting.

IV. Discussion of the RRC's By-laws (Continued)

Lauryn Grant, Ruth Selig, and Dennis Stanford attended this session.

Russell revisited the issue of updating the RRC's by-laws. He said that the RRC discussed it with Bob Fri. The RRC wanted to change the language from "NMNH" to "SI." He said that the RRC has made the change, but it had not yet been approved.

Lauryn did not think that the Provost would approve the change.

Lynne noted that there were differences between the NMNH and the NMAI. She asked if there was a useful way for the RRC to participate in the NMAI's repatriation process. Lynne thought that the NMAI's reports could be improved, regardless of the different evidentiary level.

Lauryn thought that, although a little defensive, Bruce Bernstein was receptive to the RRC's requests and comments.

Russell thought that the RRC had been monitoring repatriation at the NMAI.

Lauryn did not agree. She noted that, ten years ago, Secretary Adams made the decision that the NMAI would monitor its own repatriation.

Andrea and Russell commented that the NMAI Act stated that the RRC should monitor all repatriation at the SI.

Lauryn thought (b) (5)
(b) (5)

Christy asked if a former Secretary's interpretation held once a new Secretary took office.

Russell thought that the RRC's meeting with Bruce Bernstein had been an example of the RRC monitoring the NMAI's repatriation.

Lauryn did not agree, because the RRC had not really participated in return decisions at the NMAI like it has at the NMNH.

Ruth commented that it was interesting that the RRC offered the NMAI access to the travel grant funding.

The RRC members thought that if they were to be able to monitor the NMAI, then it should be entitled to access the RRC's travel grand funds.

Lauryn thought that the RRC's monitoring must be done on a personal level through building relationships with repatriation staff at the NMAI.

Russell thought that Jim Pepper Henry would be open to building relationships with the RRC.

Ruth asked if Jim Pepper Henry could be invited to the RRC's meetings.

Gillian and Russell said that he has not been allowed to attend them in the past.

Lauryn commented that Jim Pepper Henry was not even invited to the NMAI's Board meetings regarding repatriation issues.

Russell thought that Bruce Bernstein had been causing breakdowns in communication.

Lauryn agreed that Bruce seemed defensive.

Ruth commented that Bruce did not like the process of repatriation just as Ron probably did not.

Ron said that the process involved a government to government relationship.

Russell was of the opinion that if paperwork was produced, then it should be useful.

Roger asked Lauryn to explain the difference between the two legal standards, "preponderance of evidence" and "reasonable basis," at the NMNH and the NMAI. Roger thought that knowing the difference would allow him to read the NMAI's reports more objectively.

Lauryn answered that "preponderance of evidence" is fifty-one percent of the evidence, whereas "reasonable basis" is a lesser degree of evidence and also not as clearly defined. Lauryn thought

that Jim Pepper Henry has been very sensitive to addressing the evidence and has been struggling to better document claims.

Roger noted that he did not have the NMAI's standard in mind when he had been reading the reports.

Christy said that the NMAI did not seem to need any physical evidence to document a claim.

Russell noted that the law reads that "preponderance of evidence" was the legal standard.

Lauryn returned that (b) (5) (b) (5)

Russell thought that the NMAI still was required to address cultural affiliation.

Lauryn said that it did, however unclear in the reports, and used the Iroquois case as an example.

Christy asked if the NMAI set aside human remains cases to work on sacred object and object of cultural patrimony cases.

Lauryn replied that the NMAI's Board decreed human remains to be the top priority for return and repatriation. The NMAI was not even allowed to move any of the human remains from New York to Suitland.

The meeting adjourned for lunch. Lauryn Grant and Ruth Selig left.

V. Grand Ronde Case

Tom Killion, Paula Molloy, Dennis Stanford, and Steve Ousley, attended this session.

Russell resumed the meeting and welcomed everyone.

Tom began by finishing up a few RO issues. He said that he supported Collections Management's request for the RRC to fund Lynne Schneider's work if that work was in line with the RO's consultation priorities. These were to stabilize and rehouse the Aleut mummies, the Hopi collections, the Northwest Coast collections, and the Cheyenne funerary objects. Tom recommended that the RRC's funds be directed to enhance the RO's ability to conduct proper consultations with the various groups. He noted that the RO had been collaborating with Collections Management on these issues.

Gillian put Tom's remarks into context for the RRC. She said that Tom wanted to prioritize Lynne Schneider's rehousing projects with upcoming RO consultations such as the Hopi project and Aleut consultation. Gillian said that this would be further discussed in Deb Hull-Walski's

update.

Tom also informed the RRC that he had received a request for information from the Kuna in Panama. The Anthropology Department would handle the request. There was also an additional request from a Canadian group, which may also be taken on by the department.

Paula began by reviewing the Grand Ronde's request for additional remains, which had been previously documented as unaffiliated. When this request was submitted in 1998, the first priority was arrangement for the return of the affiliated remains and that return took place in July 1999. The second priority was to deal with the unaffiliated remains. Paula said that in the Spring of 1999, Ryan Heavy Head had contacted Paula about additional documentation and then, in June, Ryan had contacted Gillian and the RRC about a possible dispute. Paula discussed additional physical studies and material cultural studies that were to be done. She then reviewed her progress report. See attached. Paula reviewed that the 1996 report by Tamara Bray found that there was insufficient evidence to determine cultural affiliation of the remains. Ryan Heavy Head believed that the remains could be affiliated because they were located in the traditional territory of the Tillamook and Clatsop. Paula said that Ryan did not share any additional information, such as geographic provenience, religious tradition, interment practices, house structures, subsistence patterns, archeological records, or testimony of elders, that he said he possessed. Paula then decided to continue to investigate additional literature to try to affiliate these remains. Paula referred to her handout to continue to explain her investigation and evaluation of the evidence. See attached.

Lynne asked if the Par Tee site resembled any other cultures.

Paula answered that it did not closely resemble Avenue Q or the Palmrose site. Paula had not yet compared it to more southern sites, but did want to investigate this further.

Ron offered that the remains may be affiliated with the Arikara, Mandan, and Hidatsa, based on the circular earth lodging structures. Ron also noted that Mandan people used large bones, possibly whale bones, to construct houses.

Paula said that the RO would investigate that further.

Russell asked when Paula expected to finish the report, because Ryan was ready to involve the RRC.

Paula had discussed this with Ryan and said that she thought she could complete it by the end of 1999.

Russell thought that it was likely that the remains were affiliated with some tribe in the area. He asked about the possibility of meeting with Ryan and some of the other groups so that more consultation and information sharing could take place.

Paula thought that was an excellent idea. She said that she would also like to include southern coastal groups and professionals, familiar with the area.

Lynne thought this was a good idea, because Ryan would feel comfortable with these professionals.

Tom thought that he would also like additional consultation. He thought this could be like a summit.

Russell said that the RRC would discuss it further in-camera and he would suggest a meeting to Ryan.

Ron did not think other tribes would contest the Grand Ronde's claim.

Russell asked when the meeting would take place.

Paula thought late Spring at the earliest.

Russell said that Ryan Heavy Head would not wait that long.

Paula said that she has had to put off work on the Southeast Washington case to work on the Grand Ronde case and some of the Washington claims dated back to 1988.

Russell asked what Paula's work on the Grand Ronde consultation would involve. He envisioned that Steve Ousley would be working on the physical analysis, but other work would involve only setting up the meeting.

Paula clarified that the RRC did not recommend that she conduct further research and investigation.

Lynne and Russell thought that she just needed to invite the proper people.

Tom noted that Ryan's interest in participating in the summit should be first investigated and then the RO would need some time to prepare.

Paula said that she would like Ryan to provide some information that would establish the connections between the unaffiliated remains and the Grand Ronde. She noted that consultation was about information sharing.

Russell thought that the issue had been put off in terms of the RRC.

Roger did not think that the RRC was involved in a dispute yet. He noted that there was still work to be done by the RO, Ryan Heavy Head, and other tribes.

Russell thought that this case was similar to the Steed Kisker case in that the report had already been prepared and the tribe was denied.

Paula thought that the Grand Ronde case was different from the Steed Kisker case. She said that the initial report, by Tamara Bray, was not the result of a specific claim by the Grand Ronde.

Dennis also thought that this case was different from the Steed Kisker one. He then left the meeting.

Paula agreed that there should be a summit, because she thought it would satisfy what everyone was looking for in a neutral setting. She also thought the consultation could be held sooner rather than later.

Russell thanked Paula. Paula, Tom, and Steve left the meeting.

VL RRC In-Camera Session

This portion of the minutes is not circulated.

VII. Discussion of the RRC's Monitoring the NMAI and the RRC's By-laws

Lauryn Grant attended this session.

Lynne asked Lauryn when an appropriate time to push some of the issues regarding the RRC's monitoring of the NMAI would be.

Lauryn noted that a new Secretary was about to come on board at the SI and she thought that the RRC should wait until this happened. Lauryn thought that if the RRC pushed the issue, it would reach the level of at least the Provost, if not the Secretary or the Board of Regents. Lauryn thought that Rick West was assertive and felt strongly enough about this issue that it may be necessary to take it to the high levels.

Lynne asked Lauryn if the main reason to wait was the advent of the new Secretary.

Lauryn said yes, but also thought that the RRC had made some progress with the NMAI sharing information. Lauryn did think that the decisions needed to be made at the higher levels. She suggested that the RRC write a letter.

Christy asked if Lauryn thought that the RRC's position was legally valid.

Lauryn thought (b) (5) (b) (5)

Russell asked if the Secretary had authority over the NMAI Board.

Lauryn replied that the language in the statute said that this was subject to the policies of the Board of Regents. Lauryn added (b) (5) (5)

Lynne commented that Rick's sole authority position was based on issues larger than the RRC.

Lauryn added that it was about autonomy and authority. She thought (b) (5)

Christy wondered if Bruce Bernstein felt that he was not prepared today.

Russell commented that Bruce was very defensive.

Lauryn agreed that he was very defensive with the RRC, but she did not find him to be that way in other situations. She thought that Ruth's observation of Bruce being frustrated more by the

repatriation process of creating paper than by the RRC was accurate.

Christy thought Bruce would be better prepared at the RRC's next meeting. From this, Christy thought that the RRC and Bruce Bernstein could begin to build a bridge.

Lauryn thought that even if the RRC's comments on the NMAI's reports made Bruce more defensive, the net result would still be better quality reports from the NMAI. She added that bridges could be built at smaller levels, perhaps through Jim Pepper Henry.

Lynne and Russell thought that would be most likely to happen. Russell continued, noting that Jim expressed interest in attending the RRC's conference in Oklahoma.

Lauryn said that she had suggested that Jim call the NMNH's RO when he was working on similar repatriation cases. She did think that bridging the gap could be a very slow process. Lauryn then suggested that the RRC prepare a memorandum, which stated its position, to raise the issue with the new Secretary. Lauryn did not know if there would be a new Provost.

Roger thought that the RRC should wait a few months, because the new Secretary would begin his term in January.

Lauryn thought (b) (5) (b) (5)

Russell reviewed that the RRC would send a letter regarding the NMAI's reports to Bruce Bernstein and table seeking approval of the RRC's by-laws.

The RRC thanked Lauryn for coming to discuss this. She left the meeting.

VIII. National Anthropological Archives (NAA) Project

Candace Greene, Jake Homiak, Tom Killion, and Ruth Selig attended this session.

Russell began with an overview of the project. He said that someone had approached him about the possibility of donating a Winter Count to the NAA. Russell discussed this with Candace Green and said that the RRC was interested in sponsoring publications that could be useful to Indian people. Russell turned the topic over to Candace.

Candace said that she was thinking of two approaches to the publications. The first approach would involve taking a collection and publishing it as a whole. The second would involve developing a finding guide on a particular topic. Candace noted that it would be possible to publish the Winter Counts as a whole because it was a finite collection. It could also be posted on the Internet. Candace thought that a guide to language materials at the NAA would also be very

useful to Indian communities. The NAA possessed an enormous amount of language material, but it was very poorly organized.

Jake Homiak noted that many California tribes have been interested in both written and recorded language materials, but there was no comprehensive guide to these materials.

Candace also thought it would be necessary to bring in community language consultants to determine Native people's areas of interest.

Russell thought that these projects should have the support or active involvement of Indian communities.

Jake said that the NAA has a vast amount of information, but lacks the resources to make it easily accessible.

Russell said that the RRC has some resources and thought that the SI might have some resources for matching funds. He added that in order for the RRC to fund the projects, the publications should have Indian involvement or support and fall within the rubric of repatriation. Russell then asked about the projected costs of these publications.

Candace thought it would take three months and cost about \$10,000 to produce a manuscript on the Winter Counts. Candace knew someone who working on a Lakota Winter Count at Pine Ridge, SD for her dissertation. Candace had thought that the Winter Count publications would include pictures, text, and introductory explanation to put the works in context. She then asked about the best manner in which to disseminate the information to the communities.

Russell suggested compact discs, the Internet, and written publications as media for disseminating the information.

Regarding matching fund sources, Candace was familiar with a publications fund that supported contributions to anthropology. Candace displayed the "Guide to the Kiowa Collections" as an example of a publication that was produced from this fund. She did note, however, that it would often take two to three years to produce a publication from a manuscript. Candace did not think that was a satisfactory time frame. She was also troubled because these publications were given away for free, therefore, people had to write and request them and bookstores would not carry them. Candace did not think this was an adequate way to disseminate publications.

Ruth suggested beginning with a small and simple project. She cautioned that a guide could turn into an enormous, expensive project. She thought that Russell's Winter Count proposal was a good idea. Ruth also added small amounts of additional funding could be found within the NAA. Ruth thought that the in-house printing office could produce a quality publication at no cost.

Jake concurred that the Winter Count project was a good place to start because it would be a

contained project. Jake also thought that language material would be interesting, but a Native scholar might be needed for that project.

Russell was certain that Indian communities would be interested in language projects. He noted that Indian people would also be interested in recordings of songs.

Gillian asked about how to proceed.

Russell thought that the RRC should discuss it in-camera.

Candace said that she could begin to put together a budget with research and production costs.

Ruth noted that the presentation of the project needed to be considered because it would be a joint venture between the NAA and the RRC.

Russell also wanted to discuss it with a Sioux representative, possibly Bronco LeBeau.

Lynne asked what would be a helpful but general tool for Indian people to use when conducting repatriation research at the NAA.

Tom thought that requests to view photographs were the most common.

Jake thought that a brochure, oriented toward repatriation consultations, could be helpful. He noted that the NAA's current brochure covered the entire collection.

Lynne noted that it should be specific enough to be helpful. She thought it was important for tribes to examine the objects, but she also thought they should be aware of other resources such as the archival material and photographs.

Ruth suggested a brochure to introduce Native researchers to both the NMAI's and the NMNH's Native American archival material. She also thought that this could be an additional mechanism to build bridges between the two museums.

Jake added that both the NMAI's and the NMNH's archives would be in Suitland, MD as early as Spring 2000.

Candace also suggested a guide to the electronic database, because people generally use their first day searching for materials when they could have done this before they arrived.

Ruth thought that both the Winter Count project and the guide would be helpful.

Tom suggested getting feedback from the case officers and Gayle Yiotis to find out about what type of material Indian visitors have been requesting at the NAA.

Candace thought that the NAA's photograph material was easily accessible, but the language material was not as accessible.

As an additional problem, Jake noted that the NAA material was listed under nineteenth century nomenclature and current tribal researchers usually request material using present-day names of tribes. Deciphering between the two would often take time and Jake wanted to be able to alert researchers to this.

Lynne thought there would be issues like this that a guide could clarify.

Regarding the "Guide to the Kiowa Collections," Richard noted that it did not contain information about Alaska Natives. He thought that Alaska Native history and traditional culture should be included in publications. Accuracy was also very important. Richard noted that John Muir reported on Alaska Native history and traditional culture, but was not accurate. Richard also thought that Native people should be consulted when developing these publications. He stressed that Alaska Natives should be recognized and more primary sources of information should be used in the interpretation.

Candace noted that the NAA made available primary sources such as field notes and recorded conversations. This could be used to verify the secondary sources that were published.

Ruth noted that the NAA had many photographs from Alaska.

Richard mentioned that collections at the Burke Museum in Washington contained many Tlingit objects. He continued, stating that he had obtained Tlingit history from his uncles and he had the property rights to this history. He continued to discuss the importance of this history and its accuracy.

Roger asked about the status of a letter that the Hopi had sent requesting NAA materials that may contain sensitive, religious information for repatriation or limited access.

Jake answered that the issue had not progressed. It was open for discussion and the NAA was waiting to hear back from the Hopi.

The RRC adjourned for the day and toured the NAA.

Friday, November 5, 1999 - 9:00am

I. RRC In-Camera Session

This portion of the minutes is not circulated.

II. Update on Repatriation Cases

Tom Killion, Paula Molloy, Karen Mudar, and Chuck Smythe attended this session.

A. Paula Molloy

Paula Molloy began with an update on her cases (other than the Grand Ronde). Related to an intern project about funerary objects from the Etowa mound, Paula and the intern, Nicole Campos, went to West Georgia College to examine its well-provenienced collections from Etowa Mound. The West Georgia collections were from both domestic and funerary contexts. Paula and Nicole were able to find certain types of objects that were diagnostic as funerary. Based on this, Paula thought information could be pulled together to help provenience the NMNH's Etowa collections. Paula reported that there would be a bus trip, in June, from Oklahoma to Georgia in conjunction with the ongoing Etowa consultation involving Peabody Andover and the Creek and Cherokee Tribes. Paula said that she would be pulling together resource room materials, based on her work with Nicole, for the tribes. Paula then turned to a new request from the Grand Ronde through Ryan Heavy Head. It covered nine ethnology objects, which were requested as funerary objects. According to Paula, the request stemmed from the Grande Ronde repatriation visit in July 1999, when the representatives, June Olsen, Marilee Norwest Davis, and Jackie Provost, visited the MSC after the repatriation ceremony. Examples of the objects included spoons, baskets, and bowls, some of which had kill holes in them. These kill holes led the visitors to believe that the objects were funerary. The catalog cards identified the objects as coming from Memaluk, Washington. Ryan's letter was worded as requesting objects from Memaloose Island. From her preliminary work, Paula found that the objects were donated by Dr. Edward Anthony Spitzka in 1921, but were collected by Dr. Joseph Simms, a colleague of Dr. Spitzka. According to Paula, the donation letter did not discuss the objects, but rather stated that he was sending "Flathead skulls from Memaluk." These were never received. The museum did not have any original provenience data for the objects. Paula thought they might be Flathead, Salishan, or Chinookan. Betsy Bruemmer was researching this further, attempting to obtain Dr. Spitzka's will or archives. The museum records would be copied and sent to Ryan Heavy Head.

Christy noted that there was a Worlds Fair in Seattle in 1895 where many Native objects were sold.

Paula said that she would look into that and thanked Christy for the information.

Russell mentioned to Paula that he would be contacting Ryan about the possible upcoming consultation and thanked her for her presentation.

Paula left and Chuck Smythe entered.

B. Chuck Smythe

Russell welcomed Chuck who gave an update on the Ontonagon boulder.

Regarding information on the Ontonagon boulder, Chuck said that he would discuss it in terms of process rather than content. Chuck did not want to provide too much information, because he thought that it might end in dispute. Upon the renovation of the Minerals exhibit hall, there was a renewed interest from the Department of Minerals to again publically exhibit the Ontonagon boulder. Up until this point, there had been an agreement between the Minerals Department and the RO not to exhibit the boulder, but Minerals has continued to press for permission to exhibit it. This led to meetings with Bob Fri. According to Chuck, Bob asked that the RO meet with the Keweenaw Bay community to gather additional evidence to resolve the issue. Chuck reviewed the resulting consultation with the Keweenaw Bay for the RRC. Chuck, Paula Molloy, and some geologists went to Michigan to examine historical records and tribal histories and to hear oral testimony from the community to determine the origin of the Ontonagon boulder. They found that these lines of evidence were not always in agreement. Chuck also noted that the delegation visited the hill top that the tribe reported as the origin site for the boulder. Chuck informed the RRC that he would have a report with a decision by the end of December 1999. Chuck said that Ontonagon boulder case has postponed his work on the Siksika bundle. Turning to repatriations. Chuck said that the museum would be returning seven masks to the Chugach through John Johnson. Chuck discussed this repatriation as a collaborative research project to document the masks. In collaboration with John Johnson, specialists at the Conservation Analytical Laboratory would take samples to identify the wood, x-ray the masks, and use the electron microscope to examine the masks' paint pigments. The RO also planned to consult with an aviary specialist to identify a feather on one of the masks and with a mammalogist to identify a strip of fur on another mask. Chuck then turned to upcoming consultations. He said that the Unalakleet would be visiting later on in November to examine three hundred forty ethnographic objects, collected by Nelson. A group from St. Lawrence Island planned to visit in January. Chuck had also been working on special projects. He said that about one-quarter of the Northwest Coast collections had been reconciled and updated in the Inquire system. Regarding follow-up on the Cheyenne buffalo skull, the Sun Dance priest was scheduled to visit the NMNH to make a statement to preserve his knowledge of the Sun Dance. Chuck also noted that his assistant, Betsy Bruemmer, had completed a project with the Hopi collections. She had compiled a database, recording notes that had been written on tags and objects. This project stemmed from the Hopi request. The goal of this project was to maximize the information that the collections have to offer.

Ron asked who the contacts were at Keweenaw Bay.

Chuck answered Mike Donofrio, a non-Native biologist who runs the community's hatchery, initiated the request. Pauline Spruce has since taken over as the lead tribal representative. The RO also met and spoke with Donnie Dowd, Mide priest of the medicine lodge at Keweenaw Bay, and Eddie Benai, Grand Chief of the Three Fires Midewiwin Lodge.

Andrea asked if there was any further discussion about the Kiowa shield.

Chuck said that he has not heard from the requestor since the notification letter, denying repatriation of the shield, was sent.

Russell asked if the requestor of the shield was familiar with the RRC and its role.

Chuck said that he informed the requestor in writing and in phone conversations.

Andrea then asked about the Blackfeet Bundle.

Chuck said that the consultation went well and the keeper of the bundle planned to request it. Since the group is Canadian, the RO needed a letter from the Montana Blackfeet, stating the Montana group's agreement to act as agents for the Canadians. Chuck described the bundle. The tribe thought that the bundle may be connected with a larger bundle that was located in the NMAI's collections. He noted that Alan Pard was a contact from the Canadian group who was knowledgeable about the bundle.

Russell thanked Chuck for his presentation and he left.

Karen Mudar entered.

C. Karen Mudar

Russell welcomed Karen.

Karen discussed cases in progress. She began with the Unalakleet case. She said that two representatives from the Unalakleet community would visit the museum later on in November. The report for the case was in progress. There were forty catalog numbers of human remains and no funerary objects. Karen said that the report would recommend repatriation and she did not foresee any problems with it. Karen continued, discussing pending claims from St. Michael and Teller, both in Alaska. Karen also mentioned the upcoming St. Lawrence Island consultation on archeological and ethnographic items. Karen then discussed her work on the Bay Mills Chippewa request for remains and objects from Fort Brady in Sault Ste. Marie, Michigan. Karen said that some of the documentation work for this claim had been done for the larger Western Great Lakes case report. Karen noted that she had consulted with the community about including all Chippewa remains in one case report. The remains for the Western Great Lakes case were mostly from Michigan, Wisconsin, Canada, and the Dakota Territory. Karen thought that it would be appropriate to combine the cultural group. She said that were seven to twelve remains from Sault Ste. Marie and about thirty total Chippewa remains. She noted that it has been a challenge working on Midwest groups because of the fragmentation in the area. She thought that consultations with the groups would evolve, but was not exactly sure how it would proceed.

Russell asked if all Chippewa tribes would be notified.

Karen replied that they would. She also noted that there were some Chippewa remains from Canada and she had asked the Bay Mills Chippewa for guidance on the Canadian remains.

Russell asked if anything had happened in Barrow, Alaska.

Karen said that there had not been any response to the letter that she had sent one year ago. Michael Peterson had been identified as the contact and she had sent the letter to him. She was considering sending copies of the letter to other people in the Barrow community, but she did not want to undermine Peterson. Karen asked Russell if he had heard anything.

Russell said that he had not.

Tom noted that there had been a lot of interaction between the Arctic Studies Center and the Barrow community, so the lack of response was not because of a difficulty in contacting the NMNH. Tom thought that there was controversy within the community about how to proceed on the issue.

Karen noted that since Jana Harcharick, cultural liaison for Barrow, had left, Karen had been directed to work with Michael Peterson, the regional IRA representative.

Russell thanked Karen for her presentation and she left.

Dennis Stanford and Ruth Selig entered.

Dennis asked for an update on the Ontonagon boulder case.

Russell reviewed Chuck's presentation on the issue, but noted that Chuck did not go into too much detail with the RRC because a dispute may arise.

Bob Fri entered.

III. Continued Discussion of Projects with Robert Fri

Bob Fri, Ruth Selig, and Dennis Stanford attended this session.

Russell thanked Bob, Ruth, and Dennis for attending. He further noted that Ruth's presence was appreciated, because she has been a help to the RRC over the years.

Ruth thanked Russell for his support and said she enjoyed participating in the NAA tour.

Russell reviewed the NAA tour and possible publication projects for Bob and Dennis. He further

discussed the possibility of the Winter Count donation. Russell said that the RRC decided to sponsor two projects, a guide to the Native American archive materials at the NAA and the NMAI and a Winter Count publication.

Bob asked if the first project would be more detailed than a guide.

Ruth said it would be more detailed than a guide; it would be more like a booklet for Native Americans visiting the NAA and the NMAI archives for repatriation purposes.

Russell added that the Winter Count publication would aid in knowledge transfer to Native communities.

Bob thought the projects were a great idea now that the NAA was being revitalized.

Ruth commented that there has been a synergism between the RO and the NAA. She said that Gayle Yiotis, as the RO liaison, had been helpful in giving Native Americans personal attention at the NAA.

Dennis was worried about the reduction in the RO's staff and noted that Gayle would not be hired permanently. He thought about going to Congress to ask for more money for repatriation.

Bob noted that the new Secretary thought that the NMNH should go to Congress to ask for more money. Bob thought that repatriation would be a good candidate to approach Congress for more money because it provided a service to communities beyond the Mall.

Gillian asked how long would it take Gayle to work on the NAA projects.

Dennis suggested that it would be great for the RRC to set up a position for someone like Gayle to work on a repatriation guide and other projects at the NAA. He further noted that this person could interface with the NMAI after the move of the NAA to the MSC.

Lynne asked when Gayle's term ended.

Dennis answered that it would end next week.

Gillian reviewed Gayle's present duties at the NAA for the RRC.

Ruth added that Gayle was fully trained for work at the NAA and would be a great person for the projects.

Gillian also noted that Gayle had a strong editorial and Web design background.

Russell was concerned about all of the RRC's funding going toward salary, because then

additional funding would have to be procured for the publication.

Dennis thought that the SI would cover publication costs.

Ruth noted that the main expense for the guide would be staffing.

Russell said that he was thinking more about the Winter Count project.

Ruth thought that the NAA would be able to offer some matching funds for the Winter Count project.

Russell said that he needed a commitment to producing high quality reproductions. He then said that the RRC would discuss it later.

Bob gave commitments to high quality reproductions for the Winter Count project.

Dennis noted that it would be his last meeting with the RRC, because he was stepping down as Chair of the Anthropology Department on December 31. He wanted to thank the RRC for its excellent work and said that any possible financial support for staffing that it could offer would be greatly appreciated. He was concerned about keeping up the quality of work and accomplishing that work in a timely fashion after the staff reduction. He conceded that the SI has received a lot of money from Congress, but noted that it also had very large, complicated and sometimes problematic collections.

Russell expressed concerns about asking for additional funding from Congress. He then thanked Dennis, noting that he had done an excellent job and had been great to work with. Russell then presented Dennis with a gift on behalf of the RRC.

Dennis thanked the RRC.

Russell then turned to discuss the RRC's meeting with Bruce Bernstein. He reviewed the meeting for Bob Fri. Russell thought it was beneficial to meet with Bruce. According to Russell, Bruce brought some of the NMAI's repatriation information that the RRC had been wondering about. The NMAI has been accomplishing a lot with limited funding. Russell noted that the NMAI operated on a different evidentiary standard than the NMNH did and Lauryn had clarified this for the RRC. This was helpful, because the RRC was now more sympathetic to the NMAI. However, Russell noted that the RRC still agreed that the NMAI was doing a poor job on its reports and Bruce was not on top of repatriation work. The RRC thought there were personality issues when interacting with Bruce. Russell also informed Bob that the RRC reviewed with Bruce some points of the letter that it would be sending to him. Russell further noted that Bruce had a different philosophy about reports, which he thought were unnecessary. Russell closed his overview by stating that the RRC invited the NMAI to apply for funds in the RRC's travel grant programs. Russell thought that if the NMAI was to be monitored by the RRC, then the museum

should have access to the RRC's funding possibilities. He hoped that this would encourage more positive interaction.

Ruth added that Bruce was very emotional about the reporting process and asked Russell to elaborate.

Russell felt that Bruce thought that reports were a waste of time and a bureaucratic way of operating rather than the Indian way of operating. Russell said that it was his feeling that reports were museum policy and if they must be done, then they should be done well.

Bob noted that reports could reveal a lot of information.

Russell further noted that the RRC mentioned to Bruce that reports could be useful to Indian tribes. The reports have provided the reasoning behind repatriation decisions.

Bob thought that reports often perform a valuable function. He asked if Bruce suggested an alternative to the reporting process.

Lynne commented that Bruce was really not involved in the reporting process. She thought that Bruce's viewpoint was that the return of the objects was the most important aspect of repatriation.

Russell noted that Bruce was not even informed on procedures as basic as whether or not reports were sent to tribes. Russell said that at the meeting yesterday, Bruce stated that reports were not sent to tribes. However, Bruce later informed Gillian, via email, that the NMAI did send its reports to tribes. Russell credited Bruce for emphasizing consultation with tribes as very important. Russell thought that Jim Pepper Henry had a different perspective than Bruce. Russell thought that Jim would like to maintain and establish further relationships with the NMNH's RO and the RRC. Russell noted that this was a positive step.

Lynne added that Lauryn recommended that the RRC should work with Jim Pepper Henry.

Bob thought that it was important to address the issue in a constructive context. He discussed the positive relationship that the NMNH had with the NMAI in Alaska. He stressed the importance of maintaining these collaborative relationships.

Russell noted that Bruce attempted to provide the RRC with the NMAI's repatriation information, although it was not very accurate.

Ruth asked about Lauryn's view on amending the by-laws.

Russell answered that Lauryn provided the RRC with a clearer sense of the NMAI's relationship with the SI. He did not see a reason to push the issue.

Bob suggested that the RRC proceed with its letter to Bruce and then ultimately look at the bylaws charter.

Russell thought that the RRC made some positive steps. He mentioned to Bob the RRC's upcoming tour of the MSC.

Ron noted that Lauryn discussed the NMNH's standard of preponderance of evidence and the NMAI's standard of reasonable basis.

Bob also thought that the legal standards could be confusing.

Russell added that knowing about the differing standards increased the RRC's understanding, but thought that the NMAI still must establish cultural affiliation based on some standard.

Bob asked if the SI's process was any more or less complicated than NAGPRA's process.

Everyone agreed that the processes were pretty much the same.

Gillian commented that the NMNH has more freedom to adjust its process.

Ron thought that the NMNH's process was easier for the tribes.

Russell brought up Sitting Bull's hair. He noted that it was collected by being clipped by the doctor who performed the autopsy. Russell cautioned that this could be a sensitive issue.

Bob thought that the tribe had been notified.

Ron asked which tribe had been notified. He thought that the Standing Rock Sioux should have been notified and said that Timmy Mentz was the Tribal Historic Preservation Officer. Ron said that Sitting Bull was a Hunkpapa chief and the Hunkpapa were connected with the Standing Rock Reservation.

Bob thanked the RRC for the update and Russell thanked Bob for attending. Bob then asked when the RRC's next meeting would be.

Russell answered that the RRC planned to meet in February in Washington, DC and hold a workshop in May in Oklahoma.

Ruth said that she would like to attend the Oklahoma workshop.

The RRC thought that would be a good idea and said that she was invited. Russell discussed the Oklahoma conference. He said that the Cherokee Nation, headquartered in Tahlequah, Oklahoma, would host the conference. The RRC would stay at the Western Hills State Lodge

about twenty miles from Tahlequah.

Bob thanked the RRC and the Committee thanked Bob for attending. He then left the meeting.

Dennis then said that a descendant of Sitting Bull, Don Tenoso, was working in the Anthropology Department.

Ruth commented about how the NMNH had done more repatriations then all others museums combined. She saw this as an opportunity to boost the museum's public image.

Dennis noted that the NMNH's public relations office had sometimes failed to publicize this well.

Ruth mentioned that the SI's press releases have more visibility than the NMNH's.

Ron clarified for the RRC that there were only two direct descendants of Sitting Bull, Sarah Little Spotted Horse and White Cow. Ron noted that he was listed as a collateral relative. He said that all other people were adopted, honorary descendants.

Russell thought that Sitting Bull's hair should be repatriated to either of these two people.

Ruth made a comment regarding bridging the gap with the NMAI. She thought that the move of the NAA out to the MSC could have a positive or negative outcome. She envisioned that the move could bridge the NAA, the MSC, and the CRC. She noted that, within the SI, work was accomplished through person to person relationships. Ruth felt that Gayle Yiotis could be a possible link between the NMNH and the NMAI through repatriation work in the NAA.

Gillian added that Gayle would be a good liaison for visitors because she was non-threatening. Gillian discussed Gayle's background, noting that she was partly of Native American descent. She noted that if a new position were to be created, it would take time, unless it would be a contract position.

The RRC said that it would discuss it further in-camera. The Committee then continued to discuss the Winter Count project. Russell asked about the role of the person working on the project.

Ruth thought that the person would be a consultant on a few-month contract.

Russell thanked Dennis and Ruth for attending and they left the meeting.

IV. RRC In-Camera Session

This portion of the minutes is not circulated.

Appendix B
Minutes of the February 2000 RRC Meeting

Final Repatriation Review Committee Meeting Minutes February 28, 2000 Gleneden, OR, Westin Salishan Inn - Sitka Room Prepared by Katherine Ramey

Repatriation Review Committee Participants:

Roger Anyon, Richard Dalton, Sr., Lynne Goldstein, Andrea Hunter (Vice-chair), Ronald Little Owl, Russell Thornton (Chair), Christy Turner II

Smithsonian Staff Participants:

Gillian Flynn, Repatriation Review Committee Coordinator, NMNH
Thomas Killion, Program Manager, Repatriation Office, NMNH
Paula Molloy, Case Officer, Repatriation Office, NMNH
Steve Ousley, Case Officer, Repatriation Office, NMNH
Katherine Ramey, Assistant Repatriation Review Committee Coordinator, NMNH

Monday, February 28, 2000 - 9:20am

I. Introductory Remarks

Russell Thornton opened the meeting and welcomed the other Repatriation Review Committee (RRC) members. He explained that the RRC was meeting in Oregon instead of Washington, DC, so that the RRC members could observe the Grand Ronde consultation. Russell continued, noting that he discussed the situation with Lauryn Grant. Since the consultation was just to gather additional information, she did not see any reason why the entire RRC could not attend. Russell then turned to the reappointment of the RRC members. He said that Gillian had drafted the letters, which were now awaiting the Secretary's signature. He thought that the RRC members would receive their renewal letters soon. Russell also thought that the RRC should discuss dates for the upcoming Oklahoma conference. He noted that it was tentatively scheduled for May 17-19, 2000. Recently, however, Russell spoke with Richard Allen and Chad Smith of the Cherokee Nation and, according to them, the Keepers of the Treasure was scheduled to meet in Seminole, OK from May 21-25, 2000. Russell asked the other RRC members if they wanted to hold to the original dates or reschedule.

Gillian noted that the American Association of Museums (AAM) would be holding its annual meetings in Baltimore May 14-19. She and Russell thought that both the Keepers of the Treasures and AAM meetings would affect tribal attendance at the RRC's conference. Gillian further noted that she was scheduled to give a presentation at the AAM meetings on May 17.

The RRC continued to suggest alternative dates. Russell said that his schedule was flexible and he also thought that the Cherokee Nation's schedule was fairly flexible. He further noted that Gordon Yellowman had requested to give a presentation at the RRC's Oklahoma conference.

Lynne said that she would not be available until after May 8.

Russell suggested May 11-12.

Andrea said that those dates were fine with her.

Russell said that he also wanted to tour Spiro Mound. He suggested May 11-13 with a tour of Spiro on May 11.

Gillian also recommended that the RRC select dates after the Keepers of the Treasure Meeting.

Christy said that he would be away for the entire summer, beginning in June.

Lynne suggested that Gillian investigate availability.

Andrea noted that the Red Earth Festival usually started the first weekend in June.

Gillian asked if the Spiro tour would last an entire day.

Russell said that Spiro was located approximately sixty miles from where the RRC would be staying.

Gillian asked if the RRC was planning a one day meeting and a one day workshop.

Russell said that the RRC would discuss it with Tom Killion. Russell then turned to the division of duties within the Department of Anthropology. Russell said that Carolyn Rose was the new Chair of the department and Dan Rogers was the Chair Elect. Dan and Carolyn decided to each oversee different divisions within the department. Dan had expressed an interest in being the liaison for the Repatriation Office (RO) and the RRC. Both Carolyn and Dan had contacted Russell about this and it was decided that Dan would be the contact for both the RO and the RRC. Russell commented that his discussion with Carolyn was candid. He hoped that Dan would take a hands-off approach as Dennis Stanford had. Russell continued, noting that Dan had worked on Spiro Mound and may want to participate in the RRC's tour. He asked Lynne to compile a list of publications on Spiro for the RRC to have. For the RRC conference, Russell suggested coordinating with the National Museum of the American Indian's (NMAI) RO so that some of its staff could participate.

Gillian mentioned that Stephanie Makseyn-Kelley, who used to work for the NMNH's RO, was now working under Jim Pepper Henry at the NMAI's RO.

Turning to other NMAI matters, Russell said that he had not yet received a response to the letter he had sent regarding the NMAI's case reports. Russell noted that he had mentioned this to Mr.

Fri who thought that the NMAI would respond. Russell referred the other RRC members to a memo in their packets from Secretary Small and discussed the reorganization in the upper administrative levels of the Smithsonian Institution (SI). The new Secretary had created Under Secretary positions. Dennis O'Connor, the Under Secretary for Science, would oversee the NMNH, while Sheila Burke, Under Secretary for American Museums, Programs, and National Outreach would oversee the NMAI. Russell did not know what implications this would have for the RRC's relationship with the NMAI. Regarding the RRC's annual report, Russell said that it had been completed and would include the notes from the conference in Juneau, AK, in addition to the addenda that the RRC members had already reviewed. Russell suggested that RRC members send their comments on the draft November 1999 meeting minutes to Gillian by the end of March. He then raised the question of when the RRC should again meet in Washington, DC. He thought that it should be soon and suggested mid-August.

Lynne and Russell asked Christy when he would return from Russia.

Christy replied that he was unsure, but was hoping to stay until the end of September.

Russell thought that the RRC would have to meet in August or September, without Christy, and then possibly meet again in the winter.

All of the other RRC members, except for Christy, who would be out of the country, were available to meet in mid-August.

The RRC members discussed more specific dates. Lynne noted that she would be available anytime during the week of August 15, but not after August 24.

Gillian raised the question of what RRC members would attend the NAGPRA meetings in Juneau, AK from April 2-4, 2000.

Russell added that he thought the meetings would address the issue of unaffiliated remains. The RRC determined that Richard, Ron, Andrea, Roger, and Russell would attend and Russell asked Gillian to make hotel reservations for the attendees at either the Goldbelt or Baranoff Hotels.

Tom Killion entered and the meeting adjourned for a short break.

II. Development of Agenda for Oklahoma Conference

Tom Killion, Paula Molloy, and Steve Ousley attended this session.

Russell welcomed the attending RO staff and turned the floor over to Richard.

Richard made an announcement about a Sealaska celebration that would take place in June. He thought that some repatriation issues would be addressed at the celebration. He added that June

was a very active month for Alaskans. Richard suggested contacting Cheryl Eldemar or Rosita Worl for more information.

Russell raised discussion of the upcoming Oklahoma conference, noting that the previously selected dates would interfere with both the American Association of Museums (AAM) and Keepers of Treasure meetings. Russell reviewed that the RRC tentatively scheduled the conference for May 11-13, but he needed to discuss availability with Jim Pepper Henry and the Cherokee Nation. He said that the RRC was still planning a one-day trip to Spiro Mound. The RRC planned to hold the conference at the Western Hills resort, outside of Wagoner, OK and the Cherokee Nation had expressed an interest in hosting a dinner. Russell thought that the RRC and the RO should discuss whom to invite. He thought that the conference could focus on tribes from the Northeast quadrant of Oklahoma or those from all across Oklahoma. Gordon Yellowman had contacted Russell and expressed interest in presenting at the conference. Jim Pepper Henry also wanted to invite several of his new staff members. Russell thought that the RRC and the RO should discuss agenda items. He suggested opening the conference with an information session.

Tom said that he had discussed the conference informally with Jim Pepper Henry. Tom wanted to determine the RRC's objectives for the conference. He also wanted to address some of the basic differences between repatriation at the NMAI and the NMNH and some of the differences between the NMAI Act and NAGPRA. Tom noted that much of the casework in Oklahoma had fallen into inactivity, but conceded there were many Native American communities located there.

Russell addressed some the RRC's objectives for the conference. He wanted it not only to offer the opportunity for tribes to give their impressions about the repatriation process, but also to offer information for tribes who were new to the process. Russell discussed the Cherokee Nation's changes in administration. He thought that discussion of the differences between the two museums, the two laws, and the reasons for the differences was a good idea. Russell also thought that the Steed Kisker dispute could be discussed, Gordon Yellowman could give a presentation, and Indian people would have time to give general or specific concerns.

Regarding repatriation examples from the past, Tom thought the conference should present more than one. Tom also noted that Gordon Yellowman was no longer the repatriation representative for the Cheyenne. He thought that appointed representatives should also be invited to present.

Gillian suggested that tribes could be invited to give formal presentations in the invitation letters and representatives could be placed on the agenda as they respond.

Russell added that a draft agenda could be sent to tribes to give them the opportunity to comment or request additional topics for discussion.

Paula suggested allotting time for breakout sessions so that the various regional areas could focus more on their interests.

Russell thought that was a good idea. He did not think that the RRC needed to be present for that.

Ron asked if this conference would only include Cherokee people.

Russell replied that it would include all tribes from Oklahoma. He noted that the RRC had previously hosted a workshop in Mississippi that included all Southeastern tribes.

Ron asked about including the Cherokee from North Carolina. He discussed a situation where General Electric had uncovered a large mound in Evansville, IN. Ron was invited to help rebury the remains from this mound and during the ceremony, Ron met many Cherokee people. Ron asked if these Cherokee people would be invited.

Russell discussed the three different Cherokee groups that were federally recognized. He asked if the Eastern Band of Cherokee should be invited.

Paula recommended that the conference focus on Oklahoma tribes.

Ron returned to the discussion of the reburial in Indiana and noted that Tom Montezuma had invited him to participate. There he met Cherokee from Evansville. Ron continued to discuss his reburial work in Indiana. He added that the majority of the remains that were affiliated with the Miami, descendants of the Moundbuilders.

Steve suggested that a session on the agenda explain the role of research in determining cultural affiliation. This session could discuss what is involved in archeological and osteological documentation to convey why the process is so time-consuming.

Russell said that the RRC also wanted to arrange a trip to Spiro Mound. He thought that this could be an icebreaker.

Tom suggested inviting Dan Rogers or Jim Brown.

Russell said that he had mentioned this earlier and noted that there was an interpretive center at the site.

Lynne thought this was a good idea.

Andrea added that the museum there had also been expanded.

Tom asked why the Cherokee from North Carolina would not be invited.

Russell said that the Cherokee did not have an interest in Spiro.

Paula added that the point of the conference was to conduct outreach to tribes from Oklahoma, not to conduct a consultation about Spiro.

Russell wanted to take the opportunity to visit Spiro while they were in the vicinity.

Tom clarified that the RRC's objective was to keep the conference general.

Ron asked who the tribal representative for the Tunica-Biloxi was.

Paula replied that Bill Day had retired as tribal representative for the Tunica-Biloxi. She added that the tribe had not placed a formal claim for Spiro material.

Ron discussed the spiritual reaction that he felt when touring the Spiro collection at the Museum Support Center (MSC). Ron said that he was spiritually affected by a pipe. He also felt that the textiles were death garments and the large shells were sacrificial containers for human blood. He felt that much of the material was connected with the Sioux. Ron discussed the collection with Oliver Red Cloud, Chief of the Oglala Sioux. According to Ron, Oliver had knowledge of ancient people who came from an island off of the coast of North or South Carolina. This island no longer existed, but the people were affiliated with the triangular shaped points of the country. Ron feared the spiritual effects that the Spiro collection at the MSC would have on him. He thought that Oliver Red Cloud may be in contact with the Russell concerning the pipe or other Spiro material. Ron also noted that the Tunica Biloxi people were related to the Sioux. He continued to discuss the interest in the pipe, noting that it changed color.

Russell asked if the Wichita was the only tribe to claim affiliation with Spiro material.

Upon hearing Ron's comments, Tom was concerned that some tribes might be apprehensive, for spiritual reasons, about touring Spiro.

Russell thought that was a good point. He continued, saying that the tribes could at least be invited, but the letter should be clear that attendance was optional.

Paula discussed participating in trips to Etowa Mound with the Creek and Cherokee Tribes. She noted that some people chose not to attend. She agreed that the opportunity to attend should be flexible.

Russell, Gillian, and Tom added that the tribes could be invited to participate in it as an optional trip. Tom continued, suggesting that the plans for the trip could be mentioned in the invitation letter. With that approach, tribes could have the opportunity to comment, rather than the SI assuming sensitivity.

Gillian said that she would get together with Tom, Paula, Bill, and Jim Pepper Henry to discuss some of these ideas and draft an agenda for the conference.

Tom asked about the financing of the conference.

Russell said that he wanted the RRC to fund most of the conference expenses.

Paula thought that there would at least be twenty-four tribal representatives.

From that, Lynne estimated that there would be a total of about fifty people.

Tom said that the RO would cover the expenses of its staff members that would attend.

Russell said that the RRC would cover the tribal representatives' expenses.

Christy offered \$15,000 as a rough estimate of what the RRC would spend.

Russell suggested that travelers fly into the Tulsa airport. He then asked what tribes should be invited.

Paula and Roger recommended restricting attendance to tribes from Oklahoma.

Gillian said that she, Tom, Paula, Bill, and Jim would get together to discuss this and develop a list of attendees for review.

Ron discussed rivalries among tribes that develop over the affiliation of ancient remains. He discussed how he affiliated a rib bone with the Crow at a conference in Montana. During this conference, tribes and scientists argued with each other and among their groups. Ron thought that there may be internal rivalry among the Cherokee. He noted that repatriation has brought about rivalry all across the country.

Russell asked if anyone from the NAGPRA Review Committee should be invited to the Oklahoma conference.

Gillian replied that, in the past, the RRC had decided not to request representation from the NAGPRA Committee.

Lynne agreed.

Paula and Steve left and the meeting adjourned for a short break.

III. Repatriation Office Annual Report Update

Tom Killion attended this session.

Regarding the RO annual report, Tom said that he had been working on it throughout January

and February and had completed a draft. This report would cover one and one-half years, June 1998-December 1999. Tom said that the report would discuss the decision by the Anthropology Department to make repatriation a permanent feature of the department. It would also discuss the reorganization of the RO and various people's involvement in making these decisions. Tom said that there had been a suggestion to change the RO's name to the Tribal Legacy and Repatriation Program to reflect the lasting contributions that repatriation has made. This would also emphasize some of the lasting relationships that repatriation has fostered between tribes and museums. Tom continued, noting that the report would contain all of the same aspects as previous annual reports. It would also discuss the products that the RO has generated for tribal use, such as the compact discs of the ethnographic summaries and the website. Tom said that the Human Sciences Review Committee's report had influenced his attempt to make the annual report a proactive document. Tom said that the draft would be reviewed by the case officers and he hoped to have the report approved by Dan and Carolyn by mid-March. The approved annual report would then be passed on to Lauryn Grant. Tom conceded that his projected dates were well beyond what was expected, but he had been very busy with consultations. First occurred the Unalakleet consultation and then preparation for the St. Lawrence Island consultation. Tom was involved with the review of 10,000 archeological objects for this consultation and he discussed this preparation process. He said that the remains from this area had already been returned. Tom said that it took a considerable amount of time to prepare for this visit. He reported that a group of staff members from the RO including Karen, Chuck, Betsy, Beth, and himself were all involved in preparing the objects, records, and documentation for presentation to the visitors. Tom added that a consultation of this scale was a very large task. The visit had since been canceled, but the RO was in the process of rescheduling.

Russell asked when the rescheduling would occur.

Tom replied that it would probably not to occur until late summer or early fall. He was also trying to accommodate the Unalakleet return. He added that Vera Metcalf had requested that the St. Lawrence Island consultation be delayed.

Russell expressed an interest in coinciding an RRC meeting with the St. Lawrence Island visit.

Tom thought that it was a good idea for the RRC to observe some the preparation involved in a consultation of this magnitude.

Lynne noted that the RRC members wanted to receive the maps of the physical summary reports.

Gillian thought that Stuart Speaker had provided those maps.

Lynne did not think that the RRC members ever received them.

Gillian clarified that these were colored maps of the physical inventories.

Tom said that he would provide them.

Ron asked Tom to elaborate on the legacy part of the repatriation program.

Tom discussed this name change in light of the Human Sciences Review Report. He thought it would broaden the accomplishments and potential of the Repatriation Program. The term "legacy" would allude to how the program would benefit both tribes and museums. Tom thought this name change would focus on a more positive public image for the program.

Russell asked if the RRC members had access to the report.

Tom replied that they did.

Gillian explained that Mr. Fri had brought in three panels to evaluate the geological, human, and biological departments within the NMNH.

Russell expressed concern because the RRC was not aware of this evaluation.

Tom noted that the Human Sciences Review Committee made a comment about the RO without meeting with the office.

Gillian clarified that Paula gave a brief presentation to the panel members and Gillian had lunch with them

Russell asked if the RRC members could get copies of the report. He thought that term "tribal legacy" was ambiguous.

Tom explained that "tribal legacy" embodied what the RO could potentially contribute to tribes. He continued with his presentation, noting that he was involved with a request from the Ysleta Del Sur Pueblo in Texas. Tom said that this request resulted from the National Park Service (NPS) consultation that he attended in Albuquerque, NM. He explained that this consultation was held to discuss ancient remains from Salinas Monument. Tom said that about nine-hundred sets of remains were removed from the monument's mission and sites that predate it. Museums that attended were the NMNH, the Museum of New Mexico, and the San Diego Museum of Man, all of which have remains from Salinas Monument. Tom explained to the tribal groups how the repatriation process works at the SI.

Gillian asked if the group was federally recognized.

Tom answered that it was. Tom continued, noting that affiliation of the remains would be complicated because of tribal migration over the years. He said that many different groups were involved in the consultation. Tom said that representatives from the Kiowa, Taos, Hopi, Zuni, Santo Domingo, Jemez, Mescalaro Apache, Acoma, Cochiti, Isleta, and Ysleta Del Sur attended.

Sandia had been invited but did not attend. Tom also noted that a non-federally recognized tribe, the Piro-Manso-Tiwa, attended and its representatives were invited to observe. It was decided at the meeting that Ysleta Del Sur would take the lead in making the remaining requests to the institutions, outside of the NPS, that held remains from the monument. Tom said that he would be handling the Southwest now because Stuart Speaker's term was ending. Tom thought that the NMNH had about forty remains involved in the Ysleta Del Sur request.

Russell asked where, in the monument, the remains had been located.

Tom replied that they were from Quari, a room off the mission, and nearby Gran Quivira.

Roger, who also attended the consultation, explained that cultural affiliation was a complicated issue in this case. He said that Betsy Brandt from Arizona State University did a report on the monument. He thought that different sites probably had different cultural affiliations. Roger also thought some of the sites might be affiliated with Plains tribes rather than Pueblo tribes. There was a resolution to repatriate the remains to the monument and the tribes were comfortable with that. The various tribes represented selected Ysleta Del Sur to take the lead in representing all of them, however, there were tribes that have an interest in the remains that did not attend the consultation. Roger did not know if those tribes would be comfortable with Ysleta Del Sur as the designated leader. Some of these tribes were more closely affiliated with present day Plains groups than those from the Southwest. He said that the NPS, the Museum of New Mexico, and the NMNH were each conducting studies to determine how cultural affiliation assessment was coordinated with the NPS. Roger asked Tom how the RO would insure that all affiliated tribes were included in the consultation and how the RO's work would be coordinated with the NPS and the Museum of New Mexico.

Tom did not think that would be a problem. He thought he would use the NPS's reports as a basic starting point and consult with more groups as necessary. Tom noted that the Wichita was invited to the NPS's consultation, but did not attend. Tom thought that the RO could contact tribes, such as the Wichita, that did not attend to see if they have a problem with the plan to repatriate to the monument with Ysleta Del Sur as the leaders.

Roger was concerned that there was the potential for a tribe to make a claim far along in the process, and, therefore, he wanted as many tribes as possible to be included from the start.

Christy noted that physical studies of individuals from the site, which were conducted many years ago, suggested they were more similar to Plains Indians than to Pueblo Indians.

Russell also added that Taos Pueblo has been known to be more like Plains Indians than Pueblos.

Tom noted that Taos did attend the consultation, but was surprised that Sandia Pueblo did not attend. He then turned to other work of the RO. Tom commented that work was beginning to pick up in the Southwest. Tom thought this might be a result of the recent Jemez repatriation.

He reported that there had been another consultation with San Ildefonso regarding excavations by Edgar Hewitt that took place around 1900. Tom expected to soon deal with the Jemez mountain sites. He noted that these were large sites from which the NMNH had a lot of material and he, therefore, wanted to be more proactive in this area. Myron Gonzales, a representative from San Ildefonso, expressed interest in moving forward with the repatriation, but Tom was not sure if Gonzales was supported by the tribe. Tom continued, noting that he had been working with Cathy Sawdey to automate the statistics and correspondence databases to develop information for the RO's annual report. Turning to other cases, he was working with Karen Mudar to develop a contract where she would document all objects from Teller and St. Michael in Alaska and from the Bay Mills Chippewa and the Menominee in the Great Lakes region. He was having trouble getting approvals from the Smithsonian's Office of Contracting, but the ethics counselor did approve the contract. Bill Billeck would take over working on the Great Lakes cases, in addition to those from the Great Plains and Great Basin. Tom would take over work in the Southwest and Alaska and Paula would continue in the Northeast, Northwest, and Southeast. Stuart's term would end April 15, but Tom wanted to hire him on contract to document the Jemez mountains collection. Tom wanted Stuart to draft a report for the Tlingit Whale Hat and Bear Screen request before his term ended. Tom noted that Paula was about to finalize the Mohegan report. In the process of getting approval for this report, issues arose with Anthropology curators over evidentiary standards. According to Tom, the curators feel that conclusions should be based on scientific certainty rather than a preponderance of the evidence. Tom said that the RO was working to educate the curators about the evidence. Tom continued with the case officer's work noting that Chuck Smythe had conducted more than forty consultations in eighteen months. Tom emphasized that consultations were central, valuable, and time-consuming activities. The Ontonagon Boulder case report, with a recommendation to retain the boulder, had been approved for distribution to the tribes. Tom noted the parallel between the Ontonagon Boulder case and the Grand Ronde's request for the meteorite from the American Museum of Natural History.

Russell suggested that Tom finish his report after the discussion about the Grand Ronde Case.

The RRC meeting adjourned for lunch at 12:10pm.

IV. Discussion of the Grand Ronde Case

Tom Killion, Paula Molloy, and Steve Ousley attended this session.

Russell opened the meeting with discussion of the agenda for the Grand Ronde case. He said that he viewed the RRC's role as observatory and he thought that the RRC should let the tribes know that during the consultation. He suggested that the consultation open and close with a prayer. He thought that Richard could give the opening prayer and Ron could give the closing one. Russell also thought he could approach Ryan Heavy Head and ask if Ryan had a spiritual person in mind to offer the opening and closing prayers. Russell also asked if Ryan was coordinating the conference.

Paula replied that she did not know, but hoped to find out at the meeting.

Tom said that he wanted to make sure that the consultation appeared to be open.

Russell asked what tribes would be attending and who were the names of the representatives.

Katie listed the projected attendees (attached).

Paula noted that the Cow Creek Tribe was also invited, but she did not get a response from tribal representatives. She had tried to contact the tribe to follow-up, but was unable to reach anyone.

Russell asked Paula if she felt comfortable that the relevant tribes were represented.

Paula said that she was. She continued, explaining that these tribes represent the groups that were on the coast during the historic and ethno-historic periods.

Russell then asked if this conference would only discuss the Par Tee site.

Paula replied that it would. She thought that the claims to other sites could be worked out internally. She explained that from an archeological perspective, the Par Tee site was very anomalous in comparison to what was known from the ethno-historic period and to other sites from the locale that are contemporaneous with it. For this reason, Paula wanted to consult with a wide range of groups. She thought that the affiliation may not necessarily be with people that lived there during the ethno-historic period, but rather with another group of people. Because of this, Paula wanted to be broadly inclusive.

Lynne asked who funded the excavations at the Par Tee site.

Paula answered that it was partially funded by the SI and partially funded by amateur archeologists. She reviewed the history of the excavations, noting that George Phebus was the archeologist from the SI and Phillip Drucker was the local archeologist.

Lynne noted that pages 22-28 were missing in her copy of the report. She had trouble determining why this site was excavated and how the remains came to the SI.

Paula said that she reviewed the accession file and confirmed that the remains excavated from the Par Tee site belonged to the SI. She noted that the artifacts from the accession were cataloged, but the remains were not. Paula continued, noting that this conference had arisen out of a request for dispute resolution. However, she did not want to dwell on the origin of the conference. Paula wanted to assemble tribes that would possibly have an interest in the remains from the site. She also wanted to foster an atmosphere of openness in the hopes that she would receive some additional information to help affiliate the remains. She saw it as an opportunity for information sharing between tribes, the museum, and the archeologists. Paula emphasized that she wanted to

keep the meeting very open.

Russell thought that Ryan was concerned about offering information. Russell did not want the representatives to feel forced to disclose sacred information.

Paula also did not want the tribes to feel that way. She noted that Tom would open the meeting and attempt to convey to Ryan and the other tribal representatives that there would be an opportunity for them to offer additional information, but that it was not a requirement. Paula added that an in-camera session was scheduled on the agenda for the tribes to meet together without the RO staff, the RRC, or the archeologists.

Russell thought that was a very good idea.

Lynne asked Paula the extent to which she discussed the Par Tee site with other tribes.

Paula answered that she did not discuss it very much. She noted that the Siletz had a copy of the report. She thought that she would distribute additional reports, review how repatriation is conducted and how cultural affiliation is determined by using multiple lines of evidence.

Russell asked if the museum had other remains or objects that were potentially affiliated with these tribes and if Paula would take this as an opportunity to consult with the tribes about this.

Paula replied that these tribes had all received copies of the archeology and physical inventories, but added that the museum did not have that many human remains or objects from this area of Oregon. She thought it would be beneficial to remind the tribes to review their copies of the inventories, because they may have an interest in other objects and remains at the NMNH. Paula continued with discussion of the conference agenda, stating that Roger Colten would present on the faunal remains from the site and the seasonal use of it. Tom Connolly would discuss the faunal remains from Avenue Q and Palmrose, sites nearby to Par Tee.

Steve added that he would present the inventory of the human remains from the Par Tee site and describe some of the methods that the RO lab used to determine biological affinity.

Paula noted that the taphonomy of the remains was potentially important. However, she wanted to approach this topic in a sensitive manner by prefacing the remarks. Paula also said that she would let the tribes know that the conference was being recorded and that the RO would respect the wishes of tribal representatives who did not want their remarks recorded. Continuing with discussion of the agenda, Paula noted that the afternoon was very open.

Christy asked if the RO had any sense of affiliation of the remains.

Paula and Tom answered no. Tom said that there was a lot of information to convey to the tribes, but they really did not have any sense of affiliation. Paula continued, stating that the RO did not

have time to analyze the artifacts in preparation for this conference. There was some descriptive information of the artifacts, provided by Phebus and Drucker, but a more thorough analysis would have to be completed. Paula did say, however, that the site did not look like Tillamook and Clatsop or like contemporaneous proto-Chinookan sites in the area. She thought that the site was very anomalous.

Christy asked if Paula had looked further north on the coast, possibly into the British Columbia area, to find a model similar to this site.

Paula responded that that was an interesting point, but that she had not yet ranged that far in trying to find a model to fit this site. She continued, noting that some of the mortuary patterns were similar to those of interior, Willamette Valley groups, but all other evidence was similar to that of maritime groups. Paula was hoping to gather additional evidence at the conference.

Christy noted that around 900 A.D. there was a huge amount of disturbance taking place on the Northwest Coast due to the mini-Ice Age, which caused a lot of tribal migration.

Tom noted that the Par Tee site largely predated this event.

Christy agreed, but thought that there could have been a similar, but less well-documented oscillation.

Paula said that she would continue to investigate the site, because the evidence was so unusual.

Russell asked if the evidence was similar to interior groups.

Paula replied that only the mortuary practices followed interior models, but the majority of the evidence was similar to maritime groups.

Lynne commented that there was probably a lot of migration of groups throughout the area.

Paula noted that the SI also held the field notes, but the excavators had not kept good notes.

Russell asked if Paula had any idea about what tribes, other than the Grand Ronde, thought about the Par Tee site.

Paula answered that she did not. She did, however, think that the other tribes had some interest in the site, since they had decided to attend the conference.

Tom wanted to clarify for the tribes that the RO wanted to revisit the decision of the initial report about the Par Tee site and broaden the consultation.

Russell wanted to be sure that the RO wanted to lead the meeting as a consultation, rather than

the RRC facilitating it as a dispute.

Tom thought that would be in the interests of all parties.

Lynne agreed.

Tom wanted to take an open approach to the consultation meeting and explain that the first report did not issue a final decision.

Russell agreed, but did not want Ryan Heavy Head to feel slighted.

Paula said that it would be made clear that the consultation resulted from Ryan contacting the RRC.

Tom also wanted the tribes to know that the RO did not require an immediate decision or consensus from them. Tom elaborated that issues could be discussed and voted upon if the tribes wanted to do that or they could lead their own discussions during their in-camera session. Tom did not want to force a decision, especially since the Cow Creek Tribe, a potentially interested group, did not respond to the invitation.

Russell inquired about the role of the archeologists.

Paula replied that the attending archeologists were those whom Ryan had cited as having opinions favorable to the Grand Ronde's claim. Paula thought it was important for them to attend and provide the larger archeological context.

Discussion continued about the placement of the archeological and tribal discussion on the agenda.

Paula said that Tom would be facilitating the meeting.

Russell also asked for some time on the agenda for him to speak about the role of the RRC because he thought that it was important for the tribes to hear about it.

Tom suggested that Russell address the RRC's role after Tom opened the meeting.

Paula commented that she wanted it to be clear that the issue could not be resolved at the meeting, because she still would have to write a report that would then have to navigate the approval process.

Russell said that would be clarified.

Roger wanted to emphasize to the tribes that this meeting was not a dispute hearing.

Russell suggested categorizing the meeting as a response to Ryan Heavy Head's concern about a potential disagreement between the Grand Ronde and the NMNH. The RRC thought this meeting could be an avenue to resolve the potential disagreement without formally involving the RRC.

Steve suggested just categorizing the meeting as an information sharing consultation.

Lynne did not think that was appropriate, because the RRC needed to respond to Ryan's request for the RRC's intervention.

Russell added that Ryan did not ask the RRC for a formal decision, rather only an intervention.

Steve clarified that the nature of the RRC's intervention was to facilitate information sharing.

Russell and Lynne said that was correct. Russell added that the RRC wanted to provide a context for and facilitate information sharing.

Roger informed Steve that Ryan wrote to the RRC in 1999 to request its assistance in resolving a dispute. Roger continued noting that the RRC thought that it could facilitate additional discussion rather than turning to formal dispute resolution.

Russell added that Ryan agreed to this.

Christy noted that dispute resolution would require massive documentation, which would consume vast amounts of financial resources and time.

Russell asked Paula what the best possible outcome of the meeting could be.

Paula thought that some oral tradition evidence could be brought out to resolve some the archeological discrepancies. She noted that the RO did not have any oral tradition evidence at this point. However, she added that this was often the type of information that tribes were not comfortable sharing. She hoped to lay the groundwork for a mutually respectful and trusting collaboration

Roger thought that the meeting may facilitate greater cooperation among the tribes.

Russell asked what would satisfy the relevant people at the NMNH for establishing cultural affiliation.

Paula replied that evidence that could establish cultural affiliation would satisfy the relevant people at the NMNH.

Russell asked if this included oral tradition.

Paula answered that it did. She and Tom noted that oral tradition had been used in the past to establish cultural affiliation.

Tom wanted to facilitate discussion from the tribes and let them know that the RO was soliciting information from all groups.

Russell clarified that the purpose of this meeting was to gather information with the hope of establishing cultural affiliation.

Christy and Russell commented that cultural affiliation could be broadly or narrowly defined. Discussion of different models of cultural affiliation continued.

Ron discussed his brother's experience in Vietnam and related the story to how cultural affiliation often is based on skin color. Ron noted that it was sometimes difficult to establish cultural affiliation based on bone structure. He thought that spiritual identification could be used to alleviate this difficulty.

The meeting adjourned for a short break.

V. RRC In-Camera Session

This portion of the minutes is not circulated.

Appendix C
Minutes of the August 2000 RRC Meeting

Final Repatriation Review Committee Meeting Minutes August 14-15, 2000 National Museum of Natural History (NMNH) Prepared by Katherine Ramey

Repatriation Review Committee (RRC) Participants:

Roger Anyon, Richard Dalton, Sr., Lynne Goldstein, Andrea Hunter (Vice-chair), Ronald Little Owl, Russell Thornton (Chair)

Christy Turner II was absent.

Smithsonian Staff Participants:

Bill Billeck, Case Officer, Repatriation Office, NMNH
Gillian Flynn, Repatriation Review Committee Coordinator, NMNH
Robert Fri, Director, NMNH
Lauryn Grant, Assistant General Counsel, Smithsonian Institution
Thomas Killion, Program Manager, Repatriation Office, NMNH
Paula Molloy, Case Officer, Repatriation Office, NMNH
Steve Ousley, Case Officer, Repatriation Office, NMNH
Dan Rogers, Chair, Department of Anthropology, NMNH
Ruth Selig, Special Assistant for Strategic Initiatives, NMNH
Chuck Smythe, Case Officer, Repatriation Office, NMNH
Katherine Ramey, Assistant Repatriation Review Committee Coordinator, NMNH
Gayle Yiotis, Museum Specialist, National Anthropological Archives, NMNH

Monday, August 14, 2000 - 9:00am

I. In-Camera Session

This portion of the minutes is not circulated.

II. Case Officer Update

Ruth Selig, Dan Rogers, Steve Ousley, Paula Molloy, Bill Billeck, and Chuck Smythe attended this session. Tom Killion was absent.

Paula Molloy began her presentation by discussing a report that approved repatriation of a stone pendant as an unassociated funerary object to the Mohegan Tribe. She explained that the Mohegan and Mashantucket Pequot Tribes had an existing gentlemen's agreement that the Thames River would serve as a boundary between their two areas and that each tribe would not claim remains or objects in the other's area. The Mashantucket Pequot rescinded on this agreement and are in the process of submitting either a counter or a joint claim for the stone pendant. As a result, the repatriation has been put on hold. Additionally complicating the case is the movement of two other Pequot groups who are in the process of acquiring federal recognition. Paula thought that these tribes could also be potential claimants. She said that she had spoken to the Mohegan's tribal council through a representative and found out that the case was moving slowly through the tribal administration. Paula informed the tribe of the RRC's role. Paula then discussed the Grande Ronde's claim for Par Tee site material. She said that she had finished a draft report on the human remains and Betsy Bruemmer and an intern, Nick Coeneraad. had reviewed the artifacts. Paula noted that the Grand Ronde filed an additional request for nine objects, categorized as Chinookan or Salishan, some of which have kill holes. Paula reviewed the accession history. From this, it was known that Dr. Joseph Simms collected these objects, but it could not be documented that he collected them from Memaloose Island. As a result, Paula thought she might broaden the consultation to include the Middle Columbia River tribes.

Russell asked about the time schedule for the Par Tee return.

Paula replied that the case was a priority. She added that she had not recently heard from the Grand Ronde.

Steve added that Erica Jones had reviewed the osteology of the Par Tee human remains.

Paula further noted that the report still needed to be reviewed by the curators.

Russell then asked about the need for additional consultation for the Grand Ronde's other request.

Paula explained that the collection had a complicated accession history. She gave some background information about Simms, noting that he was a physiognomist who collected crania and cultural objects from all over the world. Because there was not sufficient information in the accession files or Simms' personal documentation to firmly associate the objects with Memaloose Island, Paula conducted a stylistic analysis. As a result of this analysis, she wanted to broaden the consultation and discussion to include the Warm Springs and Yakama. Paula then reported on the most recent Etowah consultation in Georgia, noting that it was the most definitive meeting to

date. It was determined that all remains would be returned to the site. She noted that the NMNH had one set of post cranial remains from Etowah. There was, however, a disagreement about reburial for the associated funerary objects. There was general agreement that unassociated funerary objects, which are primarily what the NMNH holds, should remain in the museums that currently house them. Paula concluded her presentation by asking the RRC to consider funding a consultation visit to the NMNH for eight tribes that are affiliated with Etowah Mound.

Roger asked if there were other objects for the tribes to examine.

Paula answered that there was a lot of material.

Russell asked if the Cherokee were involved in the Georgia consultation.

Paula replied that the Eastern Band of Cherokee did not attend, but that the Cherokee Nation had been involved.

Russell asked Paula if she thought that the tribes would work together.

Paula answered that the Cherokee were becoming less active and allowing the Creek to take the lead.

Russell thanked Paula and then welcomed Bill Billeck for his update.

Bill began his presentation by discussing his progress on the Arikara return. He said that he was focusing on finishing the report. He noted that it covered about fourteen-hundred individuals and that there were a large number of commingled remains. Bill informed the RRC that Pemina Yellow Bird had visited the RO and raised concerns about the number of remains slated for return. She thought there were more than fourteen to fifteen-hundred individuals. Bill said that he had invited Pemina to visit the NMNH to examine the records and remains to try to resolve the discrepancy. He thought she would possibly visit in September.

Russell asked if the records state that there are fifteen-hundred individuals.

Bill explained that someone from the tribe had examined the records and determined that there were three-thousand individuals. Bill wanted to work with Pemina to understand the difference and discrepancy.

Lynne asked if the NMAI could possibly have the additional remains.

Bill answered no.

Ruth asked about the difference between individuals and catalog numbers.

Bill was not sure of the catalog numbers, but thought that there were less than fifteen-hundred. He explained that some catalog numbers contain multiple individuals. He elaborated that three-thousand three-hundred sets of remains had been excavated overall. Of those, approximately one-thousand sets had been repatriated. He further noted that Tennessee had about one thousand and, therefore, the NMNH had approximately fifteen-hundred. Bill said that Pemina thought that there was three-thousand cataloged remains at the NMNH.

Russell asked if the tribe was satisfied with the time line for this case.

Bill replied that he had not heard any complaints from the tribe about the time line. He then turned to discuss other cases. He said that the Wichita case dealt with remains from Kansas and Oklahoma, but material from Spiro would be covered in a separate report. Bill said that he was also working on a general Sioux report. He further noted that he divided the Great Lakes material into two parts. The first report would cover a request from the Bay Mills Chippewa for six to eight sets of human remains and the rest of the material would be covered in another report. Bill further reported that he had hired a new contractor, Eileen Corcoran, to improve the database. She would computerize completed work, noting the geographical location of all human remains that have been repatriated. He thought that this would facilitate creating the deaccession lists.

Roger asked how long it would take to finish the database project.

Bill explained that there were two steps. The first involved the completion of the physical database. He estimated that this would take four months and then the archeological aspect could be completed.

Lynne asked how these databases would relate to others.

Bill replied that they would be linked by catalog number.

Gillian explained that there was a running log of deaccessions. She said that the NMNH was working toward data standardization under the Collections and Research Information System, however, data cannot be exported or imported from this system.

Roger asked if this database would be available on the website.

Bill answered that it had not really been discussed.

Russell thanked Bill and welcomed Steve Ousley to give his presentation.

Steve began by asking the RRC members if they thought that the summaries of osteology lab work that he had given them in the past were useful.

The RRC replied that they were.

Steve then discussed the work of two interns, Andrea Berger from Wesleyan University and Melanie Mann from the University of Hawaii, in the Research Training Program, a National Science Foundation-sponsored initiative. The interns were charged with doing collections-based research, forming hypotheses and then testing them. Both interns studied the Terry collection; Andrea Berger collected postcranial measurements and Melanie Mann digitized the crania. The interns used discriminate functions in their analyses, which were developed to find more accurate methods in distinguishing Native from non-Native remains. Their work was found to be ninetyfive to one-hundred percent accurate. Steve then discussed the new database server and the Paradox migration in the RO. He mentioned the departure of Cathy Sawdey and thought that a new person would be hired in four to six months. The lab had finished documenting the Salinas, New Mexico remains and also those from Teller and Shishmaref in Alaska. He was working on the details of the Arikara remains and noted that Erica Jones had reviewed the Par Tee site remains. Steve concluded his presentation by mentioning that a two-year contract for Sarah Pelot and a three-year contract for Dawn Mulhern had recently been approved. He thought that the osteology assistant position would be hired in four to six months. He agreed to provide a written summary of the osteology lab's work for the RRC.

Russell thanked Steve for his presentation and then welcomed Chuck Smythe.

Chuck began by informing the RRC that the Chugach masks had been shipped and the repatriation was complete. He noted that the representative from Chugach had been very impressed with the museum-quality packing methods that had been employed. Chuck then turned to the Ontonagon Boulder case, noting that there had been no action by the tribe since he sent them the decision to deny repatriation in March. A report on a scalp hoop that was part of a Gros Ventre flat pipe was under RO review. The tribe was claiming the scalp as a sacred object. Chuck then turned to upcoming consultations with the Wiyot from California and the St. Lawrence Island community in Alaska. He thought these would take place in September. Chuck continued, noting that the Unalakleet had expressed interest in a project similar to the St. Lawrence Island request. The Unalakleet put in a request for funding to examine objects collected by Nelson in the 1880s. The community claimed that these objects were patrimonial. Chuck discussed the Unalakleet's quest to develop a sense of community through recovering the past and developing relationships with elders. Chuck noted that the community wanted to bring additional people to the NMNH to consult, similar to the Nunivak Island project. Chuck encouraged the RRC to consider funding this project. Chuck then turned to on-going cases. There was a request from the Blackfoot for a horse medicine bundle, collected by Jack Ewers. Chuck was waiting for additional information from the tribe. He noted that there was also a request from the Siksika Nation (Canada) for a tobacco planting bundle. The Blackfeet Nation in Montana had not yet agreed to act as an agent for the Canadian tribe. There was still no official request from the Blood Tribe for three Moto Key Society headdresses. Chuck further noted that the Chevenne River Sioux Tribe intended to request three stone fetishes. There had been a request for consultation from the Northern Cheyenne for a Tall Bull pipe. Chuck thought that the tribe would claim it as an object of cultural

patrimony, but he had not yet received the consultation grant applications. There was also a request from the Tlingit for eight items, including two Chilkat blankets, acquired by the Harriman expedition. The community of Wrangell intended to request Chief Shakes canoe, but there was nothing official yet. Chuck concluded by noting that the AHTNA, a regional corporation and subgroup of Athabascan communities had been denied a request for funding by the Native American Awards Program. He thought that the request was denied because the group mentioned conducting repatriation research. Chuck encouraged them to submit a special request to the RRC.

Roger questioned the AHTNA grant denial based on its mention of repatriation research. He thought that repatriation research was too intertwined with anthropology and tribal research to separate funding. He asked if this meant that funding for tribal research at the NMNH would be shut down.

Dan Rogers noted that this was not a new pattern. He continued saying that the tribal research guidelines focus on independent scholarly research. It is viewed that additional funding sources exist for research with a repatriation focus.

Lynne thought that this made sense.

Dan thought that awards for funding depends on how many applicants there are and how much funding is available.

Ron asked if the RRC would fund projects that relate objects and language. Ron continued, noting that he does not support requests where tribes visit to use words to identify objects. As a spiritual person, he did not believe that Native people should reveal words that belong to medicine bundles. Ron then told a story of a woman who had been encouraged by her Christian son to discuss medicine bundles. Upon doing so, she became mentally unstable. He noted that the Indian community is more fearful of the power of unwritten words than the white community is. Ron thought that people such as Andrea and Russell, who are Native but also part of the academic world, do not know what to believe. He then asked why repatriation for the Ontonagon Boulder was denied and who denied it.

Chuck replied that the museum denied repatriation. He explained that he wrote the report which made that recommendation. He did not think that the boulder fit the definition of a sacred object. There was no evidence that it was ever used in a ceremony. Chuck also thought that the right of possession was clearly in the museum's favor. Two treaties existed stating that the tribe gave up both land and mineral rights. He thought that the boulder was acquired legally.

Russell thought this was an issue for the RRC to discuss further. He was not sure that he agreed with the report.

Chuck then discussed the termination of the ethnology position. He stressed that sacred and

patrimonial objects are just as much at the core of repatriation as human remains and funerary objects. He thought that termination of the position weakened the integrity of the repatriation process and was short-sighted. He noted that the curators had listed the position as the second highest priority in the Anthropology Department. Chuck thought that it was beneficial because consultation and resulting discussions could lead to the retention of ethnology collections. He stated the Cheyenne funerary objects, Cheyenne Buffalo Skull, and Swanson Harbor video project as examples of this. He thought that the consultation process for ethnographic objects uses a different model than that for human remains and funerary objects. Chuck commented that it has been perceived that the ethnology position cannot be justified because of the low number of requests and cases, but the collaborative projects are very important.

Russell thanked Chuck for his presentation and the meeting adjourned for a lunch break.

III. Discussion of NAGPRA Meeting

Dan Rogers and Ruth Selig attended this session.

Ron and Richard were not yet present. Although there was not a quorum, Russell resumed the meeting with informal discussions of the NAGPRA meeting.

Roger began discussing events from the NAGPRA meetings. He mentioned the reorganization of the NAGPRA office. Roger did not think that the NAGPRA committee supported this reorganization. Roger noted that there seemed to be an air of non-cooperation between Tim McKeowan and John Robbins. Roger did not think that Tim was offering to volunteer information and insight.

Lynne added that Tim had encouraged the reorganization of the NAGPRA office.

Roger continued, discussing the coldness between Tim and John Robbins. Regarding the Chaco Canyon cultural affiliation issue, the National Park Service (NPS) made a decision to not follow the committee's recommendation. This meant that the Hopi's only recourse would be to file a lawsuit.

Andrea thought that this was a critical statement, because it meant that no agency has to follow the committee's recommendations.

Lynne commented that any institution could decide not to follow the committee's recommendations.

Roger continued, noting that the NPS regional office had written a letter stating that the committee had overstepped its bounds. Most people in the audience did not think that was the case. In doing so, the NPS eliminated the tribe's avenue to the committee.

Lynne noted that the public did not really know why that happened.

Ruth asked if this was the first NAGPRA meeting that Frank McManamon had not run and how it differed from previous meetings.

Roger answered that business was conducted in a similar fashion, but an underlying tension existed. He thought that there was much less contact between the staff and the committee.

Andrea added that it was no longer a cooperative team of Tim and Frank, but rather of John Robbins and Carla Mattix. Tim remained quiet throughout the meeting.

Ron Little Owl and Richard Dalton entered.

Roger updated them on the discussion.

Richard discussed the Swanson Harbor case and how the Hoonah community wanted to have title to burial land. The Forest Service has not yet given up title to the land. Richard continued, noting that the Eagle clan wanted to bury two sets of remains there. Richard said that the NPS and the Forest Service were reviewing the request.

Andrea mentioned that the NAGPRA committee wanted to write a letter to the Washington, DC office of the NPS to determine if it supported the regional office's decision in the Hopi/Chaco case.

Roger closed discussion of the NAGPRA meeting by noting that there were two open positions on the committee. He knew that Leigh Kuiwanswima had been nominated by the Hopi. He thought that final selections would be determined before the upcoming Nashville meeting in December.

IV. Ceremonial Room Update

Dan Rogers and Ruth Selig attended this session.

Russell asked Gillian to give an update on the ceremonial room project.

Gillian discussed the problems that she had been encountering with the ceremonial room project. She said that the project had been bid out to lower the price, but the returning bids were high. She noted that the architects thought that conversion of the space to allow for burning would be less complicated than it actually is. With the bids so high, Gillian wanted to abandon the project, but the Museum Support Center's facilities manager wanted to proceed. He proposed that if the RRC would pay the initial \$20,000 that it had agreed to, he would pay the remainder out of the Support Center's budget.

Russell discussed the burning conducted in the Ishi ceremony.

Gillian continued by discussing the ventilation system. She informed the RRC that it would be a carbon-based system that does not have to be ventilated outside. She thought that the project would move forward within the next two months.

V. Oklahoma Conference Update

Dan Rogers and Ruth Selig attended this session.

Russell then turned to discussion of the Oklahoma Conference. He referred the RRC members to the invitation letter and mailing list in their packets. He suggested inviting representatives that were involved in the Steed-Kisker dispute.

Ron asked if the Arikara would be invited.

Russell explained that the conference would focus on tribes that reside in Oklahoma.

Ron thought that there would be some backlash from the Arikara if they were not invited. He suggested that the Arikara be notified of the conference.

Russell noted that was a point well taken.

Ruth asked when the conference would be held.

Russell informed Ruth that it would be October 3-4, 2000. He continued explaining where it would be held. He further noted that he had discussed the conference with Chad Smith and Richard Allen of the Cherokee Nation, who were planning to host a dinner. Chad Smith would give some opening remarks and the deputy principal chief would give the opening prayer at the conference. Russell thought that the RRC should try to pay for the dinner or the room rental. He also proposed that the RRC offer to pay a modest honorarium of five-hundred dollars to Richard Allen to help coordinate the dinner.

The RRC agreed.

Gillian said that she would offer this to Richard Allen.

Russell noted that the conference would be held at Western Hills Guest Ranch, with a dinner hosted by the Cherokee Nation, which would be held in Tahlequah, possibly at the Sequoia High School.

Gillian asked if the dinner could be held outdoors.

Russell thought that could be possible. He asked about arranging a bus to the dinner.

Gillian mentioned that she and Katie had arranged a bus equipped with a bathroom and a microphone for the Spiro trip.

Lynne asked Gillian to contact Jim Brown again regarding the Spiro trip.

Ruth also suggested inviting Lauryn Grant and thought that Mr. Fri might be available to attend.

Russell added that Gordon Yellowman had expressed interest in speaking at the conference. He then described Western Hills Guest Ranch.

Lynne suggested inviting other academics in Oklahoma so that it would not appear that the SI was working in isolation.

Gillian asked about inviting Lawrence Hart to the conference.

Russell thought that would be fine and Roger thought it was a good idea. Russell reminded Gillian and Katie to also invite Clara Seele.

Ruth asked if the conference was open to the public and if an announcement would be placed in a local newspaper.

Gillian explained that the RRC would cover the cost of two representatives per tribe, but she expected that there would be walk-ins. Gillian then cautioned about attendance being too one-sided with a lot of academics and Smithsonian officials and only a few tribal representatives.

Russell asked how many staff members from the SI would attend.

Gillian replied that it would probably just be Paula, Bill, and Jim Pepper Henry.

VI. RRC Monitoring of Smithsonian Museums

Dan Rogers and Ruth Selig attended this session.

Russell raised the issue of the RRC's jurisdiction over the NMAI and the correspondence with Rick West. Russell mentioned that he had recently received a letter from Rick and had drafted a response. He noted that Mr. Fri suggested removing the references to the RRC's jurisdiction.

Dan thought that Rick West's concern, expressed in his letter, about a staff member's dinner companion was strange. He also thought that Rick drew a very fine line regarding jurisdiction. Dan acknowledged that he did not know the full history of the correspondence, but he did not think that the RRC would get a positive response to its request for information from the NMAI.

Roger thought that the RRC could still visit the NMAI to view the requested material.

Russell added that the information would fall under the Freedom of Information Act, but noted that Rick intimated that some of it might be confidential.

Ron clarified that the RRC had requested updated material from the NMAI in a letter to Bruce Bernstein.

Ruth thought that Rick's letter had strange timing and that the long lapse in communication made it seem out of context. She thought that Lauryn Grant would have the best sense about issues at the NMAI. She added that letters complicate matters.

Lynne noted that the RRC would not have written any letters if the NMAI had been more forthcoming with information.

Ruth thought that the issues get submerged in letters.

Roger commented that the central issue is the RRC's role in monitoring the NMAI. He thought this needed to be clarified. He further noted that when the issue is raised verbally, there is no clarification.

Russell thought that the RRC had a responsibility to the law and did not have to accept anyone's decision.

Lynne said that the NMAI would only have to share information. She did not think that it had to be deemed "monitoring," but rather, the arrangement could be finessed.

Ruth suggested that the RRC's role and jurisdiction be discussed with Lauryn. She thought that the RRC and the NMAI had very different beliefs and appeals would be made to the higher administration within the SI.

Russell thought that it was the SI's Office of General Counsel's role to make these decisions, however, he did not feel that they were making the interpretations.

Ruth thought the law could be interpreted from both points of view. Dennis O'Connor's original decision to share information could be enforced. She thought that the new Secretary was focused on issues other than the RRC's jurisdiction.

Russell suggested that the issue could be examined outside of the SI.

Lynne asked Ruth for her personal opinion in responding to Rick's letter.

Ruth suggested that the RRC see that Dennis O'Connor's initial decision is enforced.

Gillian noted that the RRC had just received a new set of reports from the NMAI and Russell added that the Committee also received a very nice letter from Bruce Bernstein.

Gillian reviewed how Bruce Bernstein's office had requested the RRC's annual report.

Katie escorted Andrea and Roger to renew their SI identification badges.

Ruth thought that the RRC was making progress in obtaining information from the NMAI.

VII. In-Camera Session

This portion of the minutes is not circulated.

Tuesday, August 15, 2000 - 8:30 am

I. Meeting with Robert Fri

Robert Fri, Lauryn Grant, Dan Rogers, and Ruth Selig attended this session.

Russell opened the meeting and thanked everyone for coming. He said that the group would discuss the NMAI issue, the letter from Rick West, and Russell's draft response to Rick's letter that the RRC discussed yesterday. Russell reviewed the situation for the group, welcomed everyone, and turned the meeting over to Mr. Fri.

Bob Fri thanked everyone for convening early. He began by discussing the new leadership at the SI. He sketched the organizational change, noting the four objectives of Secretary Small. One was to enhance the visitor experience by upgrading exhibits. The second was to focus science and research around a few areas of expertise. The third was to upgrade management models at the SI and the fourth was fundraising. Bob continued, saving that the upper echelons of the SI were organized around these goals. He said that Secretary Small created four Under Secretary positions. Sheila Burke was the head of the American museums, which included the NMAI. Dennis O'Connor was Under Secretary for the sciences, including oversight of the NMNH. There was also an Under Secretary for management and business ventures, including oversight of the museum shops, theaters, restaurants, and films. Finally, the fourth Under Secretary was charged with oversight of development at the SI. Given the new organization at the SI, Bob did not think that it was a good time to raise the jurisdictional issue. He elaborated that the NMNH and the NMAI reported to different Under Secretaries, Sheila Burke was new, and Dennis O'Connor was trying to refocus. Bob thought that the jurisdictional discussion would involve Sheila Burke and people who were not well educated in the area of repatriation. He also did not think it would be a priority and, therefore, would probably not be treated very well.

Russell responded that he understood and was sympathetic to Bob's point of view.

Bob offered some unsolicited advice. He thought that the objective of the SI was to have a well-functioning repatriation program. He suggested that the best vehicle for generating change would be to recommend a policy that would improve the quality of the repatriation program of the SI as a whole. He thought that the RRC should make a case for why its oversight of the NMAI can improve repatriation at the SI as a whole. Otherwise he thought it would be perceived as a turf war. He suggested that the RRC should continue its informal relationship with the NMAI and offer specific advice.

Russell thought that Bob's advice was excellent. He noted that it was not a turf battle, merely a statement of the RRC's position. He continued, noting that the RRC was not asking anyone to intervene, but merely stating its position for the record.

Bob thought that the RRC's position would be better received if it could demonstrate how the

RRC's monitoring would be more helpful to the NMAI's repatriation program.

Russell stated that the basic problem was that the RRC has tried to provide constructive criticism on the NMAI's reports and Rick West retaliated by stating that the RRC had no role in repatriation at the NMAI. He continued, noting that the RRC had received another set of reports from the NMAI, which it would attempt to evaluate.

Bob informed the RRC that he discussed the situation with Rick. Bob and Rick did not know what transpired during the RRC's last meeting with Bruce Bernstein, but Bruce became upset. Bob added that relations were going well with the NMAI in other areas. He suggested that the RRC continue to review and comment on the NMAI's reports.

Russell felt that it was important for the RRC to state its position. He thought that it could improve the process, because it has unique expertise to offer with its combination of scholarly and traditional Indian religious views. He added that one overarching committee for the entire SI would offer a simpler appeal process for the tribes. Russell commented that Bronco Le Beau of the Cheyenne River Sioux had complained to him about the NMAI's policies.

Bob thought the RRC should just proceed with its advising process, rather than discussing interpretation of the statute. He added that it should demonstrate its value to the SI as a whole.

Russell agreed, but thought it was important for the RRC to articulate its position. He further noted that the RRC had a good record with both the SI and the tribes.

Ruth suggested that Russell tell Bob about Bruce Bernstein's letter.

Russell mentioned that he received a cordial letter from Bruce Bernstein. He thought that this was a positive step after the surprisingly negative tone of Rick's letter. Russell thought he would proceed by responding with two letters to separate the personal and professional issues. He thanked Bob for his advice, adding that the RRC held tremendous respect for him and took his advice very seriously. Russell then noted that the RRC felt strongly that it should be able to quote from the law in its by-laws.

Bob thought it was fine to quote from the law, but it would become a question of how much to quote.

Roger also thanked Bob for the excellent advice. He thought that the RRC worked well with the NMNH and that a synergism existed between the RRC and the RO. Roger hoped that the same could happen with the NMAI.

Lynne noted that the RRC was not questioning anyone's authority. She pointed out that the RRC does not have any authority, because it is only advisory. She did not think that authority was the issue, because the RRC did not have jurisdiction over anything. Its role has merely been to give

advice to the SI and the NMAI is included under the SI.

Bob suggested that the RRC proceed in that manner.

Ron thought that the RRC's advice was good. He also remembered Bruce Bernstein agreeing with the jurisdictional issues. Ron expressed concern about jurisdiction because it was a tough issue. He noted that he lived by it whether it was the federal government, the state, the tribe, or his neighbor. Ron added that Jim Pepper Henry had an unresolved issue and the RRC offered to intervene and resolve it. Ron asked how that could be interpreted.

Bob replied that it could be resolved by competing jurisdictions.

Russell thought that jurisdictional issues can become very important.

Ron suggested addressing them one at a time.

Bob thought that when making decisions, one should rely on what is best for the SI. If a recommendation is good, whether or not it is followed should not be based upon who has made it.

Ron discussed the jurisdictional issues that he faced when organizing the Sun Dance. He further discussed reburials that he conducted. He thought that the RRC's jurisdiction would affect a lot of Indian people. He supported the RRC's stand on its role with the NMAI.

Bob thought that was very good advice. He added that it was best to discuss specific cases rather than the overarching issue. Bob also thanked Russell for attending the Ishi repatriation.

Ron thanked Bob for his advice.

Russell thanked Bob for attending the meeting and informed him about the RRC's upcoming workshop in Oklahoma. He noted that the NMAI would be participating and invited everyone to attend. He thought that the NMAI's cooperation and participation in these workshops would benefit the tribes.

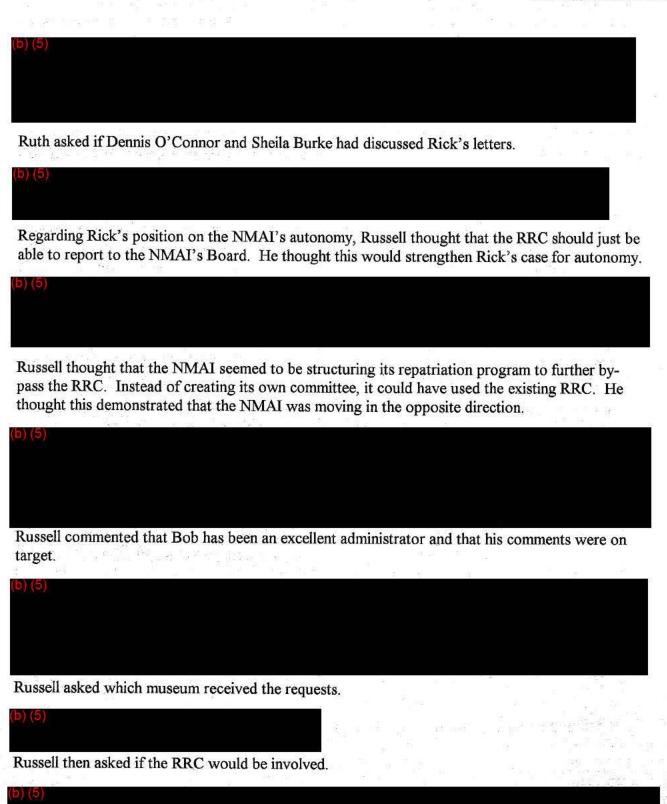
Bob left and the meeting adjourned for a short break.

II. Meeting with Lauryn Grant

Lauryn Grant, Dan Rogers, and Ruth Selig attended this session.

Russell resumed the meeting.

(b) (5)



(b) (5)

Dan did not think any mission could be broader than the NMNH's.

(b)(5)

Dan did note, however, that the NMNH's repatriation policy first prioritized lineal descendants, then American Indian cases, and then international repatriation cases.

Russell offered the RRC's assistance in the international repatriation cases.

(b)(5)

Russell said that the RRC would review the report and discuss the case. He noted that Indian people often inhabit villages seasonally or intermittently. He further noted that there were documented cases of Indians returning periodically to villages that had been abandoned.

(b) (5)

Dan asked Lauryn if she received the reports before or after they had been distributed to the tribes.

(b) (5)

Dan did not think that commenting on reports after they had been sent was very helpful.

Ruth noted that was the established agreement.

(b)(5)

Regarding abandonment of villages in Alaska, Richard commented that it did not happen for any reason, even illness or epidemic. He thought that any claims of abandonment were false and discussed an example in Haines, Alaska.

(b)(5)

Ron also agreed with Richard's comments. He added that there is no word for abandonment in the Indian language. He discussed Indian people's annihilation by germ warfare. He elaborated that Indian people were given blankets that were infested with small pox. These accounts had been passed down to successive generations through stories and songs. He said that present day

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descendants always return to feed those that have died in these villages. He noted that the Mandan people were killed by germ warfare, whereas the Arikara people were killed in battle.

Russell said that the RRC would read the new batch of the NMAI's reports and comment on them in a letter.

Regarding pesticide and arsenic poisoning, Ron asked if it was done before or after objects were acquired by the museum.

(b) (5

Ron commented that Indian people often would not bury repatriated human remains in the packages in which the museum sent them. He continued, noting that the remains were often handled before reburial. Indian people in some areas have been aware of possible arsenic contamination and often do not welcome the return of human remains because of it.

(b) (5)

Lynne mentioned that arsenic was sometimes used in historic burials.

Ron added that, in the Hopewell civilization, arsenic was sometimes used in the burials of those who were not cremated.

(b) (5)

Regarding the Lovelock Cave case, Roger asked what the outcome was of the Bureau of Land Management's discussion about reburial.

(b) (5)

Roger noted that he was interested in the resolution, because he thought it could affect many other cases.

(b)(5)

III. Meeting with Dan Rogers

Dan Rogers and Ruth Selig attended this session.

Russell turned the meeting over to Dan.

Dan began by stating that since January his role in the department has been chair-elect. This meant that he has been Tom's supervisor as well as overseeing other activities. Dan said that he had long term interests for the operations of the RO, just as the RRC has. He discussed the RO's downsizing in staff with the decision to create some permanent positions. This reduction in staff was the result of mandatory raises and a flat budget. Dan noted that the RO's report preparation process has created a lot of information and suggested that special attention be given to the kind of information that is kept and used. Dan was concerned about the accessibility of the information and the efficacy of the databases. He noted that Steve Ousley had done excellent work with the physical database. More effort needed to be invested into the archeological databases to make them more accessible. Dan thought that he needed to work out some details with Tom. He turned to discuss the RO's interaction with Native people and how it was embodied in Chuck Smythe's position. Dan thought that it was time for the outreach effort to move beyond simple case work to a more dynamic relationship with tribes. He noted that the budgets were not providing the opportunity to expand this relationship. When examining the amount of casework for the ethnology position. Dan thought that it was easy to criticize the need for its existence. However, he thought that it was a necessary position and hoped that it would not be eliminated. Dan noted that the existing RO budget could fund an ethnology position halftime, but he thought that it needed to be full-time. Dan was surprised about the rollover amount in the RRC's budget and that it had not yet been taken by the Castle. He added that it was a lot of money and must have been noticed by this time. He suggested that the RRC seriously consider this rollover amount and the fact that it could be taken away. He noted that quantities under onehalf million dollars did not need Congressional permission to be reprogrammed.

Russell responded that the RRC has been discussing this for years. It has only been able to do half of its job, by only permitting monitoring at the NMNH.

Dan advised the RRC to consider involving itself in long term projects. He noted that there was a huge need for funds throughout the SI. He made a proposal for the RRC to participate in funding an ethnology position. He thought that the outreach components were within the bounds of the RRC's mission.

Russell noted Dan's point about the RRC's budget surplus and supported the idea of a liaison or outreach person. He thought that the RRC would be amenable to discussing the proposal and would like to review the RO's budget.

Ruth asked if the position would be a term or permanent appointment.

Dan thought that would be for the RRC to decide, but added that a permanent position was needed.

Russell thought it would be great to have a permanent appointment. He noted that the RO and

the RRC were separate entities. He thought that the nature of the existing position would change if it were funded using the RRC's money. Russell imagined that the person would work more closely with the RRC in a liaison capacity. He also suggested hiring an Indian person, since there are none on staff in the RO. Russell also thought this could be the most critical position in the RO.

Dan welcomed Russell's suggestions and understood the separate structure and budgets. He thought that the RRC could possibly have supervisory input over the position. Many positions have multiple lines of supervisory input.

Russell commented that the RRC did not want to control the RO's staff. Over the years, however, Russell noted that there have been problems with information sharing and coordinating with the RO.

Dan thought that was unfortunate, because cases should be dealt with effectively. He hoped that the problems were in the past. Dan would regret losing Chuck's capabilities in the ethnology position. He noted, however, that Chuck would not necessarily be hired, but would be one of the candidates if he applied.

Russell asked about the Grade level that the position would be.

Dan replied that Chuck was a Grade-12, which costs about \$75,000, including benefits. The RO budget could cover half of that, but he thought it would be difficult to find someone willing to work half-time in that capacity.

Roger thought that money would be an issue, because a portion of the RRC's budget had been obligated for the travel grant program.

Gillian explained that it was not officially obligated, because it was not attached to a vendor.

Ruth conceded that the travel grant program was a long-time endeavor of the RRC, but thought that the money was still vulnerable.

Dan agreed about the vulnerability of the surplus and noted his surprise that it had not yet been reprogrammed.

Roger calculated that one-half of the position cost would be about \$38,000. He asked if it would appear as obligated in the RRC's budget.

Ruth replied that it would.

Gillian cautioned the Committee members and reminded them about the discrepancy between the electronic and paper budget amounts. She reviewed the budget situation.

Dan thought that this needed to be resolved.

Roger asked if anyone foresaw any change happening to the RRC's annual appropriation.

Dan thought that the only change could be a reprogramming within the SI.

Ruth thought that the rollover would be scrutinized.

Roger asked what the best strategy to approach these problems would be.

Regarding projects, Dan thought that now would be a good time to obligate the money and spend down the surplus.

Ruth agreed.

Gillian noted that the RRC was currently funding two other staff positions and suggested that the RRC continue to do that.

Russell suggested obligating more money for the Winter Count project.

Dan pointed out that the RO has been able to fund long term three-year contracts.

Gillian expressed an interest in investigating this possibility.

Russell thanked Dan for his advice and suggestions and he left.

IV. In-Camera Session

This portion of the minutes is not circulated.

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V. Repatriation Office Update

Tom Killion and Ruth Selig attended this session.

Tom began by apologizing for missing his initially scheduled time slot on the agenda and discussed travel problems that he encountered on his return from California. He then informed the RRC that the Ishi repatriation went very well and reviewed some aspects of the return.

Richard Dalton entered

Tom continued, noting that the tribe's repatriation visit to the NMNH involved a trip to the collections and the initiation of consultation with the Redding Rancheria and Pit River Tribe. Resulting from this, Tom thought that there would soon be another request for human remains from that area of California. Tom said that he accompanied Ishi's remains on the return to California and was then invited to participate in the burial at the grave site. Tom said that this involved a long trip into a remote area. The following day, Tom visited the homes of two elders to discuss the next consultation. Tom was very pleased with how the return unfolded. He reminded the RRC that the RO was involved in recruiting a program manager, a computer specialist, and a museum specialist for the osteology lab.

Lynne asked if Steve Ousley's position was permanent.

Tom responded that it was and explained that the osteology lab position would be supervised by Steve. He then turned to the Unalakleet request for a broader consultation visit. He said that it would involve six representatives visiting for two weeks. Tom noted that this was an unsolicited proposal and that the community had officially requested the return of all ethnographic objects under the sacred and objects of cultural patrimony categories. Tom would be visiting the Unalakleet on August 24th to discuss a collaborative exhibit. He supported the visit, but thought that one week of consultation, rather than two, would be adequate. He urged the RRC to consider funding it. Tom initially thought that this consultation could be subsidized through the SI's Community Scholar Program, however, it had not been awarded a grant. Tom likened the Unalakleet consultation to the upcoming St. Lawrence Island one.

Regarding the Unalakleet request, Roger asked about the Arctic Studies Center's role in the visit.

Tom replied that the representatives would only spend one of their five days with the Arctic Studies Program.

Ruth asked if there were objects affiliated with the Unalakleet that were subject to repatriation.

Tom answered that there were. He added that the museum had already completed a return of human remains and funerary objects to the Unalakleet, so now the RO would be focusing on sacred objects and objects of cultural patrimony.

Ron commented that he had reviewed the list of objects and did not think that many would be subject to repatriation.

Russell agreed.

Ruth asked if any of the objects had been photographed.

Lynne suggested that the RRC agree to pay for a video tape of the collection, which could then be sent to the community. She thought that it was hard to justify the visit, based on the existing information.

Ruth commented that the community thought that all of the objects were subject to repatriation.

Tom wanted to avoid telling them what is subject to repatriation and what is not. He thought he could discuss this when he visited them later on in August.

Lynne thought that if the tribe did not object to photography, pictures should be used to narrow down objects for examination.

The RRC agreed that it was difficult to justify the request as it stood.

Richard asked what information the Unalakleet had been given.

Referring to the list that the RRC had received with the request, Tom explained that the NMNH held all objects on the list. The Unalakleet, however, had requested that the entire list of objects be repatriated. Tom would be visiting the community to consult and help them develop a better understanding of what is and is not subject to repatriation, according to the law. Tom thought that the tribal representatives understood that not all objects are subject to repatriation, however, they were voicing the concerns of the tribal elders. Tom hoped to consult with the elders during his visit.

Lynne asked about the exhibit project included in the request.

Tom explained that initially the community wanted to work with the NMNH to develop an exhibit, however, they found that it was difficult to produce a small exhibit. The Unalakleet then countered with a request that a larger number of representatives visit the NMNH to consult.

Ruth asked how much it would cost to fund the visit.

Gillian thought that it would be about \$2,500 per person.

The RRC noted that the Unalakleet had already received two travel grants within the past year.

Tom noted that he also wanted to discuss the RO's budget and the ethnology position. He left, saying that he would return at 1:15pm to discuss these topics.

VI. Winter Count Update

Ruth Selig and Gayle Yiotis attended this session.

Gayle began her presentation by thanking the RRC and distributing packets on the Winter Count project. Gayle noted that this packet contained Candace Greene's update on the Winter Count project and also Christina Burke's update. Gayle added that this project had gained momentum and she was working hard on it. She discussed the research.

Russell asked when the article would be published.

Gayle estimated that it would be published in the Fall issue of American Indian Art Magazine.

Russell suggested that Gayle contact some Sioux from North and South Dakota to get their input to the project. He mentioned Jerry Flute as one contact.

Gayle thought that was a good idea. She added that Candace was in contact with Timothy Tackett, who had donated the Anderson Winter Count. She thought that it would make an interesting and useful publication.

Russell also suggested distributing the publication to tribal schools free of charge.

Gayle discussed her work on the brochure for the National Anthropological Archives (NAA). She said that the project had progressed rapidly at the beginning, but work had slowed with the move of the NAA's collections. The NAA would close on September 15, 2000 to inventory and pack the collection. It was expected to reopen in June 2001, but Gayle thought that estimate was very tentative. She noted that Jake Homiak had been very involved in the move and was, therefore, very busy. She added that the result would not merely be a brochure, but rather a guide or booklet on archival methods for conducting research.

Russell asked if the guide would also include the NMAI's archives.

Gayle replied that she had been attempting to contact Diane Byrd, archivist at the NMAI, but had not yet been successful.

Russell thought that this had been settled and agreed upon.

Gillian explained that collaboration may have been agreed upon at a higher level, but not yet filtered down.

Ruth suggested that Russell remind Bruce Bernstein of this agreement in his next letter.

Gayle said that she would forge ahead in building a relationship with the NMAI's archives staff. She then discussed ideas for an RRC webpage.

Gillian informed Gayle that the RRC members did not want their pictures posted on the webpage. She also said that she would update and edit their biographies.

Russell asked how Gayle's work on the Winter Count project would be affected by the NAA's move.

Gayle answered that the NAA's collections would be closed to outside staff and the public from September 15, 2000 until June 2001. Gayle said that Candace Greene projected to complete moving the NAA's artwork by August 28, 2000, so she would still be able to work on the project.

Russell thanked Gayle for her presentation and all of her hard work.

Gayle also thanked the RRC and noted how interesting the work has been and she left.

Russell then proposed approving additional funding for the Winter Count project to improve publication quality and for consultation with Sioux experts.

Lynne asked how much additional funding. She thought it seemed fine, especially for the publication quality.

Russell said that he would discuss it with Candace and develop a budget.

Ruth suggested that the RRC purchase a digital camera. She thought it would be an appropriate use of the RRC's funds.

Lynne noted that high quality digital cameras cost about \$10,000.

Russell thought it would be a good idea for the RRC to purchase a digital camera for the Winter Count project.

The meeting adjourned for lunch.

VII. Repatriation Office Update - Continued

Tom Killion and Ruth Selig attended this session.

Russell resumed the meeting, thanked Tom for returning, and turned discussion over to him.

Tom began by discussing the ethnology position. He noted that Chuck's term was ending, but his work was very important. He said that the Anthropology Department had decided to permanently hire two archeologists and one physical anthropologist for the three case officer positions. He thought that this had been a difficult decision, but had been based on the existing workload in the RO. Tom then made the proposal that the RO and the RRC jointly fund a two to four year term ethnology position. Tom reviewed the budget that he had distributed, explaining different portions. (See attached)

Discussion of the budget continued and the RRC members thought that they had the necessary information on which to base their decision.

Roger asked if the issue of the curators requiring scientific certainty rather than a preponderance of the evidence for repatriation reports had been resolved.

Tom said that the issue was ongoing.

Roger raised the question of how to deal with it, because the repatriation legislation stated a preponderance of the evidence as the basis.

Regarding the Mohegan report, Tom said that the RO decided to offer the material that was easiest to affiliate and categorize, but hold off on offering that material still under review by the curators. Tom conceded that additional problems could arise and that it was inherent in the process.

Roger was concerned about potential problems that could arise by retaining collections that would normally go forward based on a preponderance of the evidence.

Tom noted that it takes time to move through an argument, but it does not necessarily stop the repatriation.

Roger responded that it was slowing down the repatriation process.

Tom thought that there would be a paradigm shift with the curators.

Gillian noted, however, that it was still a problem because the curators had not agreed to the repatriation.

Tom conceded and Roger agreed. Roger then asked for the CD ROM copies of the ethnology reports.

Tom and Gillian said that they would get them.

Roger asked about the status of the named individuals and if there had been any new responses to

Previously provided by SI OGC in November 2011

the inventories.

Tom said that the RO had consulted with the tribes in the Southeast and the Southwest. Referring to the named individuals memorandum, seven of the nine tribes had been notified. Tom informed the RRC that he was responding on behalf of Mr. Fri to Senator Inouye's comments at the most recent oversight hearing about the Smithsonian's compliance with NAGPRA. Tom said that he would distribute copies of his letter to the RRC.

Russell was especially interested in receiving the letter.

For the next RRC meeting, Andrea requested that Tom provide the RRC with a list of cases, the respective case officers working on them, and their status.

Tom asked if the RRC would respond to the Unalakleet's request for additional consultation.

Russell replied that the RRC would discuss it and then respond. He then thanked Tom for his presentation and Tom and Ruth left.

VIII. In Camera Session

This portion of the minutes is not circulated.

Appendix E
Reports Reviewed by the RRC

	REPORTS REVIEWED BY THE REPATRIATION REVIEW COMMITTEE
July 1993	1993 Annual Report of Repatriation Office Activities
	Inventory and Assessment of Human Remains from Upper and Lower Memaloose Islands and Adjacent Areas of the Middle Columbia River, Oregon and Washington in the National Museum of Natural History
	Inventory and Documentation of Skeletal Remains from the Prince William Sound in the Physical Anthropology Collections of the Department of Anthropology, National Museum of Natural History
	Cheyenne Repatriation: The Human Remains
	Mandan, Hidatsa and Arikara Ethnographic Collections Report (draft 1)
September 1993	With a Lock of Hair for Remembrance: Nakota and Central Dakota Legacy at the Smithsonian Institution
	Shota (Smoke), An Oglala Lakota Chief
	Arapaho Repatriation: Human Remains
November 1993	The Pawnee Ancestry Report
	The Pawnee Biological Distance Study
	Mandan, Hidatsa and Arikara Ethnographic Report (draft 2)
	Gros Ventre Ethnographic Report
	September 1993 Review Committee Meeting Minutes
April 1994	The Craig Mound at Spiro, Oklahoma
	November 1993 Meeting Minutes
	Cochiti Ethnographic Report
	Inventory and Assessment of Human Remains from Clallam County, Washington in the National Museum of Natural History
	1994 Annual Report of Repatriation Office Activities
	NMNH Repatriation Policy
	Report on Mortuary Context, Grave Good Associations, and Cultural Affiliation of Human Remains at the Smithsonian Institution Claimed by the Pawnee Tribe
	Inventory and Assessment of Human Remains Potentially Related to the Apache and Yavapai Tribes in the National Museum of Natural History
October 1994	Inventory and Assessment of Human Remains from the Hand Site, Southampton County, Virginia
·	Inventory and Assessment of Human Remains Potentially Related to the Kiowa Tribe in the National Museum of Natural History
	Non-Skeletal Human Remains Pertaining to the Cheyenne River Sioux Tribe

February 1995	Inventory and Assessment of Human Remains From Northeastern Washington and Northern Idaho
	Santa Il'Defonso Ethnographic Summary
	Santa Clara Ethnographic Summary
	Inventory and Assessment of Human Remains and Associated Funerary Objects Potentially Related to the Pawnee
May 1995	Hopi Ethnographic Summary
	Inventory and Assessment of Human Remains and Associated Funerary Objects from Cook Inlet Region Incorporated, Alaska in the National Museum of Natural History
	Inventory and Assessment of Human Remains from North-Central Montana in the National Museum of Natural History
June 1995	The Craig Mound at Spiro, Oklahoma
	A Chronology of Middle Missouri Plains Village Sites
	Ethnographic Summary: Salish, Flathead, and Kootenai
	Ethnographic Summary: Chickasaw
	Ethnographic Summary: Pawnee
	Ethnographic Summary: Tunica-Biloxi
September 1995	Steed-Kisker Reports and supporting documentation
October 1995	Preliminary Report on the Human Remains from Golovin Bay, Alaska
	Inventory and Assessment of Human Remains from the State of Connecticut
	Summary of Ethnological Objects in the National Museum of Natural History Associated with the Taos Culture
	Assessment of the Six Nations Iroqouis Confederacy Request to the National Museum of Natural History to Repatriate Two Wampum Items
	Inventory and Assessment of Human Remains and Associated Funerary Objects from Wainwright, Alaska in the National Museum of Natural History
November 1995	Inventory and Assessment of Human Remains and Associated Funerary Objects from Anaktuvuk Pass, Alaska in the National Museum of Natural History
December 1995	Inventory and Assessment of Human Remains and Associated Funerary Objects Affiliated with the Cheyenne River Sioux Tribe in the National Museum of Natural History
January 1996	Ethnology Summaries for: Haida, Tlingit, Tsimshian, Zuni, Zia
March 1996	Ethnology Summaries for: Menominee, Kaw (Kansa), Quileute, Wiyot, Ponca, Makah
May 1996	Ethnology Summaries for: Assiniboine, Yavapai, Chippewa, Apache
	Inventory and Assessment of Human Remains and Associated Funerary Objects from the Post-contact Period in Barrow, Alaska
June 1996	Inventory and Assessment of Human Remains and Funerary Objects from the Puget Sound and Grays Harbor Regions of Washington State in the National Museum of Natural History

June 1996	Inventory and Assessment of Human Remains from the Geographical Territory of the NANA Regional Corporation, Alaska in the National Museum of Natural History
July 1996	Inventory and Assessment of Human Remains from the Historic Period Potentially Affiliated with Eastern Dakota in the National Museum of Natural History
	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Mandan and Hidatsa of the Three Affiliated Tribes in the National Museum of Natural History
August 1996	Inventory and Assessment of Human Remains and Associated Funerary Objects from Northeast Norton Sound, Bering Straits Native Corporation, Alaska in the National Museum of Natural History
	Ethnology Summaries for: Havasupai, Stockbridge, Hualapai (Wapalai), Washoe, Sauk and Fox, Quechan (Yuma), Karok, Yaqui, Yurok, Yakama, Hupa, Blackfoot
	Inventory and Assessment of Human Remains and Funerary Objects from Pt. Hope, Alaska in the National Museum of Natural History
September 1996	Ethnographic Summaries for: Puebloan, Tesuque, San Felipe, Tewa, Pecos, Nambe, Pojoaque, Tigua, Santo Domingo, Santa Ana, San Juan, Sandia, Laguna, Jemez, Isleta, Acoma, Salishan, Iroquois
	Inventory and Assessment of Human Remains Identified as Nez Perce in the National Museum of Natural History
	Inventory and Assessment of Human Remains and Funerary Objects from Nunivak Island, Alaska in the National Museum of Natural History
October 1996	Ethnographic Summaries for: Natchez, Choctaw, Chitimacha, Cherokee, Catawba, Caddo, Alibamu-Koasati, Creek, Seminole
November 1996	Inventory and Assessment of Associated Funerary Objects in the National Museum of Natural History Affiliated with the Assiniboine
February 1997	Inventory and Assessment of Native American Human Remains from the Western Great Basin, Nevada Sector in the National Museum of Natural History
	Ish-ta Cha-ne-aha (Puffing Eyes), A Chief of the Two Kettles Lakota
	Inventory and Assessment of Human Remains and Funerary Objects from Northwestern Oregon in the National Museum of Natural History
	The Ontonagon Boulder: Sacred or Secular?
	Ethnology Reports for: Eskimo (I) and (II), Cheyenne, Crow, Osage, Comanche, Omaha
March 1997	Ethnology Reports for: Ahtna, Achumawi, Atsugewi, Bannock, Cahuilla, Cayuse, Chemehuevi, Chetco, Chickahominy, Chinook, Chumash, Cocopah, Colville, Costanoan, Gabrielino, Gosiute, Huchnom, Iowa, Juaneno, Karankawa, Kitsa, Kitanemuk, Klikitat, Luiseno, Maidu, Maricopa, Mattaponi, Mohegan, Modoc, Mono, Naltunnetunne, Nanticoke, Nez Perce, Niantic, Nisenan, Nomlaki, Oto-Missouri, Panamint, Ottawa, Penobscot, Powhatan, Rappahannock, Schaghticoke, Serrano, Shasta, and Siletz
April 1997	Ethnology Reports for: Navajo, Iroquois, Aleut, Kutchin/Tanana, Mohave, Shoshone, Pomo, Pauite, Athapaskan, Miwok, Sioux, Spokane, Takelma, Tanaina, Tipai-Ipai, Timucua, Tolowa, Tonkawa, Tubatulabal, Umatilla, Wailaki, Waksachi, Walla Walla, Wampanoag, Warm Springs, Wasco, Wenatchi, Wichita, Wintu, and Winnebago

May 1997	Ethnology Reports for: Papago, Pima, Karok, Delaware, Pamunkey, Makah, Kiowa, Arapaho, and
<u> </u>	Kickapoo
June 1997	Inventory and Assessment of Human Remains from St. Lawrence Island, Alaska in the National Museum of Natural History
	1997 Repatriation Office Annual Report
	Response to Repatriation Request for Objects Associated with Wounded Knee, Submitted by the Cheyenne River Sioux Tribe
August 1997	Inventory and Assessment of Human Remains and Funerary Objects from the Lower Columbia River Valley, Oregon and Washington States, in the National Museum of Natural History
September 1997	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Oglala Sioux Tribe, in the National Museum of Natural History
October 1997	Ethnology Listing for Culturally Unidentified Objects
	Addenda to Ethnology Reports of uncatalogued collections for the following cultures and areas: Acoma, Apache, Blackfoot, Cherokee, Chippewa, Choctaw, Cochiti, Cree, Creek, Hopi, Ipai/Tipai, Iroquois, Kiowa, Koasati, Kutchin, Navajo, (northeastern tribes), Osage, Pauite, Papago, Pima, (Plains region), San Ildefonso, San Juan, Santa Clara, Santo Domingo, Sioux, Tesuque, Makah, Mohave, Mohawk, Zia, Zuni, Eskimo, Haida, and Athapaskan
December 1997	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Ponca in the National Museum of Natural History
	Letter to the Keewenaw Bay Indian Community regarding the Ontonagan Boulder
March 1998	Ethnology Report for Hawaii
April 1998	Physical Anthropology and Archaeology Inventory for California (NMNH)
May 1998	Repatriation Office Annual Report (NMNH)
June 1998	National Museum of American History Draft Collections Inventory
August 1998	Human Remains in the NMNH Associated with the Battle Near Immigrant Springs, OR July 14-15, 1878
	NMAI Report on Human Remains and Unassociated Funerary Objects from the Dalles and Memaloose Island, Oregon
	NMAI Report on Haudenosaune (Iroquois) Medicine Mask
	NMAI Report on Human Skull Fragment from Boyton's Shell Heap Lamoine, Hancock County, ME
	NMAI Report on Human Remains from Cuba
September 1998	Inventory and Assessment of Human Remains from Cape Denbigh, Bering Straits Native Corporation, Alaska (NMNH)
	Case Report for Named Individual, Jim Keki (NMNH)

4	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Brule Sioux in the National Museum of Natural History
April 1999	Assessment of Request for the Repatriation of Seven Wooden Masks from Prince William Sound by the Chugach Alaska Corporation (NMNH)
	Assessment of a Request for the Repatriation of a Kiowa War Shield (Big Bow's Shield) from the National Museum of Natural History (draft 1)
May 1999	The Human Remains of Ishi, a Yahi-Yana Indian, in the National Museum of Natural History, Smithsonian Institution
	Assessment of a Request for the Repatriation of a Kiowa War Shield (Big Bow's Shield) from the National Museum of Natural History (draft 2)
November 1999	Cheyenne River Sioux Tribe's Repatriation Request of August 18, 1998 (NMAI)
	Kootznoowoo Tlingit Headdresses (NMAI)
January 2000	Assessment of Request for the Repatriation of the Ontonagon Boulder by the Keweenaw Bay Indian Community (NMNH)
	Inventory and Assessment of Human Remains and Funerary Objects from Unalakleet, Bering Straits Native Corporation, Alaska in the National Museum of Natural History
March 2000	1999 RRC Annual Report
	Human Sciences Review Committee Report
May 2000	Inventory and Assessment of a Stone Pendant (A017905) Requested by the Mohegan Tribe (NMNH)
July 2000	Legislative History of the NMAI Act
	November 1999 RRC Meeting Minutes
	February 2000 RRC Meeting Minutes
August 2000	Hopi Katsina Masks (NMAI)
	Southwest (NMAI)
	Lovelock Cave (NMAI)
	Cape Fox Village (NMAI)
	Cape Fox Corporation (NMAI)
	Siksika Beaver Bundles (NMAI)
	Stewart Family (Crow) (NMAI)
	Repatriation Office Progress Report (NMAI)
	Repatriation Policies and Procedures (NMAI)

Appendix F NAGPRA Meeting Notes, November 18-20, 1999 NAGPRA MEETING Salt Lake City, Utah November 18-20, 1999

November 18, 1999

NAGPRA Update

Frank McManamon announced that the Secretary of the Interior had reviewed the issue of the possible relocation of the NAGPRA Committee and has determined that the National Park Service Archaeology and Ethnology Division will continue to manage the NAGPRA program due to the experience of the staff. Criticisms of conflicts of interest have been addressed. When an NPS agency is engaged in a dispute, it will be made clear at the NAGPRA meeting that the NAGPRA office has not been involved.

There is a backlog of federal registrar notices due to funding and staffing shortages. The NAGPRA office plans to hire more staff to address these issues.

Frank said that there has been no substantial progress in current cases. The DOI solicitor felt that civil penalties should not be assessed until the civil penalty rules are finalized.

He announced that they had decided there was a need to do C14 dating on Kennewick Man and are awaiting the results.

Hopi Tribe vs. Chaco Culture National Historical Park

Jim Bradley felt that he had a conflict of interest and recused himself from the proceedings. It was the Hopi's position that Chaco did not follow the law in determining cultural affiliation because there was an assumption that all the Southwest tribes were culturally affiliated with Chaco. Butch Wilson, representing Chaco, argued that they had eliminated some tribes as being affiliated and they did not feel that they could eliminate the Navajo. He said they had attempted to repatriate without making a cultural affiliation determination by using a Memorandum of Understanding, but the Hopi would not sign on. John O'Shea felt that they needed to go from a broad cultural relationship with Chaco to a determination of affiliation. He also felt that the cultural affiliation determination should be done on a site by site basis. O'Shea asked how the evidence for Navajo affiliation stacked up against evidence of Hopi affiliation. Wilson stated that early archaeological surveys determined that there was no evidence of Navajo affiliation, but they hadn't used archaeological evidence for Navajo affiliation. Evidence of intermarriage (biological and geneological) was used, instead. In the end, the NAGPRA Committee did not feel that the cultural affiliation assessment had been adequately researched and recommended that the Park do a reassessment on a site by site basis, that the evidence be weighted, and that consultations take place one on one with each tribe. Wilson was very unhappy about this and stated that it had already taken 9 years to come up with the current assessment and he expected the outcome of any new investigation to be the same and he didn't think they could justify the

expense. The Hopi felt that because Wilson had made that statement he showed a bias and they asked for independent oversight of the process.

Public Comment Period

There were few controversial statements made by those speaking during the public comment period. However, James Martin of USET criticized the NAGPRA office for lack of attention to outstanding tribal concerns and thought that the NAGPRA office should request additional funding and hire more staff to ensure that decisions are being made in a careful and timely manner. This feeling seemed to permeate the proceedings.

The Committee set tentative dates for their next meeting: April 3-5 in Nashville.

November 19, 1999

Implementation of the Statute in the Great Basin Area

Alvin Moyle, the Chair of the Paiute-Shoshone Tribe of the Fallon Reservation, discussed a difficulty his tribe was having with the BLM over four sets of remains from Spirit Cave. They had asked the BLM to give them time to present their evidence for affiliation. The BLM agreed to give them until December 1999. The tribe had also asked that the remains be treated more respectfully during the review process and asked for access to the research files. The BLM also agreed to these requests. But the BLM would not agree to consultation at this time because they said that any meetings that took place would be pre-decisional. The Committee was concerned that the tribe be permitted to present its case before any decision on affiliation is made and suggested that a letter be written to BLM asking them to postpone any decision until the tribe is able to present its evidence.

Public Comment Period

Keith Kintigh, representing the SAA, said that the SAA believes that the Kennewick remains are Native American, that all first Americans are Native American. He encouraged the RRC not to treat all unaffiliated remains the same because there are different reasons for remains being unaffiliated and remains may have differing levels of scientific value. He thought there should be a way to reconcile science with repatriation.

Clark Carson of the American Association of Physical Anthropologists felt that disposition did not have to lead automatically to reburial. He also felt that remains that lacked provenience still had scientific and educational value and should not be speedily reburied. He also pointed out the DNA research might assist in determining cultural affiliation. All remains have an identity. He thought regional solutions to repatriation were possible, but felt that site location and cultural affiliation should still be considered.

Discussion of the Committee's Draft Principles of Agreement Regarding the Disposition of Culturally Unidentified Human Remains

For the remainder of the day, the Committee focused on developing the draft principles of agreement regarding the disposition of culturally unidentifiable human remains. They struggled with the section on documentation. Some members of the Committee felt that the section on documentation should be eliminated, because they could not agree on what kinds of documentation should be allowed, in particular whether any new research was permitted under the law. Bradley felt that documentation might allow a greater percentage of the unaffiliated remains to be identified. There was a disagreement on the Committee about allowing new research. Bradley was concerned that the Committee might not be able to reach a consensus on this issue and he thought that if that were the case the Committee needed to decide how it wanted to proceed.

Appendix D
November 1999 Letter to Bruce Bernstein

November 22, 1999

Dr. Bruce Bernstein National Museum of the American Indian Smithsonian Institution Washington, D.C. 20560

Dear Dr. Bernstein:

On behalf of the Smithsonian Institution's Native American Repatriation Review Committee (RRC) and myself, we thank you for attending the November meeting in the National Museum of Natural History (NMNH) building. We think it was very informative.

As we discussed, the Committee has now considered in detail the eight National Museum of the American Indian (NMAI) repatriation reports that were forwarded to us:

- 1) "05/8200 Human Skull Fragment from Boynton's Shell Heap, Lamoine, Hancock County, ME" (apparently dated March 1998);
- 2) "Cuba Human Remains, NMAI Catalog #04/5494, 04/5535, 04/5576, 04/5631, 04/5785, 04/6050, 08/1746, 08/1751, Submitted, April 28, 1998;"
- 3) "Haudenosaunee (Iroquois) Medicine Mask, Repatriation Request 5/5/98;"
- 4) "Human Remains and Unassociated Funerary Objects from the Dalles and Memaloose Island, Oregon, Submitted 24 June 1998;"
- 5) "Seneca Associated Funerary Objects, 22/1574, September 30, 1998;"
- 6) "Wampanoag Human Remain, 08/5252 and Unassociated Funerary Objects from Burr's Hill, Warren, Rhode Island, October 8, 1998;"
- 7) "Tlingit Teikweidi Clan Xoots Gwalaa (Bear Dagger) (NMAI accession number 2/8702), October 29, 1998;" and
- 8) "Xoots Shada Koox' (Bear Crest Hat) of the Tlingit Bear Clan of Klukwan (NMAI Accession Number 01/3780), Submitted 29 October 1998."

The Committee is of the opinion that each repatriation report should stand on its own as documentation of the remains and/or items in question, as an evaluation and assessment of the evidence for cultural affiliation, and as the basis for which remains and items are to be repatriated and to whom they should be repatriated. As such, the reader should be able to ascertain where the remains and/or objects came from and follow the reasoning about any and all evidence, and thus understand how a particular decision was made. We also think it imperative that each report is clear, coherent, consistent, and complete. In all these specific regards, the Committee has concerns about the eight reports reviewed. While it does appear that the reports have improved somewhat over time, considerable room for further improvement exists. These eight NMAI

reports strike us as comparable to those prepared by the Repatriation Office (RO) of the NMNH during the first year or so of operation. (The RO reports have improved vastly over the years, and now represent a solid standard of reporting for repatriation purposes.)

We find it problematic that discussions of cultural affiliation are extremely brief and even sometimes absent: An assessment of cultural affiliation is mandated under the amended NMAI Act. Further, the reports do not adequately assess cultural objects under the definitions of the amended Act. It is also troublesome that the reports have no consistent format, contain too many grammatical, punctuation and spelling errors, often lack important maps and contexts, have tables that are frequently confusing and contradictory, and include several arithmetic errors. It is difficult to accept the conclusions of a report that contains many writing errors and other, similar editorial flaws. If writing and editing are not professional, what can one expect of the quality of research contained within the report? The Committee also thinks it important that authors of the reports be clearly identified rather than being all but hidden on the last page of text. We realize that the Smithsonian Institution takes ultimate responsibility for the report, but who prepared the report should be clearly stated at the onset, ideally on a separate title page along with the production date of the final report. We understand in this regard that NMAI's new report format has addressed this concern by listing the author(s) at the beginning of each report, along with the date the report was completed.

The following brief discussions of the reports are in the chronological order listed above, and are provided as illustrations of the kinds of issues we see as problematic.

The Committee assumes the Boynton's Shell Heap report was completed in March of 1998, from information gleaned from page 14 of the report, although the date and author of the report are not totally clear from that information. More important, the "Discussion of Remains" section is an inadequate documentation of the remains in question: Nowhere in the report is there an indication as to which part of the human skull the fragment is from, how large it is, in what condition it is, or even who determined it was human.

The Cuba report includes a problematic finding for cultural affiliation. (The Committee is also perplexed as to why the NMAI would assess and report on the cultural affiliation of human remains from Cuba before having dealt with all human remains from the United States that are in the NMAI.) The overview of the report lists several different groups as potentially culturally affiliated; however, the return is recommended only to one. The recommendation relies on the presence/absence of ceramics, but elsewhere in the report it is stated that Harrington notes the associations are unreliable: A recommendation based on information known to be unreliable is extremely problematic. Genetic evidence is alluded to near the end of the report, but what it is and its implication for cultural affiliation are not discussed.

The Haudenosaunee medicine mask report recommending deaccession and subsequent repatriation to appropriate Iroquois groups presents a variety of arguments as to whether the

page three

masks constitute "cultural patrimony" and /or "sacred objects." However, it is unclear why some arguments were accepted and others rejected, and, thus, why the particular decision to deaccession and repatriate all 463 items was made. The Committee is also concerned that "draft" documents were quoted in the report, and that there is a reference to a repatriation report (NMAI 08/3581, dated 7/20/97) that the Committee has not seen.

The Dalles and Memaloose Island report is unclear as to whether all islands are being considered "memaloose" ("islands of the dead"), or just the two named as such. Similarly, when the report refers to the Dalles, is it referring to all islands or just the ones in the vicinity of the town of The Dalles? The specific and general provenience of all of the collections is also unclear, and the associations made do not necessarily follow. If something is found in a funerary context, there seems to be the assumption that the item is therefore always funerary. This may be the case; however, there is no statement as to how that decision was made and how arguments leading to it were constructed.

The Seneca report states that the human remains that were associated with the funerary objects under discussion have been previously repatriated. However, no previous report for the human remains is referenced, nor are the human remains described in the present report; thus, adequate context for the objects under discussion is lacking. The reader initially needs to be informed as to what is being discussed and why, but this is not done. The introductory paragraph seems particularly confusing: for example, if the first sentence is read literally, one is informed that the NMAI has three associated funerary objects accessioned in 1956. Does it have others accessioned in other dates? Finally, the report uses the English measurement system to describe the size of objects (in "inches") whereas the metric system is the standard in scientific and scholarly work and should be used alone or along with English measurements.

The Wampanoag report is particularly confusing: It is exceedingly short and uninformative for such a large collection of items. It is stated in the report that it is not a repatriation report, but it does not say what it is. The report fails to demonstrate in a defensible manner that the items are unassociated funerary objects. This is of great concern, especially in light of the fact that this report fails to offer any further information on context than did Bonar's 1995 report in which the items were merely presumed to be funerary objects. (Also unexplained in the report is why the NMAI Board voted in 1994 to repatriate something that had not been reported on and where cultural affiliation was not researched.)

Of these eight reports, the two Tlingit reports are the most complete and provide the best context for the objects with respect to the purpose of the report. The explanations for cultural affiliation and the return of the objects are well reasoned. The reports, however, could use general editing and revising, including the elimination of repetition.

From our assessment of these eight reports, the Repatriation Review Committee recommends that: 1) the NMAI develop policies regarding the consistency of content and quality for its

Appendix G NAGPRA Meeting Notes, April 2-4, 2000 Notes on the recent NAGPRA meeting in Juneau, Alaska. April 2-4, 2000 By T.W. Killion, Repatriation Office Program Manager

<u>Day 1</u>

The NAGPRA Committee's 19th meeting was held at the Centennial Convention Hall in Juneau, Alaska. Attendance over the three days ranged from as low as 30 persons to as many as 100. Attendees mostly came from Alaska (Tlingit, Aleut, Athabascan, Inupiat, and Yupik). There were also a number of other representatives, both Native American (Nevada [Paiute], Texas [Ysleta del Sur], North Dakota [P. Yellowbird, NDIRC], and California [Yoruk]) and Museum (Peabody-Harvard, American Museum of Natural History, Getty, and Phoebe Hearst) from the "lower forty-eight." Rosita Worl welcomed the Committee to Juneau on behalf of the Sealaska Corporation (who hosted a reception the next day) and Richard Dalton of Hoonah, Alaska (a member of the Smithsonian's Repatriation Review Committee) opened the meeting with a prayer. Also attending were Andrea Hunter and Roger Anyon of the Smithsonian Repatriation Review Committee. What follows are some of the highlights.

The first issue that engaged the Committee was the recent "restructuring" of the NAGPRA Office out of the Archaeological Assistance Division of the Park Service. In response to complaints of Park Service conflict of interest, the management of NAGPRA has been taken out of Frank McManamon's Office and reassigned to a "General NAGPRA Group" under the Assistant Director for Cultural Resources (Kate Stevenson) and headed by John Robbins (his background is architecture and historic preservation). McManamon will continue to head up the NPS response on the Kennewick Man controversy (and possibly a number of other special issues) within a new group designated "Park NAGPRA." The NAGPRA Committee, only recently advised of these changes, voiced deep concern about their lack of input into the process and their need to be informed of such changes in the future in order to carry out their mandate. Stevenson (on speaker phone from Washington) promised to involve Committee in future NAGPRA administrative work plans. The General NAGPRA Group, as now structured, is in receipt of some 190K (Interior source unknown) to bring on contractors to catch up with the back log of Federal Register notices of inventory completion and intent to return that are presently stalling implementation of NAGPRA nation-wide. General NAGPRA may receive additional permanent staff (number of personnel unknown) if the 2001 budget request for 400K to cover administration of the program is funded. That Office is presently "an office of one" to quote John Robbins who frequently had to pass on many of the questions framed by the Committee to Tim McKeown (now part of Park NAGPRA) or NPS counsel (Carla? DOI Solicitor's Office). This was not a good meeting for the NPS, Robbins has a LOT to learn and several Committee members noted that the conflict of interest still existed. Tim McKeown's position also has changed considerably and he will be working exclusively with NAGPRA compliance issues from here on in. Changes w/ McManamon and McKeown also sparked comments from the Committee on the need for continuity in the NAGPRA program (ironic in light of the

earlier conflict of interest complaint). Clearly, McKeown's removal from center stage (one of the most experienced persons in the office already is having an effect). There will also be a "higher level" advisory group on repatriation within Interior including John Berry (Assistant Secretary for Admin. and Budget and ex-Smithsonian Government Relations director), Kevin Gover (Asst. Sec. for Indian Affairs), another Asst. Secretary for Fish and Wildlife, and John Robins, now heading up the General NAGPRA office.

No one had an answer for the question "What will happen if they do not get the 2001 funding?" Presumably the program would not be able to function very well.

There followed a protracted but illuminating discussion about the lack of federal agency compliance with NAGPRA. Apparently, most private museums (except the 6 largest natural history museums in the country) have complied. These 6 (AMNH, Peabody-Harvard, Field, etc.) are presently under a period of "forbearance" where they report to Interior on their progress toward inventory completion every six months. But some federal agencies, such as BLM (among others), have estimated that they will not be able to comply until 2025. Some very sharp comments by Committee members ensued concerning the lack of leadership and the government's inability to comply with the legislation.

The Committee heard a statement from the representative from the Hearst Museum. They have agreed to a long-tem loan the Santana Shield (Kiowa had made request) and it will be housed at the Ft. Sill Museum in Oklahoma.

The Committee then discussed their recommendations to the Chaco Canyon National Monument to go back and rework their cultural affiliation statement. This recommendation was recently been published in the Federal Register. The Hopi Tribe had formally objected to the Monument's affiliation statement (which included Navajo) before the Committee at their meeting last Spring in Silver Spring, MD. In her response to the Committee Karen Wade, the Director for the Intermountain Regional NPS in Denver, declined the recommendation of the Committee to redo the affiliation statements and suggested that the Committee had exceeded its authority in recommending additional consultation with the tribes involved. The Committee felt that the action ("thanks but no thanks") invalidated their role in the NAGPRA process and that would set a bad precedent. They felt the issue of "weighing" cultural affiliation among a group of potential affiliation equal) was a valid one and decided to submit a letter of protest to the Secretary of the Interior out lining their concerns. They felt it could help in the inevitable court case that will evolve over the Hopi/Navajo Chaco affiliation dispute.

There followed review of a couple of repatriation cases:

USDA Forest Service and Miccosukee Tribe of Florida for the Traditional unrecognized group (remains from Ocala National Forest) concerning how affiliation was determined.

Washington Pyallup Tribe request concerning support from the Tulalup Tribe.

Both cases essentially posed the question of returns to (federally) unrecognized tribes and hence the issue of culturally unidentified remains by definition. All were recommended for repatriation and the Committee agreed that many such cases (where unrecognized groups were involved) could automatically go forward if all parties involved were agreeable. This procedure could be formalized as part of their recommendations on the issue of unidentified cultural affiliation. The Committee also discussed the issue of funerary objects associated with unidentified remains. These are not dealt with in the law and the return of these materials may be considered, constitutionally, a "taking."

Public comment followed:

Barbara Isaac of Peabody Harvard reported on their progress toward completing their inventories under "forbearance" and introduced some of the new repatriation staff at Harvard. The Peabody repatriation group now numbers 17 including contractors. They have completed inventory of some 4000 sets of remains (half their total) with about 2000 culturally identified and 2000 unidentified.

Patricia Lambert read a statement for the American Association of Physical Anthropologists (comments on the Committee's draft recommendations on the disposition of unidentified remains, e.g., they could be used for teaching purposes).

Martha Graham of the AMNH read a statement from the SAA (on the Committee's draft recommendations on culturally unidentified remains).

Representative from the NCAI (Dale Ann Frye Sherman-Yurok) read a statement on the Committee's draft recommendations on culturally unidentified remains.

Representative from the California Commission on Native American Heritage (Fawn Morris-Yurok) made a statement on the Committee's draft recommendations on culturally unidentified remains (e.g., they are affiliated "with where they came from" and all should be returned).

Meeting adjourned at 5 pm

Day 2

Numerous examples of repatriation (successes and failures) were presented in a public comment period following the opening prayer for the day.

Tongass National Forest and Kake Native Village (Admiralty Is.). This case involved a set of cremated remains in a decorated bent wood box (700 year old example of form

line design) that was sold to a Seattle art dealer, recovered by authorities, and now held by Alaska State Museum until the village decides what to do.

United States Forest Service (Alaska-Juneau) and Awk-kwan, a federally unrecognized Tlingit tribe in the Juneau area, represented by the Tlingit-Haida Central Council in Juneau. Positive story of repatriation of remains excavated in 1991 by Forest Service. This account was later contested by Native representative of the Tribe involved (see Rosa Miller and Cheryl Eldemar, below).

Terry Fifield, a district archaeologist with the Tongass National Forest (Craig), and Yarrow Varra, a Tlingit undergraduate student at UA Juneau, gave a very positive presentation on a collaborative (Native community/Forest Service/University) research project involving the 3-year excavation of a 9000 year-old site with human remains. Terry detailed notification, consultations, review of research design and permission to proceed with research project with Klawock, a Tlingit village on Prince of Wales Is., and some of the results thus far (one more field season to go this summer). Yarrow presented an excellent paper entitled "Studying My Ancestors" that looked at using Native traditions and history in the interpretation of the site and its contents. She also expressed interest in working at the Smithsonian.

Steve Hendrickson of the Alaska State Museum gave a very positive presentation that discussed repatriation, consultations, and collaborations that have occurred in Alaska (not necessarily in the Museum). Question of toxic substances historically applied to objects returned (and then used, i.e. masks, by groups) came up (also see Alyce Sadongei's presentation below).

Rosa Miller (Auk-kwan) and Cheryl Eldemar (Tlingit-Haida Central Council) explained problems and disappointments working with Forest Service on repatriation (mentioned above).

Gary Selinger (NAGPRA Coordinator with University of Alaska Museum in Fairbanks) gave a presentation that outlined the severe problems he encountered with the Coast Guard working on the repatriation of remains to Sledge Is. near Nome. There were difficulties with the Federal Register notices, no understanding of NAGPRA by the USCG, among many other issues. Basic point-difficulty of dealing w/ materials "in possession" of the Museum but not actually "under (their) control." He has also found difficulties working with other Museums (such as the AMNH) that hold remains related to remains at the University of Alaska. In this case, the AMNH opted to pass responsibility for remains they hold (Point Hope, Alaska) to the government agency (BLM) from whose lands the remains came. Since the BLM is not in compliance with NAGPRA there have been hold ups completing his work for the University Museum. In addition, there were issues related to reburying the remains on BLM lands today.

Diane Palmer and Irene Shields of the Cape Fox Inc., Saxman-Tlingit Tribe submitted requests to six Museums for item illegally removed from the Village of Tongass during

the Harriman Expedition. They have contacted the "Harriman Expedition Retraced" project that will take place this summer as well. NMNH presently has a request from Cape Fox for materials related to the Harriman Expedition as well.

Allison Young, representing the Aleuts and Pribiloff Islanders, gave an update on her efforts to develop a regional repatriation program. They want to do human remains and funerary objects first and then move on to sacred objects. She complimented the Smithsonian and her work with the Repatriation Office at NMNH.

Fredrick Anderson of Naknek Native Village gave a presentation on repatriation and his work at the Pavik site.

Rosita Worl spoke for the Sealaska Heritage Foundation (also board member for Sealaska Corporation and Professor of Anthropology at UA-Juneau). Her comments addressed a number of issues. Discussing the lack civil penalties for NAGPRA violations she mentioned the post-NAGPRA sale of a funerary object by the Taylor Museum and the issue of the statue of limitations "running out" before lawbreakers and others out of compliance can be prosecuted. She mentioned their concerns with the restructuring of the Washington NAGRPA Office and requested that NAGPRA be relocated outside of the NPS. She invited everyone to a reception at the Sealaska corporate headquarters that evening.

Ken Grant and Ron Williams of the Hoonah Native Village discussed their difficulties with the University of Pennsylvania Museum and a request for 45 items from the Shotridge collection (Snail-house objects). There have been many delays and requests for more information by the Museum that were also complicated by competing claims from the Village of Hoonah. They stated that the Museum refused to provide them with collection records. On the positive side they also mentioned the return of human remains by the Smithsonian last summer, a return of a Beaver canoe prow from AMNH, an Eagle hat from the Denver Museum of Natural History, and another return from the Field Museum.

There followed a long presentation (and display of many clan objects) by another group from Hoonah. They were of the Raven moiety and presented themselves as members of the Snail-house, although they also qualified that statement at several points with references to a Mt. Fairweather-house affiliation (another name for Snail-House) as well. Lituya Bay was referenced at several points. They spoke for a long time and were hard to follow. When they finished a large number of Eagle moiety people in the audience saluted them in a reciprocal observance of their presentation of clan objects. There was some concern about this presentation voiced by Tlingit members of the audience.

A Doyon representative spoke.

Richard Dalton (Tlingit religious leader and Smithsonian RRC member) made a positive statement concerning the Smithsonian's return of the remains of Swanson Harbor Jim

and the very successful RRC sponsored trip to the site last fall. He related his on-going struggle to have a monument placed by Jim's grave and to have the ancient abandoned Tlingit village at Swanson's Harbor declared a Hoonah heritage site. The site figures prominently in regional clan origin histories. He told of how the Forest Service originally told him to make sure no one saw him going there, to place a very small grave marker, and to not talk to the press. Richard is now working on a video of the return, the monumental memorial to Jim Kecki he would like to dedicate at the site, and a long-term program of research on the place of the Swanson Harbor site in Tlingit history. He suggested that NAGPRA be amended to authorize reburials on federal lands if that was where the remains were from. Jim Bradley (Committee member) commented the same comment has been made about Forest Service lands and other agency holdings at other NAGPRA hearings.

After the Public presentations the NAGPRA Review Committee discussed its annual report. Many points about restructuring, the Committee's concerns about Chaco case, and the need for an "action list" for the Park Service to respond to were also reiterated.

The postponed the discussion of unidentified human remains until the next day and took a few more public comments.

A Tlingit representative on returning shaman objects, consideration of families involved in repatriation, and the need to consider lineage, clan, and moiety structure.

Statements from the Pyramid Lake Paiute and the Fallon Paiute (Alvin Moyle, Tribal Chairman) about their 1995 request for the return of the (9000 year old?) remains from Spirit Cave. The Pyramid Lake representative spoke briefly about the weakening of NAGPRA through the Kennewick case and the damage done to archaeological and Native American relations by the failed Hastings amendment. He (?) also expressed concern at the widespread confusion that has resulted from the restructuring of the NAGPRA Office in Washington.

Pemina Yellow Bird, from the Three Affiliated Tribes at Ft. Berthold, and representing the North Dakota Intertribal Re-internment Committee, made a statement to the Committee. She voiced concerns about the reorganization of the NAGPRA Office in DC and the Chaco Canyon response to the Committee from Karen Wade (NPS Denver). She also had numerous recommendations about how to strengthen the Committee's draft principals of agreement on culturally identified remains for Native Americans.

Day 3 ___

After the invocation a presentation by Alyce Sadongei of the Arizona State Museum on toxins and poisons used to treat museum collections over the years. They recently had a workshop on the issue at ASM with groups in the southwest. It turns out a lot of Museum representatives attended as well looking for information on the issue as well. I

asked her to provide us with any printed material generated for the workshop. The presentation was balanced. She pointed out the need for much more work in this area given the possible reuse of items returned and the implications of toxic material for collection consultation. Alyce made a plea for the involvement of conservators in Native American object consultations. She also suggested the involvement of medical specialists and the need to guidelines that would outline the problems, history and guidelines for dealing constructively with the issue. Joe Juaquin, from Tono Ohdam, also spoke and felt that museums needed to do a lot more to inform tribes about the use of poisons and the risks involved.

The Committee continued discussion of their annual report. They reviewed federal agency compliance again and noted a lack of enforcement and leadership on the part of federal agencies. They noted the need for more funding for the NAGPRA administrative office (\$400 thousand) and the grants program (\$5 million). They discussed where/how to present their restructuring critique, and how federal non-compliance was having a negative effect on the repatriation process nation wide. They discussed amendments to NAGPRA to protect graves on state lands and the issue of FOIA requests for sensitive information from consultations. They reiterated the need to take NAGPRA out of the Park Service.

There followed a brief public comment period. Speakers included:

John Martin, Tlingit, Sock-Eye House leader Barbara Isaac, Assistant Director, Peabody Museum, Harvard Gary Selinger, NAGPRA coordinator, University of Alaska Museum, Fairbanks

Before finalizing their comments on the Draft Principles of Agreement for Culturally unidentified remains the Committee:

Set the date of November 2000 for their next meeting in Nashville, TN (to be followed by California in the spring of 2001).

Recognizing that Marty Sullivan and Tessie Naranjo are stepping down from the Committee after the Juneau meeting, the Committee set June 19th as the deadline for nominations for one Native American and one Museum replacement on the Committee (to the Secretary of the Interior).

Voted Armand Minthorn in as Interim Chair of the Committee.

After lunch the Committee began final discussion of the recommendations for the disposition of culturally unidentified remains. What follows is a draft of the Committee's recommendations discussed at the meeting:

PRINCIPLES OF AGREEMENT (Draft 6)

4/3/00 JWB (Bold italicized comments by TWK)

A. Intent of NAGPRA

1. The legislative intent of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) is stated by the title of the statute. Repatriation means the return of control over human remains and cultural items to the nation of origin.

There was a fair amount of discussion concerning this opening paragraph (above) Much of the debate was related to section 5., below that had to do with prerogatives in the repatriation process. There was some concern (argument between Committee members) to make the statement about who ultimately controlled the process be either more exclusive (under Indian control) or inclusive (balanced between archaeologists, museums and Native groups). At several points they appeared to be deadlocked and it was not clear what the final language would be.

- 2. Specifically, the statue requires:
- a. The disposition of all Native American human remains and cultural items excavated on or removed from Federal lands after November 16, 1990 (25 U.S.C. 3002 (d)(2). Disposition is based on linkages of lineal descent, tribal land ownership, cultural affiliation, or aboriginal land.
- b. The repatriation of culturally affiliated human remains and associated funerary objects in Federal agency and museum collections if requested by a culturally affiliated Indian tribe or Native Hawaiian organization. (25 U.S.C. 3005). Repatriation is based on linkages of lineal descent or cultural affiliation.
- c. The development of regulations for the disposition of unclaimed human remains and objects (25 U.S.C. 3002 (3) (b) and culturally unidentifiable human remains in Federal agency and museum collections (25 U.S.C. 3006).
- 3. Although the legal standing of funerary objects associated with culturally unidentifiable human remains is not addressed by NAGPRA, the statute does not prohibit their voluntary repatriation by museums to the extent of federal law.
- 4. The statute acknowledges the legitimate need to return control over ancestral remains and funerary objects to Native people, and the legitimate public interest in the educational, historical and scientific information conveyed by those remains and objects. (25 U.S.C. 3002 (3) (b); (25 U.S.C. 3006 (8) (b).

- 5. While the statute does not always specify disposition, it is implicit that:
 - a. The process be primarily in the hands of Native people,

There was much discussion and debate of the above statement. Debate centered on deleting it or rephrasing to reflect repatriation as a more inclusive (museums, archaeologists, as well as Native Americans). It was decided to keep a version of this statement and link it to the first paragraph of the document. I will circulate additional comments on the first paragraph and this section once I have been able to confirm my notes with others who attended the meeting.

b. Repatriation is the most reasonable and consistent choice. (25 U.S.C. 3005; 25 U.S.C. 3009 (1).

The above statement was deleted.

B. Culturally Unidentifiable Human Remains.

- 1. Federal agencies and museum must make a determination as to whether Native American human remains in their control are related to lineal descendants, culturally affiliated with a present day Federally recognized Indian tribe or Native Hawaiian organization, or are culturally unidentifiable. This determination must be made in consultation with any appropriate Indian tribes or Native Hawaiian organizations, and through a good faith evaluation of all relevant and available documentation.
- 2. A determination that human remains are culturally unidentifiable may change to one of cultural affiliation as additional information becomes available through ongoing consultation or any other source. There is no statute of limitations on tribes in terms of making a claim.
- 3. An agency or museum determination that human remains are culturally unidentifiable may occur for different reasons. At present, three categories are recognized:
- a. Those for which cultural affiliation could be determined except that the appropriate tribe is not Federally recognized.
- b. Those which represent an earlier identifiable group, but for which Federal agencies or museums have determined that no federally-recognized Indian tribe exists.
- c. Those for which a Federal agency or museum believes that evidence is insufficient to identify an earlier group.
- 4. Documentation.

- a. Documentation is required for inventory completion and determinations of cultural affiliation by Federal agencies and museums (25 U.S.C. 3003 (5) (b) (2). Documentation should be prepared in accordance with standards such as those outlined in 43 CFR 10.9 (c.); 43 CFR 10.14.
- b. Documentation must occur within the context of the consultation process. Additional study is not prohibited if the parties (federal agencies, museums, Indian tribes and Native Hawaiian organizations) in consultation agree that such study is appropriate.
- c. Once inventories have been completed, the statute may not be used to require new scientific studies or other means of acquiring or preserving additional scientific information from human remains and associated funerary objects (25 U.S.C. 3003 (b) (2).
- d. With the exception of site location (also info excluded by FOIA and information protected by ARPA), documentation prepared in compliance with the statute is a public record.

C. Guidelines for the disposition of culturally unidentifiable human remains.

- 1. Respect must be the foundation for any disposition of culturally unidentifiable human remains. Human remains determined to be culturally unidentifiable are no less deserving of respect than those for which cultural affiliation has been established.
- 2. Since human remains may be determined to be culturally unidentifiable or are unclaimed for different reasons, there will be more than one appropriate disposition/repatriation solution. Examples of appropriate repatriation solutions include the return of:
- a. Human remains that are determined to be culturally unidentifiable that were recovered from tribal land.
- b. Human remains that are determined to be culturally unidentifiable that were recovered from the aboriginal land of a tribe.
- c. Human remains that are culturally unidentifiable for which there is a relationship of shared group identity with a non-federally recognized Native group.
- 3. A federal agency or museum may also seek the recommendation of the Review Committee for disposition of culturally unidentifiable human remains based on other criteria than those listed above.

D. Proposed models for the disposition of culturally unidentifiable human remains.

- 1. Joint recommendations by federal agencies, museums and claimants. Repatriation of culturally unidentifiable human remains may proceed in those cases where:
 - a. All the relevant parties have agreed in writing.
 - b. Statutory requirements have been met.
 - c. The guidelines listed above have been followed.

NOTE: The Review Committee has recommended repatriation of culturally unidentifiable human remains that have met these criteria in the following cases: institutions (University of Nebraska, Lincoln; California State University, Sonoma; California State University, Fresno; Harvard University; and Washington Historical Society), units of the National Park Service (Carlsbad Caverns NP and Guadalupe Mountains NM) and U.S. Forest Service, and states (Minnesota, Iowa, New Hampshire, and Virginia).

2. Joint recommendations from regional consultations.

- a. Historical and cultural factors, and therefore issues concerning the definition and disposition of culturally unidentifiable human remains, vary significantly across the United States. For example, issues in the Southeast, where most Indian tribes were forcibly removed during the 19th century, are very different from those in the Southwest where many Indian tribes remain on their ancestral lands. Similarly, issues in the Northeast and California differ significantly from those in the Great Plains. Therefore, it is recommended that regional solutions be developed that best fit regional circumstances.
- b. The Review Committee recommends a process in which:
- 1) Indian tribes define a set of regions within which the most appropriate solutions for disposition of culturally unidentifiable human remains may be determined. (Generally accepted physiographic and cultural regions, such as Great Basin and Northeast, may be an appropriate starting point.)
- 2) Within each region, the federal agencies, museums and Indian tribes and Native Hawaiian organizations consult together and propose a framework and schedule to develop and implement the most appropriate model for their region.
- 3) Regional consultation meetings may be open to any party with a legitimate interest in disposition.
- 4) Consultations may include state archaeologists, SHPOs, state Indian commissions or offices, academic institutions and non-federally recognized Native American groups./ Recommendations from regional consultation meetings will be made by the parties involved.

- 5) The Review Committee may elect to facilitate regional consultation meetings as part of their regular meeting cycle if regional consultation cannot reach agreement.
- 6) Any proposed regional disposition must be consistent with statutory requirements as well as the guidelines listed above.

From:

"roger anyon" (b) (6)

To:

"Russ Thomton" <rthomto@ucla.edu>

Date:

4/7/00 3:03PM

Subject: Re: Juneau

The main points at the NAGPRA meeting are these:

- 1) The NAGPRA Committee is very unimpressed with the NPS Feb 18 response regarding the Chaco dispute. Essentially the letter says that the NPS thinks it has done a fine job, the NAGPRA Committeee has overstepped its bounds, and the NPS does not agree with and will not comply with the Committee's recommendations. The Committee was very concerned that the NPS is setting precedent here, and they will write a letter to express their concerns.
- 2) The Draft Principals of Agreement on the CUHR was agreed to in a cliff hanger struggle for consensus in the last 15 minutes of the 3 full days of the meeting. A clean copy should be available soon.
- Marty and Tesse have now cycled off the committee. Nominations for new members can be sent to John Robbins til June 19th.
- 4) The restructuring of the NPS NAGPRA office is to have (a) an NPS NAGPRA office for NPS compliance and NPS internal NAGPRA issues, (b) a General NAGPRA office that will be deal with all external entities beyond the NPS. The actual restructuring was very vague. No committments from the NPS (Robbins) on anything. (From discussions I had with folks it seems that Tim will be placed in NPS NAGPRA but this is conjecture). The tribes, museums/scientists, and Committee all expressed great dismay and concern about the restructuring. It sounds very hazy and uncoordinated.
- 5) I have never seen a NAGPRA Committee meeting where the Committeee was so together and the NPS so totally untogether. Robbins was there in place of Frank.
- 6) Next meeting is in Nashville in the fall after Oct 1.
- 7) Armand Minthom is new Interim Chair.

More details later.

Roger.

CC:

"Gillian Flynn;" <flynn.gillian@nmnh.si.edu>

Discussion of the Committee's Draft Principles of Agreement Regarding the Disposition of Culturally Unidentified Human Remains

For the remainder of the day, the Committee focused on developing the draft principles of agreement regarding the disposition of culturally unidentifiable human remains. They struggled with the section on documentation. Some members of the Committee felt that the section on documentation should be eliminated, because they could not agree on what kinds of documentation should be allowed, in particular whether any new research was permitted under the law. Bradley felt that documentation might allow a greater percentage of the unaffiliated remains to be identified. There was a disagreement on the Committee about allowing new research. Bradley was concerned that the Committee might not be able to reach a consensus on this issue and he thought that if that were the case the Committee needed to decide how it wanted to proceed.

Appendix H
Grand Ronde Conference Attendees

Grand Ronde Consultation Attendees

First Name	Last Name	Organization_	
Paula	Molloy	Repatriation Office	
Thomas	Killion	Repatriation Office	
Roger	Colten	Peabody Museum of Natural History, Yale University	
Christy	Turner	Repatriation Review Committee	
Lynne	Goldstein	Repatriation Review Committee	
Roger	Anyon	Repatriation Review Committee	
Richard	Dalton	Repatriation Review Committee	
Ronald	Little Owl	Repatriation Review Committee	
Russell	Thornton	Repatriation Review Committee	
Andrea	Hunter	Repatriation Review Committee	
Robert	Cannon		
Thomas	Connolly	Oregon State Museum of Anthropology	
Leland	Gilsen	Historic Preservation Office	
Don	Ivey	Coquille Indian Tribe	
Denise	Mitchell	Coquille Indian Tribe	
Robert	Kentta	Confederated Tribes of Siletz Indians	
Beverly	Youngman	Confederated Tribes of Siletz Indians	
Craig	Whitehead	Confederated Tribes of Siletz Indians	
Louis	Lachance	Grand Ronde; Cow Creek	
Clara	Seele	Oklahoma-Cherokee	
Carol	Logan	Confederated Tribes of Grand Ronde	
Patty	Whereat	Conferated Tribes of Coos, Lower Umpqua & Suislaw	
Richard	Minor	Heritage Research Associates, Inc.	
Ryan and Adrienne	Heavy Head	Confederated Tribes of Grand Ronde	
Steve	Ousley	Repatriation Office	
Gillian	Flynn	Repatriation Review Committee Office	
Katherine	Ramey	Repatriation Review Committee Office	

Tuesday, March 20, 2001 Page 1 of i

Appendix I RRC Travel Grant Program 2000

Travel Grant Visits - Fiscal Year 2000

Dates	Travel Group	Type of Visit
November 15-18, 1999	Unalakleet	Consultation
November 16-20, 1999	Chugach	Repatriation
March 14-19, 2000	Unalakleet	Repatriation
June 18-24, 2000	Aleut (Rehousing Project)	Consultation
August 7-11, 2000	Redding Rancheria/Pit River Tribe (Ishi)	Repatriation
September 17-21, 2000 Wiyot (Table Bluff Reservation)		Consultation

The Smithsonian Institution's Native American Repatriation Review Committee Report for the 2001 Federal Fiscal Year (October 1, 2000 to September 30, 2001)

The 2001 fiscal year was, once again, a productive one for the Smithsonian Institution's (SI) Native American Repatriation Review Committee (RRC). This report outlines and discusses the mandated activities and Committee-approved efforts of the Repatriation Review Committee during the past year. It also delineates particular concerns of the Committee and directions for future areas of emphasis.

The RRC conducted its mandated monitoring and review of the operations of the Repatriation Office (RO) at the National Museum of Natural History (NMNH) throughout the year, and the Committee, in full, responded to a variety of reports the RO and National Museum of the American Indian (NMAI) submitted to us. We continued to address issues about repatriation activities at the NMAI. A variety of other Committee activities occurred. These activities were congruent with the Committee's stated policy to engage with Native American groups and communities. Committee members, along with Committee Coordinator Gillian Flynn and Assistant Coordinator, Katherine Ramey, also attended meetings of the Native American Graves Protection and Repatriation Act (NAGPRA) Committee.

We have both continuing and new concerns that require consideration during the 2002 fiscal year, particularly regarding the staffing changes, budget priorities, and functioning of the RO at the NMNH and budget reallocations for the RRC.

Our activities involved meetings and travel, as summarized in Table. 1.

Monitoring and Reviewing Activities

Our Congressional mandate, in part, states that the Committee will monitor and review the inventory, identification, and return of Native American human remains and associated Native American funerary objects in possession of the Smithsonian Institution. This was expanded by the 1996 NMAI Act amendment to include objects of cultural patrimony, sacred objects, and unassociated funerary objects at the Smithsonian. In keeping with this mandate, the Committee continued to monitor and review the repatriation activities of the Smithsonian Institution during the year.

We had three meetings -- October, 4, 2000, December 14, 2000, and March 15-16, 2001 – to address this mandate.

Our first meeting during the fiscal year was held in Wagoner, Oklahoma, on October, 4, 2000 (see attached minutes in Appendix A). Committee members in attendance were Roger Anyon, Richard Dalton, Lynne Goldstein, Ronald Little Owl, and Russell Thornton. Gillian Flynn was also in attendance, as was Paula Molloy from the Repatriation Office at NMNH.

Among the topics discussed were the Winter Count project, Paula Molloy's resignation from the position of case officer in the Repatriation Office, budget priorities of the RO, tribes' prerogative to review all affiliated collections during ethnographic consultations, and the Hopi/Chaco Canyon remains case at NMAI.

The second meeting of the Committee was on December 14, 2000, in Phoenix, Arizona (see Appendix B for minutes). In addition to Committee members and Gillian Flynn, Dan Rogers was also in attendance for portions of the meeting.

Topics discussed included the Repatriation Office staffing, the Grand Ronde Case, NMAI monitoring, NMAI case reports, NMNH Repatriation Office Annual Report, and a repatriation workshop in Alaska.

The third meeting was held in Washington, D.C., on March 15-16, 2001 (see Appendix C for minutes). In addition to Committee members, Gillian Flynn and Katherine Ramey, those attending portions of the meeting were Lauryn Grant, Ruth Selig, Dan Rogers, designated Chair of the Anthropology Department, Candace Greene, Bruce Bernstein, Associate Director, NMAI, Bill Billeck, Steve Ousley, Gayle Yiotis, and Christina Burke.

During the meeting, the RRC received an update on Repatriation Office activities at NMNH and NMAI, including current cases, repatriations, and consultations. Topics discussed included the RRC Annual Report, the ethnology and liaison/administrative assistant positions, and RO staffing. Candace Greene, Christina Burke, and Gayle Yiotis updated the Committee on the Winter Count project. Gayle Yiotis gave an update on the NAA brochure project as well.

Reports Considered

Besides the RO's Annual Report, the Repatriation Review Committee formally considered NMNH reports during the year on human remains potentially affiliated with the Owens Valley Paiute (see Appendix D). The Committee also considered NMAI repatriation reports and prepared commentary on them. Besides the NMAI Repatriation Office progress and the Southern California Native Community Repatriaion Consultation report, repatriation case reports were on sacred objects potentially affiliated with the Stewart family of the Crow Nation of Montana and the Hopi of Arizona; sacred objects and objects of cultural patrimony potentially affiliated with the Siksika Nation of the Blackfoot Confederacy, Alberta, Canada; objects of cultural patrimony potentially affiliated with the Cape Fox Corporation, Alaska, and the Sanya and Taanta Tlingit represented by the Cape Fox Corporation, Alaska; human remains from the Southwest United States; and human remains and associated funerary objects potentially affiliated with the Northern Paiute.

We are impressed with the improvements in the general quality of the reports, however, we think that the reports could be improved further by NMAI developing a standard format to make the reports easier to compare with one another and to facilitate referencing reports (see Appendix E for our evaluation of these reports in the form of a letter to Bruce Bernstein of the NMAI).

The Committee also considered a manuscript entitled *Keepers of Culture: Repatriating Cultural Items Under the Native American Graves Protection and Repatriation Act* by Roger Echo-Hawk.

Outreach Efforts

In keeping with the Committee's long-standing commitment to facilitate the repatriation process by interacting more fully with Native American communities and relevant organizations and associations, the Committee engaged in outreach efforts during the past fiscal year.

NAGPRA Committee Meetings

Andrea Hunter and Katherine Ramey represented the Repatriation Review Committee at the NAGPRA Committee meeting in Nashville, Tennessee, on December 11-13, 2000. Andrea Hunter and Gillian Flynn represented the Committee at the NAGPRA meeting in Kelseyville, California, on May 31, June 1-2, 2001 (see Appendix F and G for notes on the meetings).

Southern Plains Outreach Workshop

The Repatriation Review Committee in conjunction with the Repatriation Offices at the National Museum of Natural History and the National Museum of the American Indian sponsored

a meeting and workshop in Wagoner, Oklahoma on October 3-4, 2000 (see Appendix H). Chad Smith, Principle Chief of the Cherokee Nation, assisted in arranging the workshop. The workshop was held at the Western Hills Guest Ranch. The RRC was particularly pleased that the case officer from NMAI, the Acting Chair of the Department of Anthropology (NMNH), and both case officers and the program manager from the RO were able to attend the workshop.

During the workshop, the RRC both explained the repatriation process at the Smithsonian and heard testimony from native peoples about their repatriation concerns and experiences. Repatriation legislation, history of repatriation, organizational structure of repatriation at the SI, documentation and reporting process, consultation process, RRC nomination process and roles, traditional care programs, pesticide testing, statistical information on current cases, number of returns, human remains still held by NMNH, and consultations conducted by the NMNH and NMAI were discussed in detail. The workshop was successful, based on the observations of the Committee and the feedback received from community members in attendance. A highlight of the conference was a trip to Spiro Mounds in southeastern Oklahoma.

California Indian Tribes Survey

In the spring of 2001, Andrea Hunter conducted a telephone survey of all repatriation coordinators for California Indian tribes listed in the National NAGPRA Native American Consultation Database (NACD). The intent of the survey was to determine the need for a California repatriation workshop. We successfully communicated with 33 percent of the California tribes. Their response to the main question of a workshop in California was: 88 percent yes, 5 percent no, and 8 percent needed more information sent to them.

Grants Programs

Of the two grant programs, the Repatriation Grant Program and the Consultation Grant Program, that were established by the Repatriation Review Committee to assist Native American groups in their repatriation activities, only the Consultation Grant Program was utilized during fiscal year 2001. Groups assisted by the Consultation Grant Program were the St. Lawrence Island Yup'ik and the Pawnee Nation of Oklahoma.

Additional Projects

The Repatriation Review Committee supported three projects during the 2001 fiscal year—the Winter Count project, the National Anthropological Archives brochure project, and the construction of a ceremonial room at the Museum Support Center for tribal member use during consultation and repatriation visits to the Smithsonian Institution. A great deal of progress was made on the Winter Count and NAA brochure projects. They are scheduled for completion during the next fiscal year. The ceremonial room was completed during the 2001 fiscal year.

Concerns

The Repatriation Review Committee continues to be concerned about the length of time involved in the repatriation process, particularly at the NMNH, but at the NMAI as well. We are also concerned about the NMNH RO staffing changes and reductions that have occurred. The Committee continues to see staff turnover and reduction as disrupting the functioning of the RO and thus further slowing the repatriation process. This is evident in the few repatriation cases that were completed by the NMNH during fiscal year 2001. We are also concerned about the budget reallocations proposed for the Committee that occurred in the last two weeks of fiscal year 2001. If proposed reallocations are implemented, this will be of paramount importance for the Committee in seeking to fulfill our mandate during fiscal year 2002.

Conclusions

The 2001 fiscal year was, once again, an active one for the Repatriation Review Committee. We are satisfied that we responded appropriately to the challenges offered and we continued to bring issues of concern to appropriate offices at the Smithsonian as the Committee sought to fulfill its legal mandate. The Committee looks forward to the 2002 fiscal year as one of further challenges and accomplishments.

Appendix A
Minutes of the October 4, 2000 RRC Meeting

Final Repatriation Review Committee Meeting Minutes (Summary) October 4, 2000 Western Hills Guest Ranch, Wagoner, OK Prepared by Gillian Flynn, March 29, 2001

Repatriation Review Committee Participants:

Roger Anyon, Richard Dalton, Lynne Goldstein, Ronald Little Owl, Russell Thornton (Chair),

Andrea Hunter (Vice-chair) and Christy Turner were absent

Smithsonian Staff Participants:

Gillian Flynn, Repatriation Review Committee Coordinator, NMNH Paula Molloy, Case Officer, Repatriation Office, NMNH

October 4 - 11:00 a.m. to 12:00 p.m.

Russell Thornton opened the meeting.

The Repatriation Review Committee (RRC) discussed the Winter Count project on which they were collaborating with the National Anthropological Archives (NAA). Russell reported that the Anderson Winter Count had been donated to the NAA. The Committee discussed the possibility of contributing \$10,000 toward the purchase of digital imaging equipment for the project. Roger said he wanted to be sure that the staff in the Repatriation Office (RO) would be able to use it. He thought the Committee should get an agreement about RO access in writing. The Committee also discussed funding the travel for Sioux tribal representatives to come to the NAA to give their input into the project. The Committee agreed to fund it out of the general Winter Count project budget.

Paula Molloy met with the Committee regarding her resignation from the position of case officer in the Repatriation Office. Russell said he was sorry to see Paula leave and he said he hoped she would reconsider. The discussion focused on her concerns about the office functioning. Russell thanked Paula for all her hard work. Paula thanked the Committee for their help over the years. She discussed her desire to maintain an on-going relationship with the Repatriation Office and mentioned the Etowah Mound consultation scheduled for February or March. Paula left the meeting.

The Committee continued to discuss Paula's resignation and the problems with the Repatriation Office.

Russell raised concerns about the travel grant program using the Ishi repatriation as an example.

He said that the RRC funded consultation and repatriation travel because the RO said it couldn't afford to, but then Tom Killion is able to travel out to California for the return and again later for the reburial. Russell questioned why, if the RO has money for that type of travel, the RRC was funding tribal travel.

Lynne said that the RRC should ask Tom what the budget priorities are. She also returned to the issue of Paula's resignation and thought that the RRC should ask Tom, Dan, Carolyn, and Mr. Fri what they tried to do to retain Paula.

Roger wanted Tom to be asked to review the RO budget priorities at the next RRC meeting.

Gillian raised additional concerns about the ethnographic consultations, explaining that when the Wiyot representatives visited the RO they told one of the museum specialists that they had been led to believe that they were not permitted to ask questions about the human remains collection. The museum specialist had reassured them that was not the case at all, they were welcome to discuss and view any collections affiliated with their tribe the museum had. The Committee recommended that letters going out to tribal visitors clearly state that the representatives may review all collections. Roger thought it was very important that tribes understand that they should be controlling the agenda.

Roger discussed the Hopi/Chaco Canyon remains case at NMAI. There had been an agreement between the NMAI and the National Park Service to move remains controlled by NMAI to Albuquerque for eventual reburial. Park Service wanted to accession them, but the Hopi did not want this done because they have a dispute with the Park Service over the affiliation of other Chaco human remains. Roger wondered what the decision of the NMAI Board of Trustees was on this case.

The meeting was adjourned.

Appendix B
Minutes of the December 2000 RRC Meeting

Final Repatriation Review Committee Meeting Minutes (Summary)
December 14, 2000
Quality Hotel Central - Phoenix, AZ
Compiled by Gillian Flynn
Prepared by Katherine Ramey, June 7, 2002

Repatriation Review Committee (RRC) Participants:

Roger Anyon, Richard Dalton, Sr., Lynne Goldstein, Andrea Hunter (Vice-chair), Ronald Little Owl, Russell Thornton (Chair), Christy Turner II

Smithsonian Staff Participants:

Gillian Flynn, Repatriation Review Committee Coordinator, National Museum of Natural History

Dan Rogers, Chair, Department of Anthropology, National Museum of Natural History

Thursday, December 14, 2000 - 9:00am

I. In-Camera Session

This portion of the minutes is not circulated.

Russell asked Andrea to update the RRC on the recent NAGPRA meeting.

Andrea gave an overview of the meeting, noting that Rosita Worl and Garrick Bailey were the newly appointed NAGPRA committee members. Regarding federal agency compliance, Andrea informed the RRC that the Department of the Army, the Department of the Navy, the Bureau of Reclamation, the National Park Service (NPS), and the Bureau of Indian Affairs (BIA) had all presented before the NAGPRA committee. The Bureau of Land Management, the Forest Service, Fish and Wildlife, the Coast Guard, the Air Force, the Department of Energy, and the Army Corps of Engineers had also been invited to report, but did not attend. The NAGPRA committee expressed its displeasure with this and strong letters, stating its position, would be sent to the agencies that were absent. Andrea also discussed how the national NAGPRA office had two people on staff and would be hiring six or seven additional staff members. Regarding the Hopi/Chaco dispute, the national NPS office would review the process for how the regional offices have been making cultural affiliation determinations. The NPS advisory board created a two-member subcommittee to gather information. Andrea heard that this subcommittee consisted of Margie Brown and one other person. She further informed the RRC that the NAGPRA committee members were John O'Shea, Lawrence Hart, Armand Minthorn (chair), Rosita Worl, Garrick Bailey, Jim Bradley, and Vera Metcalf. Regarding the Spirit Cave Man case, Andrea noted that the Fallon Shoshone Paiute had requested a formal dispute hearing.

Roger asked how the two new NAGPRA committee members did at their first meeting.

Andrea commented that Rosita Worl had been very active at the NAGPRA meeting. Garrick Bailey voiced his comments, but was not very knowledgeable in the repatriation process.

Roger asked how the NAGPRA office was structured.

Andrea replied that there were two separate NAGPRA National Park Service offices, one for Park Service parks and the other was the national NAGPRA office that handled all non-Park Service NAGPRA issues. She further noted that the tone of non-cooperation has continued and that John Robbins was not really facilitating the NAGPRA committee throughout the meeting.

The meeting adjourned for a short break.

II. Repatriation Office Update

Dan Rogers attended this session.

Russell welcomed Dan and thanked him for attending the meeting. Russell stated that Dan would update the RRC about the RO's activities, particularly personnel actions.

Dan began by stating that he would update the RRC on the staffing and activities of the RO, but he also noted that he wanted to discuss the ethnology position. Regarding the staffing situation, seven positions were in transition. Dan said that the hiring process was complicated and no short cuts could be taken. Dan reported that Steve Ousley was overseeing the searches for the computer and osteology technicians. The computer position had been advertised, was closed, and was in the process of being ranked by the Office of Human Resources (OHR) in terms of minimum qualifications for the position. Dan stressed the RO's need for this position, because the lack of computer expertise in the RO had slowed the data collection and integration process. He was unsure about the status of the osteology position, but knew that an advertisement had been agreed upon. Turning to the status of other positions, Dan noted that the program manager one had progressed the furthest. He added that the RRC coordinator position was also progressing. Both were in the hands of the OHR at this point and future progress would be dependant on the office's workload. Dan informed the RRC that Lynne would help to review and rank the eight candidates selected by the OHR for the program manager position.

Discussion about the details of hiring new staff continued.

The meeting adjourned for lunch.

III. Repatriation Office Progress Report

Dan Rogers attended this session.

Dan began by circulating an RO activities progress report that Tom Killion had given to him (attached). The report listed cases by priority and offered a time frame for case completion. Dan said that Tom had been working on five cases. The Salinas Monument case was the top priority and a draft was due on Friday, December 15, 2000. The case involved fifty sets of remains from Gran Quivira and Quari Pueblos and the report was nearly complete. The second case considered Tlingit items and a draft was due on March 1, 2001. Tom had also been working on three cases from Alaska: Teller, St. Michael, and Doyon. Dan reported that six cases had yet to be assigned. One was from Barrow, Alaska. Another request involved ten thousand objects from St. Lawrence Island, Alaska.

Russell asked how the recent consultation with St. Lawrence Island had gone and what issues had surfaced. Dan thought that it went well. Tom was expecting additional consultation and collaborative documentation with the community.

Dan continued, noting that the third unassigned case was the request from the Native Village of Unalakleet, also in Alaska, for sacred objects and objects of cultural patrimony. The fourth request was from the Gila River Indian Community at Snake Town. No official claim had been submitted yet for five funerary objects at the Arizona State Museum, purportedly on loan from the NMNH. According to Tom's report, the NMNH did not have any record of the loan, but invited the Gila River tribe to submit a claim. The fifth new case was from the Abenaki, a nonfederally recognized tribe that has been recognized by NAGPRA, for ten sets of remains. The final new case was from the United Tribes of Virginia, also a coalition of non-federally recognized tribes. Specific dates or time frames had not yet been scheduled for these cases. Dan reported on two new museum policies related to repatriation work. The first was regarding traditional care issues and included a statement about restricted access to the collections. The second was on pesticide use and contamination, which had been raised at the recent NAGPRA meetings.

Gillian clarified the pesticide policy statement and explained why testing often is not helpful in determining contamination levels. She said that the spot tests that are being performed could not negate an object's exposure to pesticides. According to the SI's policy, object handlers should assume that any object comprised of organic material had been exposed to pesticides. Gillian thought that there was a bibliography of relevant research about this issue on the SI's website.

Andrea thought this might have ramifications for defining sacred objects according to the law. She questioned whether objects could be denied repatriation, on the grounds that they could no longer be used in ceremonies because of pesticide contamination and health hazards. Other RRC members thought the objects might be able to be used in different ways.

Gillian noted that the SI has been better at educating visitors to the collections about possible pesticide contamination and the need to take protective measures.

Ron discussed arsenic and formaldehyde contamination of human remains, buried near river

dams along the Missouri River. During participation in reburials, those people handling the remains were advised to wear gloves. Ron added that people participating in skin piercing at the Sun Dance festival were also advised to wear gloves for protection. He commented that many spiritual leaders and Indian people do not want to wear gloves.

Dan continued to present Tom's report. He noted that the documentation of funerary objects from Sullivan Island was underway and expected to be completed in 2002. Dan then turned to consultations, remarking that tribes affiliated with Etowah Mound were scheduled to visit in February. Bill Billeck would be the case officer for this consultation and Dan noted that Lynne and Russell were invited to participate. Dan updated the RRC on the RO's databases and the Anthropology Department's migration to a new catalog system. Dan noted that Steve Ousley had been instrumental in these projects.

Lynne commended Steve Ousely's work in redesigning the databases.

Dan also noted that Steve was working on the Par Tee site remains and expected to complete a draft report by March 1, 2001. Dan then turned to discuss ethnographic cases. He updated the RRC on the case regarding a tobacco planting bundle, affiliated with the Siksika Nation of Canada (Blackfeet). The RO was waiting for a letter of support from the Blackfeet Nation of Montana.

Russell thought that this was the case where the bundle had been separated and part of it was at the NMNH and part was at the NMAI. He encouraged the RO to coordinate with the NMAI on this case as not to duplicate efforts and to assure that assessments were similar.

Dan commented, but not specifically, on another repatriation situation which could provide an opportunity for the NMAI and the NMNH to collaborate. He noted that the NMNH needed to decide if it would be comfortable with the NMAI's assessment of the material.

The RRC members discussed how they were very interested in these types of cases. The RRC members thought that the SI could coordinate more with other museums working on similar cases.

Dan agreed that the documentation process need not be repeated, but thought that individual institutions needed to follow their own deaccession procedures.

Gillian noted the recent joint consultation that the Pawnee had with both the NMAI and the NMNH.

Lynne asked if the two museums would then collaborate when working on the report.

Gillian and Dan noted that each museum had its own report approval process.

Discussion continued of the NMNH's efforts to work collaboratively with other museums.

Dan continued to review Chuck Smythe's cases, only a couple of which were active requests. The Unalakleet and Tlingit object requests were official. Chuck had been working on a potential request from the Blood Tribe for the Moto Key Society headdresses. He had also been working on the Hopi cultural material project and the master catalog terminology project. Turning to Bill Billeck's cases, a report for over sixty remains from Southeast Washington was due on December 15, 2001. Draft reports on the Arikara and the Bay Mills Chippewa cases were due on February 1, 2001 and May 1, 2001, respectively. According to Tom's report, Bill was also working on an addendum to the Mandan-Hidatsa report to include additional human remains and this was due on July 1, 2001. A draft report on human remains and objects affiliated with the Sioux was expected sometime in the Fall 2001. A report on the Kansas and Wichita remains was due sometime in 2002.

Russell asked Dan about the NMNH's affiliations program. Dan discussed the NMNH's and the NMAI's affiliation in Alaska, through the work of the Arctic Studies Center (ASC). The ASC and the NMAI had been working to put together joint exhibits and the NMAI has offered funding to compensate the ASC's curators' time. Russell explained that the RRC was interested in working with these affiliations to coordinate and plan a potential conference in Alaska. Dan suggested that the RRC get a report from Bill Fitzhugh on the status of the ASC affiliation project. He thought that the NMNH should invite the NMAI to participate in the exhibit development process so that the products are complementary and not competing. He then discussed some other exhibit projects at the NMNH. One was called Changing Culture and implemented Native American case studies. The other was a human evolution exhibit that addressed what it means to be human.

Regarding the liaison position, Ron asked if the NMNH had consulted with Native specialists to draft the language for the cultural criteria in the selective factors of the advertisement.

Dan wanted to work with the NMAI to learn its techniques for hiring Native Americans. He commented that the SI has not been active in hiring and retaining minorities, but this trend is being investigated. He also thought that Native Americans could first be hired on a contract to gain experience for a permanent position.

Ron discussed bundle separation and thought that there could be a reason behind why the contents of the Siksika bundle had been split. He suggested that this be investigated further. Dan said that he would investigate the possibility.

Russell thanked Dan for attending and he left.

IV. In-Camera Session

This portion of the minutes is not circulated.

The meeting adjourned.

Appendix C
Minutes of the March 2001 RRC Meeting

Final Repatriation Review Committee Meeting Minutes (Summary)
March 15-16, 2001
National Museum of Natural History (NMNH) - CE-138
Prepared by Katherine Ramey, June 12, 2002

Repatriation Review Committee (RRC) Participants:

Roger Anyon, Richard Dalton, Sr., Lynne Goldstein, Andrea Hunter (Vice-chair), Ronald Little Owl, Russell Thornton (Chair), Christy Turner II

Smithsonian Staff Participants:

Bruce Bernstein, Assistant Director of Cultural Resources, NMAI
Bill Billeck, Program Manager, Repatriation Office, NMNH
Christina Burke, Contractor, Repatriation Review Committee
Paula Fleming, Acting Archives Manager, Department of Anthropology, NMNH
Gillian Flynn, Repatriation Review Committee Coordinator, NMNH
Lauryn Grant, Assistant General Counsel, Smithsonian Institution
Candace Greene, Acting Collections and Archives Resource Officer, Department of Anthropology, NMNH
Joaquin Martinez, Intern, Repatriation Review Committee
Steve Ousley, Case Officer, Repatriation Office, NMNH
Dan Rogers, Chair, Department of Anthropology, NMNH
Ruth Selig, Special Assistant for Strategic Initiatives, NMNH
Katherine Ramey, Assistant Coordinator, Repatriation Review Committee, NMNH
Gayle Yiotis, Museum Specialist, National Anthropological Archives, NMNH

Thursday, March 15, 2001 - 9:45am

I. In-Camera Session

This portion of the minutes is not circulated.

The meeting adjourned for a short break.

II. Repatriation Office Update

Bill Billeck, Lauryn Grant, Steve Ousley, and Ruth Selig attended this session.

Russell congratulated Bill Billeck on his appointment as program manager of the RO, welcomed him, and turned the meeting over to him.

Bill began by distributing copies of a handout summarizing the RO's activities and giving an overview of possible visits and claims, new claims, reports in progress, projects and staffing.

Regarding the potential visits, Bill noted that most groups had not requested grants from the RRC. He commented that the Comanche Tribe was visiting to consult about ten sets of remains. The Island Gabrielino group was a non-federally recognized coalition from California, but the federally recognized counterparts had identified the Gabrielino as the acting representatives for repatriation issues. Bill stated that most of the visits were initial consultations.

Gillian asked if the RRC would fund non-federally recognized tribal visits. Bill noted that this was not an issue in these cases, because the tribes had not requested funding from the RRC.

Bill mentioned that a delegation of four western Apache communities would be visiting. They included the San Carlos, Tonto, White Mountain, and Yavapai. Roger asked which tribe was taking the lead in the Apache delegation visit. He also asked if the delegation was working under a formal agreement. Bill said that he would investigate this.

Bill discussed his acclimation to the program manager role in the RO, noting that he was responding to telephone calls and letters. He then commented on the request for consultation from the Northern Cheyenne. The RO was planning to coordinate this visit with the NMAI, however, some complexities have arisen. According to the NMAI, there had been changes in tribal administration and the repatriation representatives. Bill noted that these claims were rumors at this point.

Bill returned to his overview of the handout. He discussed the potential Unalakleet visit and reviewed the history of the community's previous visits. Turning to the recent Etowah consultation, Bill informed the RRC that there was not an official request for the material from the mound. Bill said that the tribes involved were aware that the RO could not move forward with the case until there was an official request. According to Bill, the Creek tribes were taking a more active role in the process, while the Cherokee groups were participating as interested observers. From the museum standpoint, Peabody Andover had taken the lead on evaluating cultural affiliation and preliminary studies affiliated the material with the Creek.

Lynne asked who had done the affiliation work at Andover. Bill answered that Jim Bradley and Leah Rosenmeier had done the work. He then added that the RO would do its own analysis.

Russell asked if the Cherokee groups were making a claim for Etowah material. Bill replied that they had not, but were interested in participating. He continued discussing highlights of the consultation. Four Creek and three Cherokee tribes were in agreement and participated in the consultation, which included a visit to the NMAI. State historical representatives from Georgia also participated. Bill said that the NMNH held funerary objects and one human remain bone from Etowah. This material was acquired through three accessions with poor documentation. It was unclear from the consultation what the tribes wanted to do with the funerary objects, but they wanted the human remains reburied. Bill noted that the RO representatives were asked to leave the discussions many times. He thought that the tribes would have more meetings among themselves and then there would be another Etowah consultation in Oklahoma.

Comparing the Etowah consultations to those over Salinas objects and remains, Roger asked Bill how he would ensure that the Etowah ones move forward as a coordinated effort.

Bill replied that the tribes were committed to a joint repatriation, but pointed out that the RO could not move forward until there was an official request.

Roger countered that the lack of an official request was the holdup in the Salinas case. He thought that the RO should facilitate the request in the Etowah case.

Lynne asked how long the RO's work would take, because she did not want the SI to hold up the process.

Bill was under the impression that the tribes were not anxious for the repatriation to occur hastily, rather they were willing to wait so that the process was thorough. He noted, however, that it would probably take two or three months to put together the report.

Bill commented that the Etowah mound consultation was productive overall.

Lynne asked if the RO explained its repatriation process and procedures at consultations such as the Etowah one. Bill replied that he did in this case, but not necessarily with every consultation.

Bill mentioned the visit from the Cubans, explaining that they came to view remains that belonged to the NMAI, but were being housed at the NMNH. The NMAI had loaned a number of human remains to the NMNH so that they could be examined and verified to be human. Roger asked if the people who visited were of indigenous Cuban origin. Bill replied that they were museum professionals. He further explained that the NMAI has a complicated relationship with Cuba; it was not a direct government to government relationship.

Roger expressed concern about international repatriations to these countries, because there is no legislation to ensure that once repatriation takes place that culturally affiliated individuals have control over the collections. He thought that establishing a museum to museum relationship could possibly remove remains further from culturally affiliated individuals. Bill agreed that culturally affiliated collections should be returned to aboriginal people, but noted that the NMAI has to deal with difficult issues in international repatriations. Russell said that the RRC could raise this concern with Bruce Bernstein.

Steve Ousley discussed his and Doug Owsley's examination of remains from the NMAI.

Bill informed the RRC that he was trying to coordinate more with the NMAI's RO and that he and Jim Pepper Henry were planning to meet once per month.

Ruth raised discussion of the joint program between the NMAI and the Arctic Studies Center.

Bill said that he did not know too much about it.

Ruth thought that Bill Fitzhugh could best explain it to the RRC. From her understanding, the Rassmusson Foundation in Alaska was funding a joint program between the NMAI and the ASC to bring Alaska Natives to the SI in order to select collections and highlight them on a special website. They had so far brought five groups to the Smithsonian. Ruth further noted that some of the collections would be loaned, long-term, to the Anchorage Museum of History and Art. Ruth also discussed the funding sources for the project. Steve Ousley described it as a virtual repatriation project. Ruth added that under the agreement, Bill Fitzhugh and Steve Loring would work with the NMAI to develop an exhibit for its New York branch and the NMAI, in turn, would compensate the NMNH for their time.

Bill turned to discuss new claims, referring to his handout. One was from the Tlingit and Haida for a frog hat, requested as an object of cultural patrimony. The second was for Sitting Bull's hair lock, from an adopted lineal descendant.

Regarding the Sitting Bull claim, Ron suggested that Bill Billeck contact Tim Mentz at the Standing Rock Sioux Reservaion. Bill said that he had Mentz's address. Russell asked how the NMNH obtained the hair lock. Bill explained that Dibble, the surgeon who performed the autopsy, cut off his braid. Lauryn Grant clarified that technically the braid was a loan, over which the NMNH does not exercise control and should be returned to the donor. The museum, however, could be justified in repatriating the braid in this case.

Discussion then turned to the feather, allegedly from Sitting Bull's headdress. Bill said that the NMNH did not have any headdresses, attributed to Sitting Bull, in its collections.

Richard Dalton asked who had claimed the Tlingit and Haida frog hat. Bill replied that he had received a letter from the president of the community. He pledged to provide Richard with a copy of the letter.

Richard discussed his work in Glacier Bay and cautioned about claims for objects coming from unaffiliated people. He said that communities in Sitka and Wrangell were divided.

Bill then reviewed possible new claims and reports in progress from his handout. The Miami of Oklahoma, the Santa Rosa Rancheria in California, and the Comanche had all expressed an interest in placing claims for human remains. Turning to reports, Bill had been trying to contract Tom Killion to complete the Salinas report, but he was unsure if the contract would be approved.

Roger clarified that the remains from Salinas were determined to be affiliated with Ysleta del Sur, who was taking a lead role in negotiations. Bill confirmed that Ysleta del Sur had submitted the claim.

Roger thought that it should be made clear in the report that other tribes in the delegation were not relinquishing their claims, but rather allowing Ysleta to take the lead.

Bill noted Roger's point and continued with his update, stating that the Arikara report was still unfinished.

Russell asked if the RO had received any correspondence from the Grand Ronde. Bill replied that the RO had not received any correspondence from the Northwest. He then discussed other projects and issues. One of the issues was over missing remains from the Army Medical Museum. These remains were thought to be affiliated with the Fort Robinson outbreak. Bill informed the RRC that he had also been working on an inquiry from the Miami of Oklahoma about the remains of Little Turtle, a famous Miami chief who died in the early 1880s. The remains were sent to the SI and Ales Hrdlicka determined the remains to be those of a twenty year old female. Bill was still unsure about what happened to the remains in question. They could have been accessioned into the collections or returned to the person who sent them.

Ron commented about how he was taken to a grave site in Fort Wayne, Indiana and told by Miami Indians that Little Turtle was buried there.

Bill continued to discuss other projects, including revamping the databases, the notice of the Gros Ventre (Atsina) repatriation, the inquiry from the Sisseton-Wahpeton, and the Ishi pamphlet project.

Regarding the databases, Christy asked if a person could enter a specimen number and find out the objects that were associated with it. Bill replied that would be too complicated of a procedure to implement in the databases.

Lynne asked if the RO had been developing uniform terminology for the object database. Bill answered that staff had been working on that.

Russell asked if he was working with California tribes on the Ishi project. Bill replied that he was.

Russell raised the case of the Blackfoot beaver bundle, originally from the Denver Art Museum, currently housed at both the NMNH and the NMAI. He thought that the museums should work together to jointly repatriate the bundle. Bill said that he had not discussed this case with Jim Pepper Henry yet. Russell informed Bill that the NMAI had completed a report that recommended repatriation of the bundle. He suggested that the museums explore the case with the Indian community. He further noted that he would raise it with Bruce Bernstein.

Bill then reviewed the staffing section of his handout. Russell asked Bill if he had a schedule for hiring new staff. Bill said that he wanted to schedule interviews for the case officer candidates as soon as possible. He thought that the RO may be able to hire two candidates from the

certification list of twenty-eight. He had reviewed the certification, which had a few good candidates, but not as strong of a pool as he had hoped. Bill informed the RRC that he would continue to work on Plains casework as the program manager. Russell asked Bill if he was looking for candidates with expertise in particular areas. Bill answered that he would prefer North American archeologists with expertise in areas other than the Plains.

Ron asked Bill to review the claim from the descendant of Sitting Bull. Bill explained the process of notification that the RO had implemented when it discovered that the NMNH had Sitting Bull's hair. Ron explained how Lee Weeze was working on a genealogy of Sitting Bull's descendants. Ron continued, noting that Sitting Bull had five wives, two of which had children. There is only one woman, Sarah Little Spotted Horse, who was a direct descendant, and everyone else was adopted. Ron noted that he was a relative, descended from Sitting Bull's uncle. Bill thought that the lineal descendant claim could be complicated, with many issues to resolve, such as who is more closely related to Sitting Bull. Ron discussed how objects were often fraudulently claimed to have belonged to Sitting Bull. He then informed the RRC that traditionally if one feather falls off of a war bonnet, then it would be destroyed or abandoned.

Russell thanked Bill for his presentation and turned the meeting over to Steve Ousely.

Steve distributed a handout on the activities of the osteology lab and reviewed it. He also discussed his review of the NMAI's human remains. Ruth asked how many sets of remains that the NMAI had. Steve answered that he examined approximately thirty sets of remains. He noted that these remains sometimes encompassed only one piece of a bone. He further noted that some of these were remains were incorporated into ethnographic objects. Ruth asked for a breakdown of individual sets of remains versus those that were incorporated into objects. Steve estimated that he examined twenty to twenty-five individuals and approximately five to ten remains that had been incorporated into ethnographic objects. The RRC discussed Steve's review of the NMAI's human remains.

Steve thought that an ethnologist had initially assessed the NMAI's human remains. He then continued with his report, discussing his work on the databases.

Russell thanked Bill, Steve, and Ruth for attending and the meeting adjourned for lunch.

III. Continued Discussion

Ruth Selig attended this session. Russell resumed the meeting.

Lynne said that she was pleased with Bill's progress since he assumed the role of program manager in the RO.

Russell outlined issues and discussion about the NMAI that the RRC wanted to raise with Bruce

Bernstein. The RRC discussed this issue.

Russell asked the other RRC members if they wanted to discuss any other budget issues.

Gillian reviewed the discussions about the RRC funding projects such as the liaison position, the RRC Coordinator's administrative assistant position, and additional conferences. With the exception of the administrative position, Lynne did not think that the RRC should consider funding any long term projects. Russell thought that Lynne made a good point and that Dan Rogers would agree.

Gillian suggested that the RRC discuss and outline duties for the liaison position. She thought that the person could work on the travel grant program, conference development, and possibly a workshop on traditional care. Russell thought it would be good for the person to coordinate with the NMAI.

IV. Update from the NMAI

Bruce Bernstein, Lauryn Grant, and Ruth Selig attended this session. Russell welcomed Bruce and turned the meeting over to him.

Bruce began by noting that he had prepared a written response to the RRC's letter and he submitted that along with additional reports to the Committee. He then gave an overview of the NMAI's repatriation activities. He began with immediate and pending repatriations, some of which were for sixteen potlatch items, a mask, a crow society pipe affiliated with the Cheyenne River Sioux, human remains from Cuba and Jamaica, and human remains and funerary objects from Southern California, New York, New Jersey, Midwestern states, Wisconsin, Canada, and Mexico. Bruce then discussed scheduled and concluded consultations with the Pawnee, the Sarsee, delegations from Cuba and Southern California, tribes affiliated with Etowah mound, the Northern Cheyenne, and a Western Apache delegation. Bruce noted how scheduling consultations has been complicated, because the move has rendered some collections inaccessible. He noted further complications with scheduling the Northern Chevenne visit, because of the tribe's change in government. Regarding the Southern California consultation, Bruce informed the RRC that forty-six groups participated and seventy-one groups could potentially be affiliated with the remains. The NMAI had compiled a book on this consultation and Bruce provided the RRC with a copy. He noted that human remains in the NMAI's collections often have poor provenience, because they were collected as curiosities. Many of the human remains in George Gustav Heye's original collection had been deaccessioned by him to a number of universities over the years. Turning to the Wampanoag return, Bruce said that the NMAI had planned to return human remains and funerary objects in conjunction with collections at Peabody Harvard and Brown University. This return had become complicated, however, by a counter claim from the Narragansett. Bruce thought that the NMAI could insert itself into negotiations over this return, but the museum would attempt to allow the tribes to

work it out.

Roger thought that there was a point in some negotiations, such as the Chaco Canyon case, where tribes cannot come to a resolution. He further asked how the NMAI would know when to get involved and how the museum would resolve the situation. Bruce replied that the Chaco Canyon report had been written before he came on board at the NMAI. He explained that the main dispute was between the Navajo and the Hopi. He did not think that the NMAI could insert itself in this dispute and come to a resolution. Roger commented that there was the likelihood that the repatriation may not occur because of an unresolvable difference of opinion. Bruce thought that the reburial would occur. Because the nature of the NMAI's collections, it would work on regional affiliations and develop memoranda of understanding in order to facilitate returns. Roger clarified that if the NMAI could get an agreement from the tribes on the disposition of the remains, then it would move forward without having ascertained cultural affiliation. Bruce thought that cultural affiliation was a complex issue. He stated that the NMAI would try to rank degrees of affiliation in working towards disposition of remains. Lynne asked when the NMAI would use regional affiliation studies. Bruce clarified that the NMAI does verify cultural affiliation in its repatriation cases, but does not attempt to resolve disputes among tribes. Lauryn commented that if the tribes came to the NMAI with an official dispute, demanding an answer, then the museum could invoke the NMAI's board or the RRC. Bruce thought that situation was conceivable. He noted that in such a situation, the NMAI's board would have a hearing over the matter, as its rules dictate. Bruce did not think that this would happen in the Chaco case. Roger asked where the Chaco Canyon remains in question were being held. Bruce answered that they had been transferred to a National Park Service (NPS) repository in Albuquerque, NM. Responding to a question posed by the RRC in one of its letters. Bruce said that the remains had not been deaccessioned to anyone at this point, but would eventually be deaccessioned to the community charged with reburial. Russell asked if the NMAI still had legal possession of the objects. Lauryn answered that the museum had dominion over the remains until they are reburied. Bruce further clarified that the remains had been transferred, but the NMAI still has control over them, in that the museum is responsible to ensure that they are reburied. He thought that the transfer was akin to a loan of the remains. Roger was pleased to hear that the SI still maintained control over the remains. Lauryn added that this was clarified in a letter to the tribes and the NPS. Roger explained his involvement in the case and how he had gained this information.

Russell asked if the human remains from Cuba that Bruce had discussed were the same ones that were in a report dated a few years ago and if they were those that Steve Ousley had examined. Bruce replied that they were, however, he added that an addendum to the original report would be submitted. Lynne was curious about whether or not the NMAI could guarantee that these remains would be returned to the indigenous people of Cuba. Bruce thought that there were indications that this would happen. He thought that all of the human remains from the NMAI's North American collections would be returned by the end of 2001. He added that those from South and Central America would still need to be worked out.

Ruth asked if Bill Merrill would be able to offer expertise with the remains from Chihuahua. Bruce thought that the NMAI would seek his expertise.

Bruce informed the RRC that requests for sacred objects and objects of cultural patrimony have increased at the NMAI.

Roger thought that the Hopi and other communities in the Southwest might have an interest in human remains from Chihuahua.

Bruce agreed, noting that it would be a complicated process. He said that Tom Killion would work on the case from Chihuahua. The NMAI's repatriation program had three people on staff and four or five contractors. All have been working on case reports, under the guidance of Jim Pepper Henry and Stephanie Makseyn-Kelley.

Ron suggested that the NMAI consult with the Huichol in Texas regarding remains from Central America.

Bruce then addressed some additional questions that the Committee had posed in its letter. He discussed the Cape Fox case, noting that the objects would be returned as sacred objects and objects of cultural patrimony rather than as stolen property. The museum was attempting to repatriate this material in conjunction with the re-enactment of the Harriman expedition.

Lauryn explained (b) (5) (b) (5)

Turning to the Hopi masks, Bruce said that they were approved for repatriation in the Fall of 1997, however, the tribe has a self-imposed moratorium on the return until the pesticide issue has been resolved. These masks have not been tested for pesticide contamination, but were awaiting repatriation at the NMAI's Bronx facility. Bruce discussed the testing of the museum staff and various portions of the Bronx building for the presence of toxins. The museum is monitoring the testing of other objects at the request of the tribes and has been looking to implement more precise testing methods. Lauryn added (b) (5)

Lynne asked Bruce if he could project completion of the NMAI's move. Bruce answered that the move was on schedule and should be completed by June 2004.

Roger asked Bruce about the Siksika beaver bundle. Bruce said that the NMAI would work with both the tribe and the NMNH on this case.

As a result of the recent Supreme Court decision regarding the Bureau of Indian Affairs' (BIA) case in California, Roger asked if there would be any ramifications for the SI's repatriation cases, having to comply with requests under the Freedom of Information Act (FOIA).

Lauryn said that the decision was not final yet and she would research it more thoroughly for the next meeting. She did note, however, that the SI would not be subject to FIOA because it is not in the executive branch of the government. She thought that the SI would attempt to comply, where appropriate, in the spirit of cooperation, but she further noted that several of the NMAI's repatriation reports were under-seal. She also thought that the SI could produce non confidential reports for FOIA requests.

Lynne asked who served on the NMAI's repatriation committee. Bruce replied that Kay Fowler, Duane Champagne, Jorge Flores, Vine Deloria, and Henrietta Man were on the committee, who gather information and send recommendations to the NMAI's board. Bruce informed the RRC that the board has two full meetings and one executive meeting per year. The NMAI could also conduct phone polls when necessary in between meetings.

Lynne asked Bruce about an issue that Bill Billeck had raised earlier. She inquired about what the NMAI would do if a person came to the museum with a skull. Bruce answered that the museum has wanted to get human remains out of private hands. He thought that the museum could attempt to convince the person to contact the affiliated tribe. The museum could also take the skull as a donation and then repatriate it to the appropriate tribe. In general, Bruce said that the museum would attempt to facilitate the proper return of the skull.

Lauryn clarified (b) (5) (b) (5)

Christy raised the issue of human remains from the Aleutian Islands that had been excavated by soldiers. He asked if the NMAI had any evidence of those in its collections. Bruce replied that the museum did not.

Turning to the Lovelock Cave case, Bruce informed the RRC that twenty-one groups claimed affiliation. Pyramid Lake was designated as the representatives to take receipt of the material and the reburial took place in the Fall of 2000. Bruce added that only affiliated objects were returned in that repatriation.

Russell thanked Bruce for his presentation, noting that he had offered helpful information.

Russell then asked Bruce if he would provide the Committee with additional reports that the NMAI produced. Bruce replied that he would. He thought that there would be some following the NMAI's June board meeting. Then he left the meeting.

V. Discussion Continued

Lauryn Grant, Dan Rogers, and Ruth Selig attended this session. Discussion continued of RRC's relationship with the NMAI.

The RRC members commented on the productive meeting that they had with Bruce Bernstein.

Ron asked what the NMAI's hemisphere policy meant. Gillian replied that the NMAI's repatriation policy applied to the entire Western Hemisphere. Lauryn further explained that in the NMAI's policy, repatriation rules apply outside of the United States.

Russell raised the issue of how California had created state repatriation laws. He asked how the state laws would articulate with federal repatriation legislation. Lauryn replied that if a conflict arose, then federal law would override state law. She noted that, in general, state laws would apply to state recognized tribes and federal law would apply to federally recognized tribes. Russell commented about how even federally recognized California tribes were not satisfied with federal repatriation legislation.

Discussion continued over the differences in the NMAI's and the NMNH's repatriation programs. Russell turned the meeting over to Dan Rogers.

Dan began by discussing recent and upcoming changes in the RO's staff. He noted that choosing a program manager was a difficult decision because of the high quality of the candidates. He further noted, however, that strong support for Bill Billeck had been expressed both within the RO's staff and within the broader department.

Russell hoped that Personal privacy (Ex 6)
Dan thought that was a good point.

Turning to the archeology case officer positions, Dan updated the RRC that twenty-eight applicants qualified for the position. It was being scored by the Office of Human Resources (OHR) and the department hoped to receive the certification list soon. Dan also hoped that the department could hire two case officers from this certification list. Lynne asked how many high quality applicants were on this list. Dan thought that there were five or six really strong candidates, but he did not know whether or not they would still be available and interested in the position. He thought that the department would interview at least three candidates, but possibly six or eight could be interviewed. He said that he would ask the OHR about what information about the candidates could be shared. He wanted to get some feedback from the RRC about the candidates if possible. The RRC expressed interest in receiving information about the case officer candidates and offering input into the process.

Dan turned to discuss the computer technician position. He said that candidates had been interviewed but none were appropriate for the position. It was revamped, re-advertised, and still

open at this time. Dan informed the RRC that the physical anthropology technician was still in progress and Steve Ousley was working on that. Dan then turned to the ethnology position. He said that the department had reconsidered the position, because he thought that the RO's budget could afford to fund a four-year term position. Dan was not sure of the RRC's budget situation and he thought that it might be uncomfortable funding a long term commitment. Russell said that the RRC had discussed this and was uncomfortable with funding a four-year term. Dan noted that there had not been an influx of ethnology cases and the RO could possibly wait to hire an ethnology case officer. Gillian asked what the grade level position would be. Dan answered that it would be a grade 11 position. The RRC said that it was comfortable with the department's position on the ethnology position.

Gillian informed Dan of the RRC's discussion to change the direction of the administrative assistant position. Russell added that the RRC would coordinate the nature of this position with the needs of the RO. Dan cautioned the RRC about fiscal responsibility at this point. The RRC said that it would be a short term, lower grade position. Dan encouraged the RRC to discuss this with the RO to craft an effective position that could be mutually beneficial to the RO and the RRC.

Lauryn thought that the SI's federal budget was an issue. She noted how the Secretary had requested an additional \$200 million from Congress but none was granted. She thought that there would be some budget cuts, but that it would not have a major effect on the SI.

Dan commented that the Anthropology Department and particularly the RO had fared well in recent reorganizations within the SI. He then thanked the RRC for its attention.

Russell thanked Dan for attending and commented about the positive meeting with Bill Billeck that the RRC had. Russell thought that Bill would make a sincere effort to include the RRC in appropriate activities of the RO. Lynne hoped that morale in the RO would improve with Bill as program manager. Dan thought that a new staff dynamic would develop within the next few months.

Russell thanked Dan again and the meeting adjourned for the day.

Friday, March 16, 2001-9:30am

I. In-Camera Session

This portion of the minutes is not circulated.

II. Update on the Winter Count Project

Christina Burke, Candace Greene, Joaquin Martinez, Ruth Selig, and Gayle Yiotis attended this session. Russell opened the session with introductions and by welcoming Christina Burke. He then turned the meeting over to Candace Greene and Christina.

Candace began by distributing packets and discussing the background of the Winter Count project. She said that the SI had fourteen Winter Counts, four of them with texts, seven with pictures, and three with photographs. As part of the project, Christina would summarize each Winter Count and Gayle Yiotis would provide on-site research support at the National Anthropological Archives (NAA). Candace informed the RRC that the artwork had been moved to the MSC and the next stage would include the compilation of the information into a database. They have purchased the digital equipment and had photographed all the winter counts. She explained how she envisioned the database, but noted that a publishing format still needed to be determined. Candace thought that the database should be designed so that it can be made available in the Internet. Candace then discussed the SI's acquisition of new Winter Count from Timothy Tackett.

Russell asked what the next step in the project would be. Candace replied that two steps would be happening simultaneously. Christina would be preparing her summary and Gayle would investigate the database structure and Internet access to the Winter Counts.

Russell asked if the NMAI had any Winter Counts in its collection. Christina replied that it had three. Ruth suggested that the NMAI's Winter Counts be included in the project. Candace thought that this might not be a priority for the NMAI. Ruth suggested that placing the project in the context of repatriation could make it a priority.

Discussion of the NMAI's Winter Counts continued. The RRC decided to explore working with the NMAI on the Winter Count project and Russell said he would mention it in his letter to Bruce Bernstein. Russell noted that both objects and knowledge were included in the repatriation process.

Andrea stressed the importance of making the material available on the Internet. Ruth thought it would also be a wonderful tool for educators on the reservations.

Russell thanked Candace and Christina for their presentation.

III. NAA Brochure Project

Paula Fleming and Gayle Yiotis attended this session. Gayle introduced Paula Fleming and turned the presentation over to her. Paula began by distributing a draft of the NAA booklet to the RRC members. She then apologized for Jake Homiak's absence, adding that he was aware of

the importance of the project. Paula gave the RRC some information on her background.

Gayle updated the RRC that she had recently received editorial comments from Jake to incorporate into the next draft. These editorial changes included a change in the introduction and highlighting the material in which Native Americans would be interested.

Lynne suggested that the brochure include information about the RRC's travel grant program, so that Native Americans visiting the NAA for repatriation purposes can apply for them. Gayle thought that was an excellent point. She then noted that a version would be posted on the NAA's and RRC's websites. She thought this would help to maximize the visitors' time. Lynne suggested that the booklet include examples so that a novice could understand how to use it. Ruth recommended beginning the brochure with three or four vignettes. Lynne agreed and commended Gayle on her good work. The RRC discussed the size of the brochure. Russell asked about the schedule for completing the brochure. Gayle wanted to incorporate photographs of Native Americans using the NAA. Once the text was approved, she thought it could at least be posted on the website before her term ended in December 2001. It was decided that the RRC would receive a final version of the brochure by the August meeting. Roger encouraged using photographs of Native Americans using the NAA during a consultation visit to highlight the repatriation aspect of the project. The RRC thanked Paula and Gayle for their presentation.

IV. Continued Discussion

Ruth Selig attended this session. The RRC discussed how Gayle's term was ending and thought that the RO should hire her for the computer specialist position. Gillian said that she would mention it to Gayle, Bill, and Steve. Russell thought that if that did not work out, then the RRC could hire her. Ruth commented on Gayle's excellent work and invaluable experience in the NAA. Gillian said that she would discuss these options with Jake and Gayle.

The meeting adjourned.

Appendix D
February 2001 Letter to Dr. Bruce Bernstein

February 2, 2001

Bruce Bernstein, Ph.D.
National Museum of the American Indian
The Smithsonian Institution
470 L'Enfant Plaza, S. W.
Washington, D.C. 20560-0935

Dear Dr. Bernstein:

Thank you for providing the following National Museum of the American Indian (NMAI) reports to the Smithsonian's Native American Repatriation Review Committee (RRC):

- 1. "Human Remains from the Southwestern United States," submitted by T.J. Ferguson, June 4, 1996;
- 2. "Human Remains and Associated Grave Goods from Lovelock Cave, Nevada," submitted by T.J. Ferguson, June 10, 1996;
- 3. "Hopi Katsina Masks," August 1997;
- 4. "Siksika Beaver Bundles," submitted by Stephanie A. Makseyn-Kelley, May 2000;
- 5. "The Stewart Family's (Crow) Repatriation Request of July 20, 1999," submitted by Dorene Elizabeth Red Cloud, May 2000;
- 6. "Cape Fox Village Collection," researched and written by Lars Krutak, submitted June 2000;
- 7. "Harriman-Cape Fox Village Collection," researched and written by Lars Krutak, submitted June 2000; and
- 8. "Repatriation Office Progress Report," June 2000.

The RRC has now had the opportunity to read and discuss among us these reports.

The RRC wants to note at the onset that we are impressed with the improvement over time in the quality of the reports. They have gotten better and are more complete. However, we do have various observations and queries.

In general, we think that the reports could be improved further by NMAI developing a standard format. The format should provide a basic set of information that is always included, even if, in some instances, it is necessary to say that the information is not known for a particular

case. Such information will facilitate referencing as well as make the reports easier to compare with one another. We particularly recommend a standard cover page clearly indicating authorship, title, date of preparation, and other pertinent information. This should eliminate any confusion about who prepared the report, who it was prepared for, et cetera: A title page with this information would have eliminated doubts the RRC has regarding the authorship of "The Stewart Family's" report. (See below.) An outline or table of contents also would be helpful.

Having offered our general commentary, we now offer you a report-by-report commentary along with some relevant questions. We hope you find our commentary useful; we are sure your responses to our questions will assist us in monitoring the repatriation activities of the Smithsonian.

We are impressed with the quality of the "Siksika Beaver Bundles" report about the two beaver bundles from the Blackfoot Confederacy. We note on page 6 of the report that it is stated one of the bundles was split up, with some portion going to NMAI and some portion going to the National Museum of Natural History (NMNH). Are the NMAI and the NMNH working jointly to bring together this bundle for repatriation as a complete unit? This would seemingly be beneficial to the Siksika community, as well as to the NMAI and the NMNH. Such cooperation would be an appropriate joint activity, and an example of why we recommend that the repatriation offices at the two museums coordinate their activities.

In "The Stewart Family's" report about a Crow medicine moccasin bundle there is continual reference to the medicine bundle in question as NMAI #14/6472. While it is certainly necessary to initially and adequately identify items in reports in terms of their museum numbers, it seems culturally insensitive to then use these numbers throughout the report. It would have been preferable if simply "medicine bundle" was used in subsequent references throughout the report. It is also unclear whether Dorene Elizabeth Red Cloud was the author of the report. The report indicates that it was submitted by her, but Marvin Stewart's name, address and phone number appear at the end of the report. If Mr. Stewart was involved in anyway in actual writing of the report, then a question of conflict of interest arises since the report recommends repatriation of the medicine bundle to him.

The RRC has some concerns about the report on the "Harriman-Cape Fox Village Collection" that deals with various Tlingit cultural objects. The rationale of the report and the recommendations are inconsistent. Section III, without any formal attribution, is in large part a verbatim copy of the Cape Fox claim as shown in Appendix D to the report. If this is the position of the NMAI, as it seems the author, Lars Krutak, is indicating, then why would there be any issue as to whether the items are sacred objects or objects of cultural patrimony? If the NMAI thinks the items were stolen, then why not dispense with the cultural context in Section IV and return the items because they are stolen property? This issue seems settled on page 17 of the report where the NMAI policy on objects acquired illegally is spelled out. Consequently, we find the recommendation to repatriate only a portion of this collection to be inconsistent with

NMAI policy. Furthermore, two catalog entries, 03/2360 and 10/8294, may not be items collected by the Harriman Expedition, even though they are part of the request. Thus, issues about the legality of the collecting procedures discussed in Section III of the report seem not to apply to these items. Given these inconsistencies, the RRC requests information as to when the NMAI Board of Trustees (BOT) decided the case and what it decided to do regarding repatriation, assuming it has reviewed and made a decision relative to this report and its recommendations.

The "Cape Fox Village Collection" report about Tlingit objects from around Saxman/Ketchikan, Alaska, should have been more carefully reviewed for typographic and production errors. For example, page 5 does not follow from page 4-something is missing. Also, the original request is described on pages 31-32 as the Harriman-Cape Fox Village Collection, which it seems not to be, as shown in the referenced Appendix 22. Given the claim set forth in Appendix 22 that the objects are culturally affiliated with Tlingit clans and are of continuing cultural importance but that the NMAI recommends the objects not be deaccessioned and that further information be obtained, it seems to us that it would have been useful to have conducted consultations prior to finalizing the report. We see no evidence that this was done or even attempted. Do you have any knowledge as to whether the Cape Fox Corporation plans to dispute the report? Again, given this situation, the RRC wishes to know the NMAI BOT decision regarding the recommendations in the report?

The RRC found the "Repatriation Office Progress Report" to be comprehensive and very useful, and congratulates the Repatriation Office on its attempt at such an overview. We do, however, suggest that the text of future progress reports be expanded to discuss in more detail issues buried in the various appendices. Similarly, both a standard format and a better way to reproduce photographs would greatly improve the report.

The Hopi Katsina masks report raises the issue of pesticide contamination and we are curious about how this might have been resolved. We note that none of the Hopi Katsina masks discussed in the Whiteley report are listed in Appendix A of the above progress report as having been deaccessioned. It is our understanding that the Hopi Tribal Chairman has recently issued an order placing a moratorium on the return of masks to Hopi because of potential health problems stemming from the use of repatriated masks that have been treated with antibiological preservatives. What was the NMAI BOT's decision regarding the masks, and what is their present status? Could you inform the RRC about what the NMAI intends to do about these masks now that the issue of contamination has become critical?

The RRC would like to know what decisions the NMAI BOT made regarding the recommendations of the "Human Remains and Associated Grave Goods from Lovelock Cave, Nevada" report? The report raises a number of questions that we hope you can help answer for us: Have the funerary objects been fully recorded, as recommended? Have the glass jars been located and made ready for repatriation? Have the human remains been documented, and were

tribes consulted prior to any documentation? And has a final determination of cultural affiliation been made by the NMAI BOT?

The RRC would also like to know what decisions the NMAI BOT made regarding the recommendations in the "Human Remains from the Southwestern United States" report? As we are sure you know, issues of cultural affiliation loom large in some of these cases, most obviously here in the case of the remains from Chaco Canyon where there has been a separate ongoing NAGPRA dispute about cultural affiliation. The RRC is concerned that there is no documentation in the report we reviewed that clearly establishes cultural affiliation for these human remains from Chaco Canyon, although statements are made that they are probably affiliated with specific tribes. This is of particular concern because a member of our RRC has recently identified at least one set of human remains that could represent a migrant from Mesoamerica.

Appendix A of the above discussed progress report (dated June 2000) clearly states that these Southwestern human remains were deaccessioned from the NMAI on 7/10/96. However, this was somewhat less than a year before the 1997 consultation with tribes. Did the BOT make any determination of cultural affiliation for these various sets of remains? Or, was this determination made by the NMAI Repatriation Office? If so, was it only made following the 1997 tribal meeting? If a determination of affiliation was made, how were all relevant tribes notified and included?

The sequence of determining cultural affiliation, deaccessioning, and repatriation by the NMAI are of concern to the RRC. If the Southwest human remains were deaccessioned, then didn't they then become the "property" of the affiliated tribe(s), whoever that tribe or those tribes might be? How then could the NMAI make an agreement with the National Park Service (NPS) on 4/26/2000, regarding the transfer of these remains to the NPS, with the NMAI being released from all responsibility for these human remains? Shouldn't the agreement have been between the NPS and the culturally affiliated tribe(s)? The RRC knows that the Hopi have raised some concerns about these remains. It is our information that the Hopi agreed to the physical transfer of the Chaco Canyon human remains from the NMAI to the NPS repository in Albuquerque, N.M., for temporary housing prior to reburial. They did not, according to our information, agree to the NPS accessioning the human remains into NPS collections, and they do not want this to occur, as the NPS has requested. It seems to us that disposition is the business of the culturally affiliated tribe(s), whoever it (or they) might be. Given the documentation in Appendix E of the June 2000 progress report, all fifteen tribes-including the Navajo Nation-subsequently voted to determine disposition of these remains. The system of each tribe having a vote-as done at the 1997 meeting-and with the majority ruling, clearly disenfranchises any dissenting tribe. This is surely not the intent of the NMAI Act or NAGPRA. Has this not caused problems for your office?

The RRC fully realizes the difficulties of establishing some of the cultural affiliations in

the Southwest, and the NMAI was likely only attempting to appropriately handle a difficult case. It appears, however, that there may be a major flaw in the repatriation process with respect to the Chaco Canyon human remains. We would like clarification about what the NMAI has done and/or plans to do about this issue. The issue has relevance not just for the NMAI but for the NMNH and the numerous museums falling under the NAGPRA law.

The RRC looks forward to your response to our queries. We also continue to await information as to the identity of the physical anthropologist who examined the skeletal material at the NMAI to distinguish and verify which was human or nonhuman remains.

Finally, we also wish to congratulate James Pepper Henry on the progress of the NMAI Repatriation Office during his tenure. We would like to meet with both of you during our next meeting in Washington to personally offer our congratulations, as well as to discuss repatriation activities.

Sincerely,

Russell Thornton, Chair

cc:

Robert Fri Richard West

Lauryn Guttenplan Grant James Pepper Henry

Gillian Flynn

RRC Members (RA; RD, Sr.; LG; AH; RLO; CT II)

Appendix E
Reports Reviewed by the RRC

REPORTS REVIEWED BY THE REPATRIATION REVIEW COMMITTEE				
July 1993	1993 Annual Report of Repatriation Office Activities			
	Inventory and Assessment of Human Remains from Upper and Lower Memaloose Islands and Adjacent Areas of the Middle Columbia River, Oregon and Washington in the National Museum of Natural History			
	Inventory and Documentation of Skeletal Remains from the Prince William Sound in the Physical Anthropology Collections of the Department of Anthropology, National Museum of Natural History			
	Cheyenne Repatriation: The Human Remains			
	Mandan, Hidatsa and Arikara Ethnographic Collections Report (draft 1)			
September 1993	With a Lock of Hair for Remembrance: Nakota and Central Dakota Legacy at the Smithsonian Institution			
	Shota (Smoke), An Oglala Lakota Chief			
	Arapaho Repatriation: Human Remains			
November 1993	The Pawnee Ancestry Report			
	The Pawnee Biological Distance Study			
	Mandan, Hidatsa and Arikara Ethnographic Report (draft 2)			
•	Gros Ventre Ethnographic Report			
	September 1993 Review Committee Meeting Minutes			
April 1994	The Craig Mound at Spiro, Oklahoma			
	November 1993 Meeting Minutes			
	Cochiti Ethnographic Report			
	Inventory and Assessment of Human Remains from Clallam County, Washington in the National Museum of Natural History			
	1994 Annual Report of Repatriation Office Activities			
	NMNH Repatriation Policy			
	Report on Mortuary Context, Grave Good Associations, and Cultural Affiliation of Human Remains at the Smithsonian Institution Claimed by the Pawnee Tribe			
	Inventory and Assessment of Human Remains Potentially Related to the Apache and Yavapai Tribes in the National Museum of Natural History			
October 1994	Inventory and Assessment of Human Remains from the Hand Site, Southampton County, Virginia			
	Inventory and Assessment of Human Remains Potentially Related to the Kiowa Tribe in the National Museum of Natural History			
	Non-Skeletal Human Remains Pertaining to the Cheyenne River Sioux Tribe			

February 1995	Inventory and Assessment of Human Remains From Northeastern Washington and Northern Idaho					
	Santa Il'Defonso Ethnographic Summary					
	Santa Clara Ethnographic Summary					
	Inventory and Assessment of Human Remains and Associated Funerary Objects Potentially Related to the Pawnee					
May 1995	Hopi Ethnographic Summary					
	Inventory and Assessment of Human Remains and Associated Funerary Objects from Cook Inlet Region Incorporated, Alaska in the National Museum of Natural History					
	Inventory and Assessment of Human Remains from North-Central Montana in the National Museum of Natural History					
June 1995	The Craig Mound at Spiro, Oklahoma					
	A Chronology of Middle Missouri Plains Village Sites					
	Ethnographic Summary: Salish, Flathead, and Kootenai					
	Ethnographic Summary: Chickasaw					
	Ethnographic Summary: Pawnee					
	Ethnographic Summary: Tunica-Biloxi					
September 1995	Steed-Kisker Reports and supporting documentation					
October 1995	Preliminary Report on the Human Remains from Golovin Bay, Alaska					
	Inventory and Assessment of Human Remains from the State of Connecticut					
	Summary of Ethnological Objects in the National Museum of Natural History Associated with the Taos Culture					
	Assessment of the Six Nations Iroqouis Confederacy Request to the National Museum of Natural History to Repatriate Two Wampum Items					
	Inventory and Assessment of Human Remains and Associated Funerary Objects from Wainwright, Alaska in the National Museum of Natural History					
November 1995	Inventory and Assessment of Human Remains and Associated Funerary Objects from Anaktuvuk Pass, Alaska in the National Museum of Natural History					
December 1995	Inventory and Assessment of Human Remains and Associated Funerary Objects Affiliated with the Cheyenne River Sioux Tribe in the National Museum of Natural History					
January 1996	Ethnology Summaries for: Haida, Tlingit, Tsimshian, Zuni, Zia					
March 1996	Ethnology Summaries for: Menominee, Kaw (Kansa), Quileute, Wiyot, Ponca, Makah					
May 1996	Ethnology Summaries for: Assiniboine, Yavapai, Chippewa, Apache					
	Inventory and Assessment of Human Remains and Associated Funerary Objects from the Post-contact Period in Barrow, Alaska					
June 1996	Inventory and Assessment of Human Remains and Funerary Objects from the Puget Sound and Grays Harbor Regions of Washington State in the National Museum of Natural History					

June 1996	Inventory and Assessment of Human Remains from the Geographical Territory of the NANA Regional Corporation, Alaska in the National Museum of Natural History				
July 1996	Inventory and Assessment of Human Remains from the Historic Period Potentially Affiliated with Eastern Dakota in the National Museum of Natural History				
	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Mandan and Hidatsa of the Three Affiliated Tribes in the National Museum of Natural History				
August 1996	Inventory and Assessment of Human Remains and Associated Funerary Objects from Northeast Norton Sound, Bering Straits Native Corporation, Alaska in the National Museum of Natural History				
	Ethnology Summaries for: Havasupai, Stockbridge, Hualapai (Wapalai), Washoe, Sauk and Fox, Quechan (Yuma), Karok, Yaqui, Yurok, Yakama, Hupa, Blackfoot				
	Inventory and Assessment of Human Remains and Funerary Objects from Pt. Hope, Alaska in the National Museum of Natural History				
September 1996	Ethnographic Summaries for: Puebloan, Tesuque, San Felipe, Tewa, Pecos, Nambe, Pojoaque, Tigua, Santo Domingo, Santa Ana, San Juan, Sandia, Laguna, Jemez, Isleta, Acoma, Salishan, Iroquois				
	Inventory and Assessment of Human Remains Identified as Nez Perce in the National Museum of Natural History				
	Inventory and Assessment of Human Remains and Funerary Objects from Nunivak Island, Alaska in the National Museum of Natural History				
October 1996	Ethnographic Summaries for: Natchez, Choctaw, Chitimacha, Cherokee, Catawba, Caddo, Alibamu-Koasati, Creek, Seminole				
November 1996	Inventory and Assessment of Associated Funerary Objects in the National Museum of Natural History Affiliated with the Assiniboine				
February 1997	Inventory and Assessment of Native American Human Remains from the Western Great Basin, Nevada Sector in the National Museum of Natural History				
	Ish-ta Cha-ne-aha (Puffing Eyes), A Chief of the Two Kettles Lakota				
	Inventory and Assessment of Human Remains and Funerary Objects from Northwestern Oregon in the National Museum of Natural History				
	The Ontonagon Boulder: Sacred or Secular?				
	Ethnology Reports for: Eskimo (I) and (II), Cheyenne, Crow, Osage, Comanche, Omaha				
March 1997	Ethnology Reports for: Ahtna, Achumawi, Atsugewi, Bannock, Cahuilla, Cayuse, Chemehuevi, Chetco, Chickahominy, Chinook, Chumash, Cocopah, Colville, Costanoan, Gabrielino, Gosiute, Huchnom, Iowa, Juaneno, Karankawa, Kitsa, Kitanemuk, Klikitat, Luiseno, Maidu, Maricopa, Mattaponi, Mohegan, Modoc, Mono, Naltunnetunne, Nanticoke, Nez Perce, Niantic, Nisenan, Nomlaki, Oto-Missouri, Panamint, Ottawa, Penobscot, Powhatan, Rappahannock, Schaghticoke, Serrano, Shasta, and Siletz				
April 1997	Ethnology Reports for: Navajo, Iroquois, Aleut, Kutchin/Tanana, Mohave, Shoshone, Pomo, Pauite, Athapaskan, Miwok, Sioux, Spokane, Takelma, Tanaina, Tipai-Ipai, Timucua, Tolowa, Tonkawa, Tubatulabal, Umatilla, Wailaki, Waksachi, Walla Walla, Wampanoag, Warm Springs, Wasco, Wenatchi, Wichita, Wintu, and Winnebago				

May 1997	Ethnology Reports for: Papago, Pima, Karok, Delaware, Pamunkey, Makah, Kiowa, Arapaho, and Kickapoo					
June 1997	Inventory and Assessment of Human Remains from St. Lawrence Island, Alaska in the National Museum of Natural History					
	1997 Repatriation Office Annual Report					
	Response to Repatriation Request for Objects Associated with Wounded Knee, Submitted by the Cheyenne River Sioux Tribe					
August 1997	Inventory and Assessment of Human Remains and Funerary Objects from the Lower Columbia River Valley, Oregon and Washington States, in the National Museum of Natural History					
September 1997	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Oglala Sioux Tribe, in the National Museum of Natural History					
October 1997	Ethnology Listing for Culturally Unidentified Objects					
	Addenda to Ethnology Reports of uncatalogued collections for the following cultures and areas: Acoma, Apache, Blackfoot, Cherokee, Chippewa, Choctaw, Cochiti, Cree, Creek, Hopi, Ipai/Tipai, Iroquois, Kiowa, Koasati, Kutchin, Navajo, (northeastern tribes), Osage, Pauite, Papago, Pima, (Plains region), San Ildefonso, San Juan, Santa Clara, Santo Domingo, Sioux, Tesuque, Makah, Mohave, Mohawk, Zia, Zuni, Eskimo, Haida, and Athapaskan					
December 1997	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Ponca in the National Museum of Natural History					
	Letter to the Keewenaw Bay Indian Community regarding the Ontonagan Boulder					
March 1998	Ethnology Report for Hawaii					
April 1998	Physical Anthropology and Archaeology Inventory for California (NMNH)					
May 1998	Repatriation Office Annual Report (NMNH)					
June 1998	National Museum of American History Draft Collections Inventory					
August 1998	Human Remains in the NMNH Associated with the Battle Near Immigrant Springs, OR July 14-15, 1878					
	NMAI Report on Human Remains and Unassociated Funerary Objects from the Dalles and Memaloose Island, Oregon					
	NMAI Report on Haudenosaune (Iroquois) Medicine Mask					
	NMAI Report on Human Skull Fragment from Boyton's Shell Heap Lamoine, Hancock County, ME					
	NMAI Report on Human Remains from Cuba					
September 1998	Inventory and Assessment of Human Remains from Cape Denbigh, Bering Straits Native Corporation, Alaska (NMNH)					
	Case Report for Named Individual, Jim Keki (NMNH)					

April 1999	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Brule Sioux in the National Museum of Natural History				
	Assessment of Request for the Repatriation of Seven Wooden Masks from Prince William Sound by the Chugach Alaska Corporation (NMNH)				
	Assessment of a Request for the Repatriation of a Kiowa War Shield (Big Bow's Shield) from the National Museum of Natural History (draft 1)				
May 1999	The Human Remains of Ishi, a Yahi-Yana Indian, in the National Museum of Natural History, Smithsonian Institution				
	Assessment of a Request for the Repatriation of a Kiowa War Shield (Big Bow's Shield) from the National Museum of Natural History (draft 2)				
November 1999	Cheyenne River Sioux Tribe's Repatriation Request of August 18, 1998 (NMAI)				
	Kootznoowoo Tlingit Headdresses (NMAI)				
January 2000	Assessment of Request for the Repatriation of the Ontonagon Boulder by the Keweenaw Bay Indian Community (NMNH)				
	Inventory and Assessment of Human Remains and Funerary Objects from Unalakleet, Bering Straits Native Corporation, Alaska in the National Museum of Natural History				
March 2000	1999 RRC Annual Report				
	Human Sciences Review Committee Report				
May 2000	Inventory and Assessment of a Stone Pendant (A017905) Requested by the Mohegan Tribe (NMNH)				
July 2000	November 1999 RRC Meeting Minutes				
	February 2000 RRC Meeting Minutes				
August 2000	Hopi Katsina Masks (NMAI)				
	Southwest (NMAI)				
	Lovelock Cave (NMAI)				
	Cape Fox Village (NMAI)				
	Cape Fox Corporation (NMAI)				
	Siksika Beaver Bundles (NMAI)				
	Stewart Family (Crow) (NMAI)				
	Repatriation Office Progress Report (NMAI)				
August 2000	Repatriation Policies and Procedures (NMAI				
November 2000	Report on the Activities of the Repatriation Program, National Museum of Natural History, Period Covering June 1998-May 2000,				
September 2001	Assessment of Human Remains from Owens Valley, California, in the National Museum of Natural History				

Appendix F NAGPRA Meeting Notes, June 1-3, 2001 NAGPRA Meeting Notes Kelseyville, CA June 1-3, 2001 Prepared by Gillian Flynn

June 1, 2001

Armand Minthorn, Chair, NAGPRA Committee opened the meeting. Committee members were introduced (John O'Shea, Garrick Bailey, Armand Minthorn, Rosita Whorl, Jim Bradley, Lawrence Hart, Vera Metcalf)

I. Implementation

John Robbins, Director, National NAGPRA program, reviewed the agenda (see attached). He gave an update on the implementation of the law. He noted that there have been 47 disposition notices since 1995, but there were no new disposition notices since the Committee's December meeting.

II. Grants

Robbins reviewed the grants program (attached). Minthorn asked who reviewed the grant applications. Robbins explained that they were reviewed by a committee, three members of which are Native American. Bailey asked if there had been a review of who the recipient tribes were. He was concerned that some tribes were being left out of the process and in fact later in the meeting a tribal representative who had done some analysis of his own pointed out that few tribes from N. and S. Dakota, from some of the poorest reservations in the country, had received grants. Armand asked how the Committee could become more active in monitoring the awards process. Robbins answered that some of the problems with the grants program should be eliminated with the hiring of the new education/outreach person. O'Shea said he was concerned that as repatriation becomes more active the resources needed to cover the costs will not increase. He wondered if priority should be give to first time applicants. Whorl said she would prefer that the new educator do some analysis before the policy is changed. Hart thought that their concerns should be reflected in their annual report to Congress and that they should ask for an increase in the appropriation. Metcalf asked if the Committee had already asked Congress for more money. Robbins said that they had, at every budget hearing. Minthorn wanted the Committee to review the grant award process and Robbins said he encouraged their review.

III. Forbearance

Robbins gave an update on the status of the repatriation progress at those museums currently under forbearance (see attached memo) Minthorn said he was concerned about the Interior Secretary's discretionary ability to avoid imposing civil penalties on museums that were out of compliance with the law. But O"Shea and Bradley said they were concerned about focusing on civil penalties rather than encouraging museums to engage in good consultations.

IV. Accessibility

Robbins gave an update on the progress that his office had taken to upgrade the NAGPRA web site and database.

V. Staffing (see attached organizational chart)

Robbins gave an update on staffing at the National NAGPRA office (see attached memo). Minthorn said that he would like to have Kate Stevenson, Assistant Director, Cultural Resources, NPS, attend the next NAGPRA meeting. The new Committee members asked why the National NAGPRA program didn't have its own director. Robbins explained that it was organized so that National NAGPRA operated at a higher level than the program level so that it would receive more attention and would be less vulnerable to criticism of conflicts of interest, per the previous Committee's criticisms. Whorl said she did not think that the conflict of interest issue had been resolved. She also thought the new organizational structure would not improve efficiency. Minthorn said that the Committee had continued to raise concerns over the reorganization, which is why he wanted to Kate Stevenson to attend the next Committee meeting. Robbins pointed out that any change to the current structure would affect their ability to hire new staff and further slow down the process. Bradley thought that the current committee needed to take a position on the reorganization, because this committee may not share the previous committee's opinion. Bailey said he was concerned about institutional memory and continuity. Whorl said the Indian community still had concerns about conflicts of interest.

VI. Federal Compliance

Robbins read the memo on notices (attached). He explained that every museum who has a priority notice has been contacted if their notice was incomplete so that those repatriations can be moved along. He reviewed the notification process.

His office has written letters to all non-complying federal agencies. He explained that federal agencies were reluctant to appear before the Committee without knowing the nature of the questions to be answered. Most agencies said they had no collections related to NAGPRA. Minthorn noted that the BIA said it wouldn't be in compliance until 2007. Bradley noted that there had been no response from the Forest Service and he suggested a Washington meeting and that the Committee provide federal agencies with a list of concerns. He would like to hear from Energy, Coast Guard, TVA, and the BLM. Minthorn also wanted to hear from Cleveland and Sierra National Forests. Whorl pointed out that the NEH said it didn't have any human remains or funerary objects, but do they understand that the Committee is also concerned about sacred objects, and objects of cultural patrimony. Bailey said the Committee should ask the NEH about archaeological projects. O'Shea recommended that the Committee submit comments on this issue in their annual report to Congress. Hart thought that the agencies that were not in compliance should be listed in the report. Robbins recommended that instead those agencies that are in compliance should be listed.

VII. Disposition of Culturally Unidentified Human Remains

Zion National Park representative, Jack Burns; Hopi tribal representatives, Lee Kuwanwisiwma; Southern Paiute, Utah, representative; Laura Thompson and; Kaibab Pauite, Utah, Gloria Bullet Benson appeared before the Committee. Burns explained that they would like to return 10 sets of remains to a united Indian group of Hopi and Paiute people with interests in lands surrounding the park. He reviewed the Park area's archaeological history noting a 200 year overlap of Anasazi and S. Pauite cultures. All the tribes claiming an interest in the remains show a strong ethnohistoric affiliation. The remains have poor provenience and no cultural context. The Park initially contacted 29 tribes. Thirteen tribes expressed an interest in the remains. Seven tribes followed up with requests for return. All tribes felt that reburial near park land was most important. The park felt that a preponderance of evidence did not allow affiliation with any one tribe. The remains have never been requested for research and the Park officials feel that the remains have no scientific value that would justify retention.

Kuwanwisiwma said that because of the cooperative consultation process the remains have been listed as culturally unidentifiable, but the return of the remains would be administratively possible under NAGPRA if the NAGPRA Committee approves the return. The Hopi do not support any further study to help clarify affiliation and do not want the repatriation process to be slowed down.

Bailey said he had a problem with these remains being listed as culturally unidentifiable. He thought they could be affiliated and was concerned about the precedent that this case would set. Kuwanwisiwma said he didn't think there's enough provenience information to affiliate them with the Hopi.

Bailey asked about the role the Navajo were playing and Burns explained that they have chosen not to participate. Metcalf asked if once notification went out to all tribes, could they be sure that not other competing claims would come forward. Thompson said the Southern Pauite do not want to disagreement with other tribes over the remains. She thought that the groups wanted to come together to make a claim that they should be permitted do that.

Hart noted that this was the first meeting of the 2nd decade of NAGPRA, the 1st of the new century and the new millenium and thought the process should be commended. He wished that all scientists would say that there was no scientific value in retaining remains.

Burns said that an area of a canyon currently closed to the public due to its ecological and archaeological sensitivity was being offered as a reburial site for the remains.

Bradley recommended that the Committee approve the park's plan. Bailey again raised his concern about setting a precedent where the Hopi were denying affiliation with Virgin Anasazi

remains. Most Committee did not agree that this case would set a precedent, explaining that it was a particular set of remains. There was unanimous support for the plan by the Committee.

VIII. Pending Disputes

The Committee reviewed their list of pending disputes (attached). They discussed techniques for moving the dispute process forward. They agreed to appoint a sub-committee of Whorl, Bradley, and Bailey to work on the issue. The Committee agreed to hear the Fallon Paiute-Shoshone vs. BLM at the next NAGPRA hearing.

IX. Public Comment Period

Lyndon Desjarlais, Turtle Mountain Band of Chippewa Indians, read a statement by the tribe's archaeologist concerning the NAGPRA grant award process. The statement said that Turtle Mountain had not been able to access the NAGPRA process and wanted the NAGPRA Committee to explore a more equitable distribution of the grants. No North Dakota tribes have received funding and only two in South Dakota had. Turtle Mountain was refused because they didn't have letters of support from the museums whose collections we wished to visit, but the grant process does not require them. They have been denied funding for three years. The Committee and the NAGPRA office staff were clearly disturbed by these remarks.

Cleone Hawkinson, Friends of American's Past, stated that her group had been assisting the Kennewick case scientist's lawyers. She was concerned about the NAGPRA Committee involvement in developing the regulation language for culturally unidentified human remains. She reminded them that they must uphold the constitution and must distinguish religious beliefs from public commentary. She said that the NAGPRA committee was a secular committee that has permitted sacred evidence to be kept a secret. She didn't think they were permitted to use religious beliefs to make secular decisions. She didn't think they could set aside NAGPRA in favor of tribal coalitions. She criticized the Committee for not developing standards for evaluating evidence.

Martha Graham, Chair, SAA Repatriation Committee, applauded the NAGPRA Committee for their efforts.

Kuwanwisiwma, Hopi representative, asked the Committee to schedule time at their next meeting for a presentation by the Hopi on the Hopi contamination project. The Tribe has ordered a moratorium on all repatriations until the pesticide contamination issue is resolved. He wants congressional hearings. He said he didn't the NPS had done enough.

Karmen Christy?, Ukiah Pomo Indians, Mendocino County, recommended that if returns cannot be done, that museums should burn objects and remains and should consider the cultural practices of the traditional people.

Paulo Franco, Priest, from Santa Rosa Rancheria, a non-recognized tribe that had done a repatriation through a recognized tribe criticized Hawkinson's comments.

Fred Frampton, Humboldt Tiome Forest Service Area (Utah, Montana, Idaho) sent an apology from Frank Wozniak, Forest Service Rep. for not submitting a report on compliance. Their report had been delayed due to a very active fire season. He noted that in their entire area they had identified only 17 sets of remains. 8 sets of remains had been returned, 7 of which had been reburied on federal land and one had been returned to a lineal descent who chose to bury the remains in a cemetary. There were five remains from Nevada.

Claire Shallo, Salish-Kootenai of Montana stated that the State of Montana had just passed a law that extended NAGPRA to private land in Montana, in spite of extensive lobbying on the part of Friends of Americas Past.

Mandy Marine, archaeologist and Native American, made comments stating how upsetting the subject of repatriation was.

Mark Martinez, Regalo Pomo Rancheria, said he wasn't disturbed by Hawkinson's comments. He thought everyone had a right to their opinion.

June 2, 2001

X. Reburial on Federal Lands

Minthorn asked Robbins to prepare a list of federal agencies that allowed reburial on federal lands. He pointed out that Zion park and the Army Corp. were already doing it.

Carla Mattix explained that BLM will not allow reburial on their lands claiming a legal constraint. Whorl thought it would be useful for the Committee to get a copy of agencies' policies and laws. She explained that NAGPRA did not cover reburial. Each agency establishes its own policy. NPS does permit reburial if the remains originally came from within park boundaries. BLM is different. The have the largest land base and feels that because of a lack of security they cannot ensure reburials will not be vandalized. BIA, Bureau of Rec., and Fish and Wildlife have no policy, but do allow it on a case by case basis.

Hart suggested that they not dwell on BLM policy, but instead seek assistance for reburial from other federal agencies. Whorl thought it was within their authority to make a recommendation. Bradley agreed and asked for a copy of the BLM policy. Metcalf asked if NAGPRA grant money could be used to fund reburial site security, such as vaults. Mattix said as an on-going yearly cost, no, but one year initial funds are available. O'Shea asked about the policy precluding new cemeteries on federal land. He asked, if reburials are new cemeteries, what were they? Bailey said he knew that the Corp. moved cemeteries. Whorl recommended that the Committee send a recommendation to the Interior Secretary to develop guidelines for reburial on federal lands. Hart

recommended adding examples. He also said he doesn't want ecclesiastical groups to get away with not participating. The took large amounts on Indian land and they had an obligation to return land to the original owners during this past Jubilee year, but that has not happened.

XII. Report to Congress

They reviewed their report outline, but discovered that their report was way overdue. They decided to submit a three year report.

XIII. NAGPRA Implementation in Western U.S.

Paulette Hennum, California State Parks, made a presentation on their implementation progress. She said that they have been working with the California Heritage Commission. She said that tribes are very concerned about the pesticide issue and noted that they had received a NAGPRA grant to fund training for State Park museums on pesticides which will include Native participants. Whorl asked about reburial. Hennum said that reburial issues are worked out on a case by case basis for new burials. Old collections are reburied as closely as possible to the original site and on a case by case basis. Minthorn asked about the Heritage Commission. A CSP representive explained that it was established when the state repatriation legislation was paseed. They act as a clearing house for finding the closest descendants to newly discovered human remains. They did consult with non-recognized tribes and other interested parties. The state law did not distinguish between recognized and non-recognized tribes and applied to both public and private land. The stipulated that the remains must be reburied on the same land. O'Shea asked what kind of record took place to document reburials. The Representative explained they maintain a confidential database and a require a sacred site land form to be filled out. Bradley asked if the cooperated with the California SHPO. The Representative said no, only when the project was under the jurisdiction of state environmental laws.

XIV. Committee Business

The Committee discussed general committee business including the approval of previous meeting minutes. Bradley suggested that draft meeting minutes be placed on the web. O'Shea thought that there were problems with doing that and the rest of the Committee concurred. The

Committee reviewed the draft meeting protocol policy (attached). The protocol had a certification restriction that they decided to reverse and to use language that stated that priority in the public comment period would be given to federally recognized tribes. They were concerned about the time that some public commentators took. Mattix suggested that the protocol be reviewed by legal counsel. There was also a concern that Tribes used the public comment period to make "pre-dispute" speeches. Whorl thought that there should be restrictions placed on that. Robbins recommended a policy that stated that once a dispute notice had been sent to NPS that all comment on the subject would be considered a dispute and would have to be scheduled with

both parties.

Whorl also thought that they should develop a new policy on meeting site selection. Bradley said that site selection had been informal but they had tried to select areas of the country where they had yet to visit. Hart thought the Committee should return to Washington, DC for its next meeting so that they could hear from federal agencies.

Robbins requested that the Committee provide his office in advance with dates and locations for two meetings and would like that practice to be written into their meeting protocol policy. The Committee did decide to meet November 17,18, and 19, 2001 at Peabody Harvard. They also selected Tulsa in May 2002 and Washington, DC in November 2002, but did not set actual dates.

The Committee returned to discussing previous meeting minutes. Hart wanted to point out that the Committee needed to ensure that there be made time for proper closing ceremonies.

Whorl wanted someone to compare the AAM list of museums with list of museums who have completed their NAGPRA inventories.

The Committee reviewed their actions list.

June 3, 2001

XV. Pesticide Contamination of Ethnographic Objects.

Robbins reviewed the conferences that had recently been held on the subject. There is a draft of a publication developed by SPNCH resulting from their last contamination conference. He explained that the conference focused on training that need to be developed to educate tribal representatives and museum professionals about the nature and types of contamination, the difference between risk and hazard, and the theory of mitigation versus the practical applications. No future symposiums were planned. Three mitigation practices were proposed for further research including removal of chemicals, alteration of the chemicals to make them inert, and barrier methods.

Minthorn asked who should be responsible for cleaning the objects. He felt it was the museum's responsibility and wanted to ensure that the Committee kept this issue as a priority and keep it on the action list. Whorl asked Mattix if she thought it fell within their responsibilities. Mattix thought it might fall outside their responsibility. Whorl felt it did fall within their authority and wanted to seek funding for more research. Bradley pointed out that the Committee may have to acknowledge that some objects just cannot be cleaned and they would have realize the limitations of removal of the chemicals. O'Shea said he agree with Whorl, but thought the Committee, which didn't have the expertise to develop a mitigation plan, needed to act as an oversight committee. Hart felt that Indian people were facing the same issues that they had during the 1800s when they

had been deliberately given blankets contaminated with disease, although he did acknowledge that this time it wasn't deliberate.

Robbins explained that the Park Service had agreed to host a web site for the SPNCH conference and cover the costs of a publication. There was currently a draft publication that had been made available to the authors.

Lee Davis, San Francisco State University (formerly with NMAI), made a presentation on her involvement with the pesticide issue. The EPA had had a conference in December 2000 where guidelines were developed for California State Parks regarding the issue of pesticide contamination. Information is available through a San Francisco State web site. The major point that she wanted to make was that studies have shown that spot tests on objects only show positive/negative results for a single chemical. She reviewed some of the recommendations that had been developed at the conference. Safety guidelines should be posted in museums. She noted that the EPA currently has no guidelines for exposure in a museum setting, so they are currently using industrial guidelines. The conference roundtable participants suggested that EPA develop separate guidelines for museums. Epidemiological studies should be done on museum workers. Staff should be tested before and after being exposed to collections areas. Medical studies should be done on short-term and long-term exposure. Museum collections should be tested for contamination. Research needs to be undertaken on the possible techniques for the removal or reduction of chemical contaminants. She mentioned that the use of laser technology may hold some promise. The final recommendation was that information concerning the possible health risks and proper handling techniques should be made available to everyone who has access to museum collections.

David Hostler, Hoopa Valley Tribal Museum, discussed the recent repatriation of ethnographic objects to the Hoopa from the Peabody? Museum that were contaminated. They are trying to find ways to remove the contaminants from these objects, because the objects are spiritually alive and meant to be used. The tribe had hired a legal consultant and a chemist to assist them with this problem. The tribe had been reluctant to seek repatriation because of the contamination issue. They felt it was wrong to receive objects, only to store them, because they couldn't be used. They have had the objects present at dances, but no one was permitted to touch them. He thought the NAGPRA Committee will soon run into problems surrounding this issue.

Pete Palmer, environmental analysis chemist and Professor at San Francisco State University, gave a presentation on his analysis of the Hoopa material. He said it was crucial that good science be done and that spot tests are not a good way to do analysis. He took multiple destructive samples from all 17 Hoopa objects, which included objects with feathers and hides. He took samples and used two types of tests, atomic absorption and gas spectrometry. Out of the 28 samples he took, none tested positive for arsenic, but there were significant levels of mercury, napthalene, DDT, Chlordane, etc. He also did an analysis of the storage drawers at San Francisco State where he found widespread mercury, which was also present in the air of the lab. He took dermal tests and found arsenic and mercury. He thought some sampling could be non-

destructive, using swabs, but the basic body of knowledge needs to be increased. Sampling is expensive, but scientists need to follow good scientific practices.

O'Shea asked what variability was found on the multiple samples from each object. Palmer said he found great variability. Some samples from an object showed undetectable levels while others from the same object show substantial levels, that was why he was so concerned about people using single chemical swipe tests.

Bruce Stiny and Paulette Hennum, California State Parks, said that they had another scientist, Mike Noel, test the air quality in their storage facility and found no discernible levels of hazardous chemicals. He had tested for 20 organic pesticides and also tested for volatile compounds. They found no arsenic and the level of mercury was so low that it was lower than the outside levels. O'Shea suggested that they test the objects. But Stiny said they have their own priorities.

Hart suggested that tribes allow museums to continue to curate repatriatable objects, while allowing objects to come to ceremonies, then return to the museums. He thought tribes might also want to consider having replicas made. In the Cheyenne's case, they had had a copy made of a sacred object that had been captured and they believed the replica to be more powerful than an object that was able to be captured. Bradley, agreeing with Hart, reminded tribes that disposition decisions belong to the tribes and they shouldn't confuse legal repatriation control with actual disposition. O'Shea, speaking to the audience, wanted everyone to understand that the contamination issue is of greatest concern with ethnographic objects made of organic material, archaeological collections were rarely treated.

Discussion concerning this issue ended and the meeting adjourned after the Committee discussed possible meeting dates for future meetings.

Appendix G Oklahoma Repatriation Workshop Agenda and Notes, October 3-4, 2000

REPATRIATION WORKSHOP AND REPATRIATION REVIEW COMMITTEE MEETING

OCTOBER 3 AND 4, 2000

WESTERN HILLS GUEST RANCH, WAGONER, OK

Co-sponsored by the Smithsonian Institution's Repatriation Review Committee (RRC) and the Repatriation Offices at the National Museum of Natural History (NMNH) and the National Museum of the American Indian (NMAI)

Hosted by the Cherokee Nation of Oklahoma

AGENDA

Monday, October 2

3:00 pm

Check-in

Tuesday, October 3 - Sequoia Hall

8:30 am	Continental breakfast - Sponsored by the RRC
9:00 - 9:30	Welcome by Russell Thornton, RRC Chair, and Chad Smith, Principal Chief of the Cherokee Nation Opening Prayer RRC introductions and Smithsonian staff Tribal introductions
9:30 - 10:00	Overview of the RRC monitoring role Russell Thornton, RRC Chair
10:00 - 10:15	Break
10:15 - 10:45	Overview of the repatriation legislation Tom Killion, Program Manager, Repatriation Office, NMNH Repatriation Review Committee Members
10:45 - 11:45	Overview of repatriation policies and procedures at the NMNH Paula Molloy, Southeast Case Officer, Repatriation Office, NMNH Bill Billeck, Plains Case Officer, Repatriation Office, NMNH
11:45 - 12:30	Overview of repatriation at the NMAI Stephanic Makseyn-Kelley, Museum Specialist, Repatriation Office, NMAI
12:30 - 1:30 pm	Lunch - Sponsored by the Repatriation Review Committee
1:30 - 4:00	Presentations on repatriation issues and efforts Olin Williams/Terry Cole, Choctaw Nation of Oklahoma

Clara Seele (Cherokee), Grand Ronde Consultation Participant

Joe Big Medicine, Cheyenne-Arapaho Tribes

Joyce Bear/Tim Thompson, Muscogee Creek Nation Virgil Swift/Richard Drass, Wichita and Affiliated Tribes

4:00 - 5:00 Continued discussion

Public comment period

Question and answer period

5:00 Announcements by Russell Thornton and Gillian Flynn

Meeting adjourns with a closing prayer

6:00 Dinner and Dance-Hosted by the Cherokee Nation of Oklahoma at Tsa-La-Gi

(Cherokee National Historical Society), Tahlequah, Oklahoma

Wednesday, October 4 - Sequoia Hall

8:30 am Continental Breakfast - Sponsored by the RRC

9:00 Continued discussions of repatriation issues and concerns

10:00 Individual consultations with Repatriation Offices staff - available by appointment

(optional)

Individual consultations with Repatriation Review Committee members - by appointment

(optional)

11:00 Tribal group meetings (optional)

concurrently

11:00-12:00pm Repatriation Review Committee Meeting - In-Camera Session - Council Room

12:00 Boxed Lunch - Sponsored by the RRC

1:00 pm Travel Tours Bus departs for Spiro Mound tour (optional)

2:00 Arrive at Spiro

5:00 Return to Western Hills

6:00 Dinner on your own

Thursday, October 5

12:00 pm Check out

Oklahoma Repatriation Workshop Notes October 3, 2000 Western Hills Guest Ranch - Sequoia Hall Wagoner, Oklahoma Compiled by Gillian Flynn Prepared by Katherine Ramey

(These notes are personal observations and are not to be taken as the official minutes from the meeting. Also, some of the names may be spelled phonetically).

Repatriation Review Committee (RRC) Participants:

Roger Anyon, Richard Dalton, Sr., Lynne Goldstein, Andrea Hunter (Vice-chair), Ronald Little Owl, Russell Thornton (Chair)

Christy Turner II did not attend.

National Museum of Natural History (NMNH) Participants:

Bill Billeck, Case Officer, Repatriation Office (RO), NMNH
Gillian Flynn, RRC Coordinator, NMNH
Tom Killion, Program Manager, Repatriation Office, NMNH
Paula Molloy, Case Officer, Repatriation Office, NMNH
Dan Rogers, Acting Chair, Department of Anthropology, NMNH

National Museum of the American Indian (NMAI) Participant:

Stephanie Makseyn-Kelley, Repatriation Office, NMAI

Oklahoma Tribal Participants:

Richard Allen, Tribal Representative, Cherokee Nation Jimmy Arterberry, Historic Preservation Officer, Comanche Tribe Joyce Bear, Historic Preservation Officer, Muscogee Creek Nation Bill Burgess, Tribal Council Member, Otoe-Missouria Tribe Deky Burgess, Tribal Member, Otoe-Missouria Tribe Terry Cole, Director of Cultural Resources, Choctaw Nation Alan Cook, Tribal Representative, Alabama-Quassarte Tribe George Daingkau, Tribal Representative, Kiowa Tribe Rhonda Dixon, Tribal Historic Preservation Officer, Ottawa Tribe Crystal Douglas, Tribal Archeologist, Kaw Nation Richard Drass, Tribal Archeologist, Wichita and Affiliated Tribes Allen Harjo, Tribal Administrator, Thlopthlocco Tribe Roger Kihega, Tribal Council Member, Otoe-Missouria Tribe Merton Moore, Tribal Representative, Pawnee Tribe Francis Morris, Tribal Representative, Pawnee Tribe Luther Pepper, Tribal Elder, Kaw Nation

Victor Roubidoux, Tribal Representative, Iowa Tribe
Clara Seele, Enrolled Member, Cherokee Nation
Chad Smith, Principal Chief, Cherokee Nation
Virgil Swift, Tribal Representative, Wichita and Affiliated Tribes
Jennie Terrapin, History Coordinator, Cherokee Nation
Tim Thompson, Cultural Specialist, Muscogee Creek Nation
Ted Underwood, Tribal Representative, Seminole Nation
Everret Waller, Tribal Council Member, Osage Tribe
Anthony P. Whitehorn, Tribal Representative, Osage Tribe
Olin Williams, Tribal Historic Preservation Officer, Choctaw Nation
Cindy Yahola, Tribal Representative, Thlopthlocco Tribe

Other Oklahoma Participants:

Dennis Peterson, Site Manager, Spiro Mounds Archeological Park Joe Watkins, Archeologist, Bureau of Indian Affairs (BIA)

Tuesday, October 3, 2000 - 9:00am

Russell Thornton opened the meeting and turned it over to Chad Smith who welcomed the guests and participants and discussed repatriation. Jennie Terrapin then gave the opening prayer. Russell resumed and introduced the RRC members. Introductions by tribal participants and staff followed. Russell then gave an overview of the RRC's role in monitoring repatriation at the Smithsonian Institution (SI) and he also discussed the repatriation legislation.

Tom Killion also gave an overview of the repatriation legislation and the history of repatriation. He discussed the reasons behind why there are two laws, NAGPRA and the NMAI Act, and why the Smithsonian was exempt from NAGPRA. He discussed both the establishment of the NMAI and its compliance with repatriation legislation. Tom also explained the RRC's role in developing the repatriation process at the NMNH. He gave an overview of the categories of items that are subject to repatriation. He then informed the participants about the organizational structure of repatriation at the SI, explaining that the NMAI's RO was monitored by both the RRC and the NMAI's Board, while the NMNH's RO was solely monitored by the RRC. Tom then gave statistical information regarding the number of returns, human remains still held by the NMNH, and consultations conducted. He further noted that all requests have resulted in returns.

Paula Molloy discussed the NMNH's reporting process, noting that ethnographic summaries were categorized by tribe while archeological and physical inventories were categorized by geographic area. She then informed the participants about the consultation process and how to arrange a visit to the NMNH's RO. She assured the tribal representatives that all collections can be viewed, photographed, and receive offerings. Paula concluded her presentation by discussing the repatriation request process.

Bill Billeck then reviewed the documentation and report generation procedures. In the Plains

area, there are twenty-two requests, twenty-five repatriations in progress, and three completed returns. Bill noted that he was currently working on requests from the Arikara and Wichita, but mentioned that the Spiro collections would be documented separately. Bill then discussed the history of the collections, noting those initially belonging to the Army Medical Museum.

Stephanie Makseyn-Kelley began her presentation by noting that the NMAI and the NMNH were unique institutions and she reviewed the history of the NMAI. She then gave some statistical information stating that the NMAI had four-hundred and fifty sets of human remains, of which three hundred were skeletal, one hundred were scalps, and fifty were incorporated into other objects. Stephanie noted that the early returns conducted at the NMAI were not well documented. These returns covered two-thousand human remains and funerary objects and eight hundred cultural object catalog numbers. Stephanie discussed the development of the Heye collection. She mentioned how the documentation records are incomplete and the staff members. therefore, rely on the consultation process to complement the existing records. She stated that the museum has a commitment to complete all returns by 2003. Sacred objects in the collections remain solely in control of the tribes, although they are held by the museum. She noted that the museum had distributed its inventories and human remains would not be transported from New York to Washington, DC. Stephanie discussed additional categories that the NMAI has recognized such as traditional patterns of ownership and spiritual evidence. She also gave an example of spiritual evidence. She then discussed pesticide testing that the NMAI has been conducting on its objects. Stephanie concluded her presentation by discussing the traditional care program at the NMAI, which views cultural objects as living things.

Joe Watkins of the BIA asked Dan Rogers if the SI had any policies on inadvertent discoveries for the projects that it conducts.

Dan Rogers replied that all of the SI's projects would fall under the NAGPRA regulations on inadvertent discoveries.

Regarding the pesticide issue, Roger Anyon discussed the Hopi case where the tribal council issued a moratorium on the repatriation of masks that have harmful levels of pesticides. He related that the tribe is recalling masks that had been returned to the villages to avoid health problems. Roger said that the tribal council is continuing to search for solutions.

Paula said that the NMNH is dealing with pesticide contamination on a case by case basis. She gave some examples of organic materials, such as feathers, leather, and wood that might be contaminated. The museum is providing information on pesticide treatment that it gathers. It is concerned about testing, however, because negative results do not necessarily mean that the object is not contaminated. Paula also noted that there may be cases where objects were treated with chemicals that were not covered in the test. She further stated that human remains at the NMNH had not been chemically treated, rather it was limited to ethnographic objects.

Terry Cole of the Choctaw Nation shared his tribe's experience of a repatriation from the NMAI.

He thought that it progressed swiftly and went well. It included eight sets of remains. However, the crates in which the remains were packed would not fit through the doors at the host hotel. The representatives had to uncrate the remains to transport them into the hotel. The tribe covered the burial site with concrete and did not post any grave markers so that it would remain anonymous. The tribe also declined media coverage.

Joyce Bear discussed some reburial experiences of the Muscogee Creek Nation. The tribe currently resides in Oklahoma, but its aboriginal territories cover Alabama and Georgia. It has been the tribe's policy to rebury remains in their homeland, but because of displacement this has been difficult. She discussed the Etowah mound case and consultations that have taken place. The tribe has expressed its wishes to rebury the remains at the original sites. However, since Etowah mound is a state park, consultation must first take place with the park staff. Joyce gave an example where Fort Benning offered a cemetery site for reburial of remains from that area. Joyce also noted that the Otnogee Park supervisor has been open to ideas of a reburial site for remains from that park.

Clara Seele discussed her participation as a spiritual leader in Grande Ronde repatriations. She related her account of a repatriation in which her nephew, Louis LaChance, asked her to assist. Clara said that she helped prepare one-hundred fifty remains. According to Clara, the remains requested that their heads be washed with cedar water, that they be placed in boxes without nails, and that they all be buried together. She then discussed her participation in the NMNH's consultation with the Grand Ronde, noting that the meeting went well.

Russell commented on the difficulties in discussing sacred information.

Virgil Swift of the Wichita and Affiliated Tribes raised issues of spiritual and cultural education of academics in repatriation. He asked about the quantity of spiritual information that the RRC possessed in order to facilitate dispute resolution. He questioned the level of knowledge that academics, including the museum staff, had about Native cultural practices. Virgil further questioned the level of knowledge that other tribes have about the Wichita Tribe. He postulated that spiritual leaders take for granted the knowledge level that other tribes have about their culture. Virgil commented that the various bands of Wichita are not even knowledgeable about other bands' ceremonies. Because of these concerns, he questioned who can be trusted in the consultation process. Virgil said that it is his job to consult on behalf of the Wichita and even though he may make statements with which others do not agree, it is his duty to conduct research on behalf of the tribe. Virgil believed that tribes should do their own repatriation research. This may make him unpopular with repatriation office staff, but he has to assure his elders that only Wichita people are returned to his tribe. The elders do not want people from other or enemy tribes to be buried with their people. Virgil concluded his comments by noting that the one custom that binds all Native people is that they feed their dead.

Ron Little Owl followed up Virgil's comments by stating that he denounces using DNA analysis for cultural identification purposes. He noted that he can use spiritual methods to affiliate remains

and, therefore, DNA analysis is unnecessary. He believed that scientists have been promoting DNA analysis to investigate their theories that Native Americans originated in Asia. Ron thought that all unaffiliated remains should be removed from museums and reburied.

Virgil agreed with Ron's comments and discussed the Wichita's reasons for permitting DNA analysis.

Ron discussed an example where multiple tribes were in disagreement about to whom to repatriate a rib bone. The Cheyenne wanted the scientists to use their methods to affiliate the bone. Ron, however, was allowed to use spiritual methods to affiliate the bone with the Crow.

A representative from the Pawnee said that his tribe supported craniometric analysis, but not DNA testing. He also believed that if the remains are Native then it does not matter who buries them.

Virgil discussed how the Wichita have authorized the Pawnee and Caddo Tribes to handle remains from certain geographic areas.

Luther Pepper from the Kaw Tribe discussed the Steed-Kisker repatriation. He commented that some tribes did not want to participate and their wishes were respected. Luther further discussed how the Steed-Kisker remains were reburied on federal land at Smith Lake. They were covered with cement to discourage further tampering. Luther closed his comments by stating that Jim Pepper Henry, former Kaw tribal representative, was very knowledgeable in repatriation. Luther said that his hiring by the NMAI may be the tribe's loss, but it is the SI's gain.

Virgil discussed the use of archeological evidence in supporting tribal claims of affiliation.

Next to take the floor was Alan Cook, Muscogee Creek by birth, but working for the Alabama-Quassarte. He discussed how tribes should take the lead in the repatriation process. He stated that Native American interests should drive the consultation and repatriation process, rather than agencies and museums. Alan further said that committees should not exist for dispute resolution, rather it should be the responsibility of the tribes to resolve disputes. He was disappointed that there has not been more progress in repatriation and believed that dialogue among tribes is not as broad as it should be. He closed by reinforcing that Native Americans rather than agencies should drive the process of determining cultural affiliation.

Richard Allen of the Cherokee Nation discussed the Etowah consultation and the resulting intertribal agreement. He noted that the case has not resulted in a dispute. He said that a plan has developed to rebury the remains as close as possible to the site from where they were removed. Richard then remarked on the federal recognition of the Eastern Band of Cherokee and the Keetoowah, noting that there are no other Cherokee groups to be recognized. Finally, Richard said that the Cherokee do not use sage and sweet grass for purification purposes.

Ted Underwood of the Seminole Nation discussed the tribe's desire to work on repatriation initiatives with coalitions of Native people. He further discussed how all Native people are related and how the Seminole are willing to allow other tribes to accept remains on their behalf as long as the tribes are working in everyone's best interest. He closed his comments by noting that the Peabody museum believes that the Caloosa do not have any present day descendants, however, the Seminole believe that the Caloosa merged with them.

Allen Harjo, representative of the Thlopthlocco, discussed the history of his traditional tribal government. He then asked some questions to clear up issues of confusion. He asked about the difference between the NMNH and the NMAI, the right of possession, dispute resolution, public announcement, the NMAI's current collection practices, and the first right of refusal.

Paula Molloy reviewed the right of possession issue.

Allen expressed additional concerns about the RRC being appointed by the SI to resolve disputes.

Russell explained the nomination process for RRC members.

Lynne noted that the RRC does not get involved in disputes that are between tribes, rather the Committee allows the tribes to work those out. She further commented that the RRC concentrates on monitoring the SI's repatriation progress and process.

Regarding Allen's public announcement question, Bill Billeck answered that the RO would ask the tribe where the notification should be placed. He noted that an announcement was also placed in *Indian Country Today*.

Stephanie replied to Allen's questions about the NMAI's collection policy and the first right of refusal. She said that all new accessions must fall within the allowances of NAGPRA. She added that the NMAI is still collecting and is usually offered contemporary Native art. If the museum is offered a possibly unethical item, it refers to its policies. Regarding first right of refusal, Stephanie used the example of a shirt adorned with war trophies of scalp hoops or hair. The shirt would first be offered to the tribe from where the scalp or hair had been taken.

Following up, Luther Pepper commented about the difficulties encountered in evaluating the war shirt. He thought it could be viewed as an honor shirt or a scalp shirt.

The conference adjourned for the day.

Wednesday, October 4, 2000 - 9:00am

Russell resumed the conference and Richard Dalton gave the opening prayer.

Joe Watkins opened discussion by inquiring about when the next set of RRC members would be

appointed and if the terms were staggered.

Russell explained that five of the RRC members had been recently reappointed for five years. The two remaining members would be eligible for reappointment in two years. He then reviewed the nomination process.

Regarding the inventory mailing, Richard Allen commented that the reports listed a lot of human remains and artifacts from Cherokee territory. He asked if there was any research being done on the artifacts.

Dan replied that there was not a specific study on Cherokee territory presently ongoing.

Richard thought that the academic interest in human remains studies would validate such research.

Lynne Goldstein commented that there were researchers conducting human remains studies at other academic centers.

Richard thought that these studies would be more useful than conducting archeological digs.

Joe Watkins suggested that tribes train some of their younger members to conduct this type of research and report findings to the tribe. He thought that tribes in Oklahoma have a great opportunity to do that and then archeologists would not have to excavate any more human remains.

Richard Allen agreed but thought that the SI already had enough information to clarify human remains studies. He also thought that research on the SI's collections would help people overcome perceptions that Native Americans were savages.

Tom Killion recommended sponsoring Native interns to conduct this research.

George Daingkau of the Kiowa Tribe asked about the RRC's jurisdiction and the type of authority that it had during dispute resolution.

Russell explained that the RRC was separate from NAGPRA's review committee. He added that the RRC members were appointed by the Secretary of the SI. The RRC can only make recommendations and is, therefore, advisory. The Secretary and the Board of Regents are the final authority. As a practical matter, Russell pointed out that the RRC's recommendation would weigh heavily in the Secretary's decision.

Lynne thought that the RRC had more influence than the NAGPRA review committee.

Virgil Swift asked how many Native people were on the SI's board.

Russell replied that he did not know of any Native people on the SI's board. Regarding the NMAI's board, Russell thought that the majority of its members were of Native descent. He did note, however, that these members were not nominated by Native American tribes and communities and also were not required to be traditional religious leaders.

Richard Dalton discussed the importance of being properly educated and informed when discussing culture. He related a story of a medicine man who cared for the sick. Richard also discussed a situation where medicine men hid artifacts in caves and how archeologists became very frustrated by this. Richard continued, saying that artifacts are precious to Native people and that this should be respected. He thought that some people treated this important matter too lightly. Richard stressed that Indian people must work together. He thought it was important to meet with white men, but when dealing with culture, Indian people should work together. Richard informed the audience that he spoke these comments as a member of the Tlingit community rather than as an RRC member.

Luther Pepper discussed an example, using the Stomp Dance, of how certain objects may be sacred to some tribes but not to others.

The conference adjourned.

The Smithsonian Institution's Native American Repatriation Review Committee Report for the 2002 Federal Fiscal Year (October 1, 2001 to September 30, 2002)

The 2002 fiscal year saw some changes to the Smithsonian Institution's Native American Repatriation Review Committee (RRC). This report outlines and discusses these changes. It also provides updates on mandated activities and Committee-approved efforts of the Repatriation Review Committee during the past year and delineates particular concerns of the Committee.

The RRC continued to conduct its mandated monitoring and review of repatriation at the Smithsonian Institution. Throughout the year the RRC monitored and reviewed the operations of the Repatriation Office (RO) at the National Museum of Natural History (NMNH), and responded to a variety of reports the RO. We continued to address issues about repatriation activities at the NMNH and the NMAI.

A variety of other Committee activities occurred. These activities were congruent with the Committee's stated policy to engage with Native American groups and communities.

Committee members attended meetings of the Native American Graves Protection and Repatriation Act (NAGPRA) Committee.

We have both continuing and new concerns that require consideration during the 2003 fiscal year, particularly regarding budget priorities, and the functioning of the RO at the NMNH.

Monitoring and Reviewing Activities

Our Congressional mandate, in part, states that the Committee will monitor and review the inventory, identification, and return of Native American human remains and associated Native American funerary objects in possession of the Smithsonian Institution. This was

expanded by the 1996 NMAI Act amendment to include objects of cultural patrimony, sacred objects, and unassociated funerary objects at the Smithsonian. In keeping with this mandate, the Committee continued to monitor and review the repatriation activities of the Smithsonian Institution during the year.

We had two meetings -- November 29, 2001, and May 6, 2002 B to address this mandate.

Our first meeting during the fiscal year was held in Washington, DC, on November 29, 2001 (see attached minutes in Appendix A). Committee members in attendance were Roger Anyon, Richard Dalton, Lynne Goldstein, Ronald Little Owl, and Andrea Hunter. William Billeck, Gillian Flynn, Lauryn Grant, Candace Greene, Eric Hollinger, Dorothy Lippert, Dennis O'Connor, Steve Ousley, Dan Rogers, Ruth Selig, and Gayle Yiotis also attended the meeting.

In addition to being provided with an update of the progress of the RO, other topics discussed included Russell Thornton's resignation from the Repatriation Review Committee, the reduction of the Review Committee budget, and the implementation of term limits for the Committee.

The second meeting of the Committee was on May 6, 2002, in Washington, DC (see Appendix B for minutes). In addition to Committee members and Gillian Flynn, Bill Billeck, Bruce Bernstein, Candace Greene, Eric Hollinger, Dorothy Lippert, Dennis O'Connor, Steve Ousley, Ruth Selig, and Gayle Yiotis also attended the meeting.

In addition to being provided with an update of the progress of the RO and the repatriation program at the NMAI, other topics discussed included an update on the Winter Count and National Anthropological Archives projects. Discussion of the implementation of term limits for the Committee continued.

Reports Considered

Besides the RO's Annual Report, the Repatriation Review Committee formally considered NMNH reports during the year, including human remains and associated funerary objects potentially affiliated with Salinas Pueblo (see Appendix C), Human Remains and Funerary Objects from Kauwerak, Akavingayak, Port Clarence and Barrow, Alaska.

Grants Programs

Two grant programs were established by the Repatriation Review Committee to assist

Native American groups in their repatriation activities, the Repatriation Grant Program and the

Consultation Grant Program. This year there were four large groups of Native American

repatriation representatives who participated in the program. Groups assisted by the Grant

Program included San Carlos, White Mountain, Yavapai, and Tonto Apache Tribes, the

Comanche Tribe, the Gros Ventre Nation, and representatives from the Native Village of Hooper

Bay, AK.

Additional Projects

The Repatriation Review Committee supported one special project during the 2002 fiscal year: the National Anthropological Archives brochure project, which is scheduled to be completed in the next fiscal year.

Concerns

The Repatriation Review Committee is concerned about the length of time it has taken to complete the appointment of new members to the Committee as a result of the recently

implemented term staggering policy. It is taking almost a year to complete the process. The administration may want to consider lengthening the amount of time between term rotations to reduce the amount of disruption to Repatriation Review Committee business. The Review Committee also remains concerned about the on-going reductions to the RO and the Review Committee budgets. These budget reductions may soon begin to affect the efficiency of the repatriation process, potentially damaging the Smithsonian's relationships with the Native American community.

Conclusions

The 2002 fiscal year was, once again, an active one for the Repatriation Review

Committee. We are satisfied that we responded appropriately to the challenges offered and we continued to bring issues of concern to appropriate offices at the Smithsonian as the Committee sought to fulfill its legal mandate. The Committee looks forward to the 2003 fiscal year as one of further challenges and accomplishments.

Appendix A

Minutes of the November 29, 2001 RRC Meeting

Appendix B

Minutes of the May 6, 2002 RRC Meeting

Appendix C

Reports Reviewed by the RRC

Appendix D

Travel Grant Awards

Appendix A

Minutes of the November 29, 2001 RRC Meeting

Repatriation Review Committee (RRC) meeting (summary) November 29-30, 2001 National Museum of Natural History (NMNH) Prepared by Gillian Flynn, 3/24/2003

Repatriation Review Committee (RRC) Participants:

Roger Anyon, Richard Dalton, Sr., Lynne Goldstein, Andrea Hunter (Vice-chair), Christy Turner

Ronald Little Owl was absent

Smithsonian Staff Participants:

Bill Billeck, Program Manager, Repatriation Office, NMNH
Gillian Flynn, Repatriation Review Committee Coordinator, NMNH
Lauryn Grant, Assistant General Counsel, Smithsonian Institution (SI)
Candace Greene, Museum Specialist, Department of Anthropology, NMNH
Eric Hollinger, Case Officer, Repatriation Office, NMNH
Dorothy Lippert, Case Officer, Repatriation Office, NMNH
Dennis O'Connor, Undersecretary for Research and Science, SI
Steve Ousley, Case Officer, Repatriation Office, NMNH
Dan Rogers, Chair, Department of Anthropology, NMNH
Ruth Selig, Special Assistant for Strategic Initiatives, NMNH
Gayle Yiotis, Museum Specialist, National Anthropological Archives, NMNH

November 29, 2001-9:30

Andrea Hunter, appointed as acting RRC Chair upon the resignation of Russell Thornton, opened the meeting. She noted that Ron Little Owl was absent from the meeting and that, although Russell's position on the RRC was vacant, they still had a quorum according to their bylaws.

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Gillian reviewed the budget handout. There was extensive discussion about recommended changes to the Review Committee's budget.

10:30-Bill Billeck and Dan Rogers attended the next session in order to provide the committee with an assessment of the future of repatriation at the NMNH.

Bill explained that the office had started with four archaeologist and was now down to two. There was originally one ethnologist. Currently, there were none. The computer person had also been replaced. The current plan was to add one archaeologist and one ethnologist as term positions, one museum specialist who would work on databases and the web site, and to renew one specialist. Up until recently, people could not use the tracking system to do anything but track cases. Now that it was possible to do word searches, they needed someone to add data from the case files into the tracking system. The office currently has three museum specialists, two permanent staff, and one term position which he would like to renew. They would like to

add one more technician/specialist.

Andrea referred to the ten year budget projection report that Tom had distributed to the committee some time ago.

Ruth suggested that Bill prepare an organizational chart for the Repatriation Office. The Review Committee thought that would be useful.

Christy asked how many more cases there were. Bill said there were currently 25-30 active claims, but there was the potential for hundred's more. When the process is working properly it usually takes about one year to complete a case, not including the actual repatriation, which is often dependent upon complex decisions that have to be made by the tribe causing protracted deliberations.

Christy pointed out that there were was still quite a few years of work left to be done and that the repatriation Office definitely needed more staff. Ruth was surprised that there were still so many active cases. She'd had the impression that the work was slowing down. Bill handed out a status report that gave an overview of the current case load. Christy said he supported the proposed plan to use the RRC surplus monies to hire new staff to get repatriation work done.

Lynne said she had another question about a subject that could potentially change all these plans. She asked if the museum was going to search for a new director. Ruth said the plan was unclear and that everyone was waiting to see what the blue ribbon panel recommended. If they do recommend undertaking a search for a new director, it could be two years before someone is brought on board. She noted that the committee had always had a strong relationship with the director rather than the undersecretary. Discussion continued concerning the blue ribbon panel and the possible outcome of their findings. Dan thought that regardless of what the outcome of the study was, it was important for the RRC to maintain a strong relationship with the museum director. Ruth thought the committee could ask O'Connor about these issues. Dan thought if the committee wanted to have a stronger relationship with the undersecretary, they could. He thought the undersecretary was committed to the repatriation process.

Discussion returned to the Repatriation Office progress report given by Bill Billeck. He reviewed the handout he had presented to the committee. He said Dorothy was responsible for most of Alaska and the southeast. Eric was responsible for California, the Northeast, the Midwest, the Southwest, and the great basin. Bill was still responsible for the Plains and the Northwest with Steve's assistance for the Partee Site case. Bill listed in his report the new claims and the cases on which they were currently working. He said that next year he expected three Alaskan case reports (Barrow, St. Michael, and Teller), two reports for California (one completed-Owens Valley), Plains (Arikara in preparation, Sitting Bull-waiting for information from claimant), three reports for the Midwest (Fort Brady Chippewa-under curatorial review, Winnebago-under revision, Menominee-begun), one Southwest report (Salinas Pueblo human remains-under revision), two Northwest reports(Partee-Steve Ousley is working on, Southeast Washington-under internal review), and there are no reports for the Southeast. Dorothy would speak about the Etowah Mound case and the potential claimants when she met with the

committee. There are also six claims from non-federally recognized tribes, including one from Canada. He sees a need to develop a new policy on how to handle claims from non-recognized tribes. The report lists seventeen cases where an offer of repatriation has been made, all the consultations completed this year, and other work that needed to be done (new hires, buffalo skull rehousing, tracking system upgrade, human remains/object data base upgrade, identification of non-Smithsonian human remains, digital image dissemination). There are 25-30 claims from federally recognized groups. Several reports are very close to being completed. He didn't expect any of the Southeast reports to be completed because they were such large claims.

Christy asked how long it took for an actual repatriation to be completed. Bill said it usually took a few weeks to arrange, including arranging visitor travel, final inventory, and tribes completing their arrangements for packing and transportation of remains. Then the representatives usually come to the NMNH for at least a day, sometimes longer, to prepare the remains. Lengthy delays can occur because the tribes have not completed their deliberations on how the repatriation should be handled. Bill said that the Repatriation Office's preparation for the actual return usually takes a week, because these visits often include trips to the collections and other consultation meetings. The process also required a lot of paperwork to be processed. Christy asked who was involved in the planning. Dan said it involved the case officers and museum specialists, Gillian (both to arrange the visits, and to handle the deaccessioning process), and people in collections management. He also reminded the committee that the cases listed as having collections offered for return are all awaiting decisions by tribal representatives regarding the disposition of the collections. Bill also said that repatriation events are the office's first priority and other activities will be put on hold in order to schedule a return.

Bill said that the Repatriation Office had not had a repatriation this year, although they had almost been able to complete the Gros Ventre return twice, except that the tribe asked for a delay. He expected the Gros Ventre return to go forward any time soon. The Owen's Valley case may also proceed to completion. Christy asked if the Repatriation Office regularly asked tribes if they were ready for repatriation. Bill said that in all the cases on the list the tribes were aware that the collections were ready for repatriation.

Ruth suggested that Bill share his report with Lauryn Grant and Dennis O'Connor to show them how much work still needs to be done. She said she was concerned Lauryn thought the amount of work that needed to be done was slowing down.

Lynne said she had been concerned for some time that other potential claimants only find out about a claim late in the process when the report has been completed and this can cause people to become upset. She mentioned the Winnebago case. She thought the Ho-Chunk would be very upset when they see the Winnebago case report. She thought other potential claimants should be notified much earlier in the process. Lynne suggested asking the claimant who else should be notified about their claim. Bill said that was the situation with the Sitting Bull hair lock and leggings claim. When the claimant put in the claim, Bill asked him who else might have an interest in the remains because he thought those potential claimants should be informed

early on. The claimant agreed but asked if he could contact the other family members because he thought it would be better coming from him. Bill had agreed to that, but was still waiting to hear back from the claimant a year later and he wondered how long he should wait before proceeding. All the Sioux tribes had received a letter some time ago informing them of the discovery of the objects, but it wasn't clear if all the Sitting Bull descendants had been informed by their tribes. Bill was trying to get a list of all the people who claim descent from Sitting Bull so that they can be informed of the claim. He agreed that he wanted to alert people early on so that this claim doesn't cause friction among the claimants.

1:45-Bill Billeck, Dorothy Lippert, Eric Hollinger, and Steve Ousley attended the next session to present the committee with a detailed update on Repatriation Office activities. Bill introduced Dorothy Lippert, from the Houston Museum of Natural Science and Eric Hollinger from the Peabody Museum at Harvard to the committee and the committee introduced themselves to the new case officers. Bill reviewed the geographic breakdown of case assignments. Dorothy is responsible for most of Alaska and the Southeast. Eric is responsible for California, the Northeast, the Midwest, the Southwest, and the great basin. Bill is still responsible for the Plains and the Northwest. Steve is responsible for the Northwest Partee Site case.

Richard said he hoped the Repatriation Office would continue to do exciting things, especially with regards to funerary objects.

Dorothy updated the committee on her cases in Alaska. She was working on a claim from the Native Village of Teller for 55 catalog numbers of human remains. Vera Metcalf, of the Bering Straits Foundation was assisting with this case. It was the case closest to completion. Another claim was from the Native Village of St. Michael and included 50 catalog numbers of human remains and an unknown number of funerary objects. St. Michael was considering drafting a memorandum of understanding to leave the funerary objects at the NMNH. The Aleutian Pribiloff Island Association claim encompassed 800 catalog numbers of human remains, including mummies, and an unknown number of funerary objects. They had requested that the museum stop documenting the human remains. She has spoken with Alison Young, their archaeologist, and recently went to Alaska to meet some of the elders and make a presentation on the need to undertake documentation. They had very productive discussions but the issue has not been resolved. She was finishing up the Doyon regional case report. The claim was made by Tenacanaga, Inc. Bob Maguire is their contact person and has requested new copies of the inventories and summaries. She is researching the claim recently submitted by the Native Village of Kasaan, a Haida village. The Native Village of Shismareff made a claim for 50 catalog numbers of human remains and an unknown number of funerary objects. All six of these cases will require the completion of a case report.

Other Alaskan cases included Anaktuvuuk Pass and the Native Village of Mekoryuk, Nunivak Island. Some remains from the earlier Anaktuvuuk Pass report could not be affiliated and a member of the community has requested that DNA testing be used to help affiliate one set of the remains. She is not the official representative of the community so consultation is ongoing. The Nunivak case included funerary objects for which there is a draft memorandum of understanding (MOU) allowing the objects to remain at the NMNH, but there is no report on the

funerary objects.

Dorothy also updated the committee on her cases in the Southeast. The Caddo Tribe has submitted a claim for all categories of objects including objects illegally acquired. She expected this case to encompass a large collection. The Tunica-Biloxi submitted a claim in 1992 for human remains and all categories of objects including religious objects. This case was originally split into three parts, with part one being a claim for objects that was completed earlier. The present case includes parts two and three. These two cases will require case reports.

There have been ongoing consultations regarding the Etowah mound human remains and funerary objects with the Alabama-Quarsarte, the Muskogee Creek Nation, the Cherokee Nation, Eastern Band of Cherokee, the United Keetowah Band, the Creek tribal towns, and the Poarch Band Creek. There was a consultation with all the tribes at the Alabama-Quarsarte tribal headquarters which resulted in a claim being filed by the Alabama-Quarsarte. At the time the claim letter was written, the person who wrote the letter was no longer the representative of the Tribe. Consultations are still ongoing. The United Indians of Virginia, a state-recognized coalition of eight tribes, have made a claim for Virginian remains, but they are not working with a recognized tribe. The Monacan, which were originally part of that request, asked that their claim be considered separately.

Richard asked about the Killer Whale Hat and the Frog Hat claims. Bill said that those two cases had not yet been assigned to a case officer, but he would get Richard copies of the letters. Richard talked about how important cultural heritage was to the people of southeast Alaska and said he didn't know anyone in Angoon who knew anything about Frog Hats.

Ruth asked if the St. Michael remains were connected with Nelson's tour of duty there, from 1877-1882. Dorothy said the excavation of the remains was dated to the 1870s but she wasn't sure if Nelson had anything to do with them. Ruth said she mentioned it because there's a Nelson diary project going on in the Anthropology Department. She's working on it with Bill Fitzugh and Aron Crowell and they would be interested in any information she had about Nelson.

Lynne asked Dorothy to clarify why case reports weren't needed for Anaktuvuuk Pass and Nunivak Island. Dorothy explained it was because case reports already existed and any new work that might be done would be done as addendums to those reports.

Andrea asked if she had prioritized the cases. Dorothy said Teller and St. Michael had the highest priority. Bill explained that they were not always doing cases in the order in which the claims came in. He also said that the case officers did not systematically contact claimants when cases are long-standing. Dorothy said she had contacted everyone in Alaska when she came on board, introducing herself and updating them on their cases, as Karen Mudar, before her, had done.

Eric Hollinger gave an update on his six active cases that will require case reports. There was an additional case, concerning a Hoopa ethnographic object, which would be assigned to the new

ethnology case officer but was currently on his list. The Winnebago of Nebraska had made a request for the return of human remains. This case includes seven sets of remains and no funerary objects. The report is currently under revision. It is his highest priority as it is one of the oldest cases on file dating from 1989. This case was originally to be encompassed under a larger case, but was broken out to be dealt with separately. Lynne reiterated that she was concerned that the Ho-Chunk had not been contacted sooner. The Menominee claimed remains from their land claims commission territories and the case included ten catalog numbers of human remains and an unknown number of funerary objects. The human remains' documentation has been completed. The prehistoric Pt. Barrow case included 79 individuals and an unknown number of funerary objects. A report has been completed on the historic human remains and funerary objects, but the prehistoric remains have not been documented. Pt. Barrow decided to postpone the return of the historic remains until all the remains had been documented. He expected to have the report completed this summer and the community hopes to have a repatriation this summer. He was working on an addendum to the historic report because there were discrepancies in the numbers of remains listed in the text compared to what was listed in the tables. The report text lists 125 individuals in 100 catalog numbers, but there are actually 135 individuals in 108 catalog numbers. One set of remains offered to Pt. Barrow in this report was offered to Unalakleet in another report and returned to Unalakleet. This addendum is almost completed. There was also one set of remains, identified as Pt. Hope in the report, that was originally buried at Pt. Barrow. Pt. Barrow believes there must have been a reason for that. He was encouraging both communities to discuss the disposition of these remains.

Christy said that there were many more Pt. Barrow remains in other museums and he asked if the museum was doing anything to coordinate repatriation cases with other museums. Eric said he had begun contacting other museums and some of the museums have completed their inventories and made cultural affiliation determinations. He's asked all the museums for copies of their reports. He has received one. He just discovered that Brown University also has prehistoric remains and he intends to contact them. The American Museum has completed a report. The University of Pennsylvania has remains and he's asked them for their report. Christy said he was asking because Eric had said Barrow wanted to do one return this summer and he wondered if they understood that there would have to be multiple returns. Lynne asked if Eric would share his report with other museums. She thought it was unnecessary for five institutions to all do the same work. She thought the process could be more efficient if people could coordinate information. Eric agreed, but pointed out that other agencies and academic institutions had deadlines to complete their reports under NAGPRA and they may not have been able to do as much in-depth research as we have the privilege of doing. He doesn't think any of the agencies have repatriated any Pt. Barrow remains. The University of Nebraska had published a notice of affiliation but a month later it was withdrawn, when the National Park Service determined that the University did not, in fact, know where these remains were from. Agencies cannot move forward with repatriation until their notices of intent to repatriate are published and there was a significant backlog. The community has expressed a strong desire to complete our repatriation this summer and, although we can inform other universities of our plans, we have to move forward with our return, regardless.

The Klamath have requested repatriation of human remains, sacred objects, and objects of

cultural patrimony. The Klamath report includes remains from the Klamath, the Snake Band of Paiute, and the Modoc. He only just recently became aware of this claim.

The final report required is for prehistoric Pt. Hope. There are remains that have just been discovered from Pt. Hope that were not covered in the original report. The documentation will be added as an addendum to the previous report.

Thirty-five catalog numbers of human remains have been offered for repatriation to the Yavapai-Apache. Some of the groups recently visited the museums and they are actively preparing for repatriation.

The repatriation of a Mohegan pendant is currently on hold as the Pequot review the report to see if they agree or disagree with the findings. There are also two claims from non-federally recognized tribes, the Abenaki and the Piscataway-Conoy.

Christy asked if Dorothy knew Doug Veltre, an archaeologist at the University of Fairbanks. She said she did. Christy thought he'd be a good contact person. He thought he represented the Aleut Corporation and could assist Dorothy. Dorothy said that repatriation was being coordinated under the Aleutian Pribiloff Island Association.

Steve Ousley gave an update on the reports the lab was working on. He was writing the Partee Site report and was working on the case full-time. He thinks it's a justified claim based upon the burial techniques information that was presented at the workshop. He said that the "Wheately" burial, a reshaped cranium, from Seaside, OR was also included in the report. Lindy Troland is the new Grand Ronde representative. He went with Dorothy and Bill to meet with the Aleuts. He gave the committee a handout on the osteology lab's progress and reviewed their work. 282 Alaskan remains, not including the Aleut remains, were documented. They had also documented 157 Aleut remains before receiving the request to stop documentation. They were reviewing the documentation of the Arikara remains and assigning catalog numbers for the remains that had been at the University of Tennessee.

The committee thanked the case officers for their presentations.

2:30-The committee met with Dennis O'Connor, acting Director of the NMNH and Lauryn Grant, Assistant General Counsel. Ruth, Dan and Bill remained for the meeting.

Andrea gave them an overview of the committee's deliberations so far. She announced that she had been elected Chair of the committee and Richard Dalton had been elected Vice-chair. Dennis congratulated them both. She said they had discussed the need for improved communication among committee members and between the committee and the Institution. She said they had discussed the changes to their budget. They wanted to work as efficiently as they could within the budget that had been established. She said they were concerned about the committee being able to send someone to NAGPRA meetings and undertake on-site Repatriation Office monitoring with the current budget. She said Dan supported these endeavors and said that although there wasn't a line item in the budget this year for this work, it would be possible to

discuss this before next year's budget review. Andrea referred to Bill's report and wanted to bring to Dennis' attention the amount of work that still needed to be done and said that any slow down in report production was not due to a slow down in the amount of work that needed to be done, but rather a shortage in staff that should be addressed.

Dennis asked Dan if he had discussed these issues with the committee. Dan said he had given the committee an overview of the budget situation and the staffing plan that he and Bill had developed for the repatriation office and had explained that the Committee's surplus money was not going to be redirected to anything other than repatriation. He said he had assured the committee that they would be kept in the loop regarding the rollover funds and the rehiring of repatriation staff. Dennis agreed, acknowledging that he and Dan had discussed the staffing issues. Dan outlined the plan to hire case officers on term appointments

Lynne noted the staff time that it took to complete a repatriation case. Bill reviewed the discussion he'd had earlier with the committee about the effort that goes into completing an actual return.

Roger wanted assurance that the repatriation money would remain within repatriation. He said the reallocation was acceptable to him as long it allowed the committee to fulfill its mandate and it moves the repatriation process forward. Dennis assured the committee the funds would remain within repatriation. He said he was aware of how much work there was to be done, because he had been briefed on how large the backlog of repatriation cases was.

Dan said they needed to discuss how to proceed with the nomination process to fill the current vacancy on the committee.

Dennis said that before they began that discussion, he wanted to inform the committee about another issue. He explained that when the Smithsonian realized that the judge in the Kennewick Man case was about to make a decision regarding the disposition of the remains, they wrote a letter to the judge suggesting that if he determined that further study should be done on the remains that they be studied at the Smithsonian. This letter had recently been made available to the public on a web site and had created a lot of controversy. There was a perception that the letter had been written to influence the judge's decision. He just wanted the committee to know that the letter said nothing that the Smithsonian had not suggested in a previous letter. The committee was provided with a copy of the letter and the response by the Justice Department to the judge criticizing the Smithsonian for not remaining impartial.

Dennis returned to the discussion about the vacancy on the committee and asked the committee to give him some suggestions about how to proceed with filling it. He thought that discussion should also take place about the length of terms for membership on the committee to allow new people to be brought onto the committee. He thought there should be terms, perhaps renewable, but that there should be a time when people's membership on committees should end. He also asked the committee to develop a mechanism for staggering the terms of committee members so that not all members leave at the same time.

Roger asked if the vacancy on the committee was supposed to be filled from any particular pool of nominees

Gillian gave an overview of the membership requirements for the committee stating that the law required four members to be appointed from nominations from Native American tribes, two of which must be traditional religious elders. That left three positions on the committee for which the appointment mechanism was unspecified.

Roger said he thought this vacancy allowed the staggering of terms to begin and that it would be best to bring someone on board as soon as possible. It would allow more overlap of members, so that the institutional memory of the committee would be passed on. He thought the nomination process to fill the vacancy should be opened up as widely as possible. Lynne asked if Russell's position was filled from a nomination from Native American tribes. Lauryn said it was, but because there were currently five other members on the committee who were appointed from tribal nominations, it did not have to be filled that way. Lauryn thought that, although making the search as wide open as possible was a good idea, it was a laborious process and would not allow the vacancy to be filled quickly. Roger said he expected the process to take about a year. Lauryn did agree that widening the scope of the nomination process allowed them to collect names for people to become potential replacements once members of the committee begin to stagger off the committee. Lynne thought that in terms of perception it would be best to have the process be very open. She didn't think they needed to make visits to tribes to interview nominees, as had been done in the last nomination process. She also wondered if the Smithsonian didn't want to handle the process themselves without committee involvement. Dennis thought to encourage a feeling of collegiality with the committee, he would like their help. He thought he would be uncomfortable making this kind of decision without them.

Dan asked Gillian to review the nomination process that had been used during the last round. She explained that they had written letters to the NAGPRA representatives and tribal leaders of all federally recognized tribes asking them to submit nominations of people who fit the category of traditional religious elder outlining the nominees' qualifications for the position, by a certain deadline. The nominations were reviewed by an ad hoc committee made up of the Director, the Chair of the Anthropology department, the Chair and Vice-chair of the RRC, and an external Native American reviewer. They developed a short list of nominees who were then contacted to ensure that they were interested in serving on the committee and members of the ad hoc committee visited the candidates to interview them in person. The committee then developed a list of four ranked candidates which was discussed with the full RRC and the list was submitted to the Secretary who selected the top two.

Andrea said that in the past the committee was criticized for being too academic. She thought nominations should only be accepted from tribes. Lynne said that was a legitimate concern. Roger thought that casting a wide net meant that there would be enough nominations from tribes to fill Russell's vacancy and other vacancies in the future, but he did agree with Andrea that they didn't want there to be a perception that this committee was a committee of academics. Andrea thought the letters should only go out to tribes, particularly because that was from where Russell's nomination came. Christy said he understood that Donald Ortner provided the names

of the original five committee members, including Russell, whom he knew because of Russell's fellowship at the NMNH. Other committee members disagreed, saying that they knew that four of the members, including Russell, were nominated by tribes and that Don Ortner had made the selection. Lauryn said that if they were trying to establish a pool of candidates for the current vacancy as well as other vacancies in the future, they should cast a wide net, while selecting potential candidates that fit the original category under which Russell's nomination fell. Ruth asked Andrea if her concern was with the perception of the process or with achieving the desired result. Andrea said it had to do with the perception of the process within the Indian community. Richard thought that it was important that the committee be respected so that it had the authority to do what it needed to do to facilitate repatriation. He thought it was important to resolve whether or not the vacancy was going to be filled through nomination or appointment.

Gillian wondered how they should handle a nomination that came from a Native organization, when the nominee was not in good standing within their own tribal community. Dennis thought the solution was to make it a condition that the candidates must be in good standing within their community.

Lynne thought, given that Russell had left so suddenly, they should do as Andrea suggested. Roger thought Andrea was correct and they should only solicit nominations from tribes and Native organizations for the current vacancy.

Dennis agreed. He didn't think the nomination letter should hint that they were attempting to create a pool, in case a situation arose in the future where a good candidate materialized that wasn't in the original pool.

Dan pointed out that if all federally recognized were contacted, it meant 771 letters. Gillian agreed, but pointed out that last time that volume of letters only achieved 22 responses.

Ruth suggested sending an attachment that respondents could use to reply. Gillian agreed that it was a good idea and could be used to elicit the information that the selecting committee would need to evaluate the candidates. Dennis suggested that once the nominations come in, candidates be contacted to ascertain their interest. He asked the committee to discuss the makeup of the nomination committee.

Dennis O'Connor left the meeting.

Discussion concerning the makeup of a committee to be established for the review of nominations began. The committee suggested that the nomination committee include the NMNH director, the chair and vice-chair of the RRC, the chair of the Anthropology Department, and an external person with the full RRC being apprized of the short list. Andrea noted that during the last nomination process the external candidate was the President of the Keepers of the Treasures. Bill suggested that they not choose someone who could be a candidate for the RRC.

Ruth pointed out that the committee hadn't discussed the NMAI's lack of collaboration with the committee while Dennis was present. Lauryn thought (b) (5)

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(b) (5) Ruth suggested inviting the NMAI to participate in the nomination process thereby ensuring that the NMAI staff had a better understanding of the process of filling this vacancy. The RRC members did not think this was a good idea because they thought it likely that NMAI would appoint Bruce Bernstein, with whom relations were strained, to sit on the committee. Gillian suggested asking Rick West for recommendations for the external reviewer. The committee agreed to allow Lauryn to present the suggestion for the committee to Rick West.

Discussion turned to term staggering. Ruth said Dennis felt very strongly about terms on boards not going on indefinitely. Christy said he was willing to go off the committee first. Roger asked Gillian what the current term expiration dates were. Gillian said the original five positions were scheduled to expire in March 2005 and the two religious leader positions were scheduled to end their first terms in December 2002. Ruth said the terms could be shortened and people could leave the committee before their terms were up. Roger asked if Dennis had mentioned particular term lengths or a staggering process that he preferred. Gillian said no, but she thought he was thinking that some people would stagger off before the end of their terms. Lauryn thought it would be best if the members did not all go off at the same time. Ruth suggested that if the committee thought renewals were important that they could shorten the term lengths to three years. The committee agreed to continue discussing term staggering during an in-camera session and present the director with some suggestions about how to proceed.

Lynne noted that while Dennis was present they had not discussed the plans for filling the NMNH directorship. Dan said he thought it was on hold until the blue ribbon science commission completed its review. He thought it could take an additional year to conduct the search. Ruth reviewed the process used at the National Museum of American History.

Andrea raised the issue of committee sponsorship of workshops. She said it was clear from the survey conducted of California tribes that people still wanted workshops. She thought there continued to be a need due to the regular turnover of tribal officers.

Dan said that if funding for workshops were kept in the committee's budget, there would be no actual change in the budget. He didn't think it was a core function of the committee. He felt it was less central than other responsibilities. Andrea said that it didn't really matter who organized the workshops, as long as they were held. Dan said he didn't feel it was the responsibility of the Smithsonian to train tribes about the repatriation process. Roger said he thought it was, but did agree that the training could be undertaken in a different manner. Lynne said that training could be directed to areas where the tribes felt it was most needed. Bill said that he didn't feel that the Repatriation Office had gotten much benefit out of the recent workshops in Juneau and Oklahoma. He felt that the staff already knew the contact people from those areas and those representatives were already well informed about repatriation. He thought meetings like the one that recently took place with the Aleutians were much more productive.

They were planning to do a follow-up workshop with the community about the collections. Lynne said she wasn't concerned about who was running them, just that they are done.

Christy suggested that they try to follow through on their obligation to the California tribes, but he wondered if the workshop should focus on object curation instead. Dan asked Andrea to review the discussions that have taken place with Reba Fuller. Andrea explained that they had discussed sending two people to the next Keepers meeting, which was being held in California. Gillian reviewed Reba's letter to Russell which outlined her proposal. Reba was asking the committee to put \$17,000 toward the project to cover the costs of lodging and airfare of all attendees. Dan said he was very concerned about creating a negative perception of repatriation program spending practices, particularly in light of the significant budget cuts other Smithsonian departments were having to sustain. He didn't think they could justify that kind of expense. He suggested that they agree to send a representative from the committee and one from the Repatriation Office to the meeting. He wanted Bill to begin developing a mechanism for disseminating information to tribes in a cost-effective way. Lynne said they should explain to Reba that, due to budget constraints, it would be possible to send representatives to the Keepers meeting to give a presentation, but that it wouldn't be possible for the committee to fund a workshop. Bill pointed out that although there may be interest in California for a repatriation workshop, there are no requests from California. Gillian asked how many federally recognized tribes there were in California. Bill asked if the committee would share their California survey information with the Repatriation Office. Gillian said she would circulate it.

Dan and Bill left the meeting.

The committee discussed the fact that the most recent draft of the bylaws had never been approved by the Smithsonian. Ruth said that Mr. Fri had a concern about the language that included all Smithsonian museums under the committee's oversight. The committee agreed to review the bylaws again the following day.

Ruth asked the committee if they felt all the issues that they had raised had been addressed. Andrea said she felt they had.

Lauryn reviewed the issue surrounding the Smithsonian's letter to the judge in the Kennewick case. She explained that originally the Smithsonian had sent a letter to the Army Corp. of Engineers asking them to send the remains to the Smithsonian for study because the Smithsonian felt it had some entitlement to them under the "Organic Act" because they came from federal lands. The lawsuit was filed and the Corp. said that they wouldn't send the remains to the Smithsonian because two of the plaintiffs in the case were Smithsonian employees arguing that the Smithsonian had a conflict of interest. The recent letter submitted to the judge was reiterating the Smithsonian's interest in the remains. The Justice Department and the Department of the Interior were displeased with the Smithsonian's action because they felt it undermined the government's case. Now the tribal community was raising concerns about the letter because there's a perception that the Smithsonian values science over repatriation. The letter has been posted on a public web site. They are now only waiting for the Judge's decision.

The meeting adjourned for the day.

November 30, 2001-9:30

The committee met in-camera.

This portion of the minutes does not circulate

10:00-Candace Greene and Gayle Yiotis attended the next session. Candace presented the committee with a time line for the completion of the Winter count project. She told them that the NMAI winter counts were being added to the publication. She said she wanted to see what the committee's interest was in the volume and what role they wanted to play, in light of Russell's resignation.

Roger asked what the completion deadline was. Candace said that she expected to have the bibliography and the first five chapters completed in January. She and Russell had planned to hold a consultation with interested tribal members as part of the project. Russell had wanted to bring people to the Smithsonian, but Candace and Christina Burke thought they would go out to North Dakota this coming spring to see what Native people thought of the volume. She said the NMAI had been cooperative. She thought the project should be completed by next summer. She thought getting it published could take another year, but they planned to have a web component available sooner.

Lynne wanted the committee to be on record as supporting the project.

Candace asked if the committee thought Russell could still be invited to write the forward. The committee members didn't see a problem with that.

Candace also asked about committee funding for the project. The committee explained the current budget situation, but suggested that Candace submit a proposal to Dan for review. Candace explained that she wanted to support the distribution of the volume to tribes.

Candace thanked the committee and left the meeting.

Gayle Yiotis updated the committee on the archives' brochure project. She said that the brochure was basically completed, but had to undergo internal departmental review. It will also have to be duplicated and published. Andrea said she had used it and thought it very user-friendly. Lynne suggested adding a sentence explaining that the NMAI archives are not integrated into the Smithsonian Institution Research Information System (SIRIS) data base. Lynne wanted reassurance that the project would be completed. Gillian and Gayle said that it would.

Gayle also showed the committee the final version of their web page on-line. The committee

thanked Gayle and she left the meeting.

Gillian gave the committee an update on the ceremonial room explaining that the only thing left to do was to order furniture.

Andrea raised the subject of the committee's annual report. Andrea agreed to write it and submit it to the committee for their review. Gillian discussed the practice in the past of submitting the RRC annual report directly to the Secretary before it underwent internal NMNH review and explained that this process had raised concern in the NMNH Director's Office. She thought that annual reports should go through the Director's Office first and the committee agreed.

The committee asked that they begin receiving tracking system updates two weeks prior to committee meetings that gave an update of activity since each previous meeting.

Gillian reviewed the deaccession process for the committee.

There was further discussion on the plans to hire new case officers for the Repatriation Office. Christy asked how long it would take to hire the new people. Gillian said one museum specialist could be hired within a few weeks, and another could be renewed in April. The case officer positions would probably be advertised in two months and it would take about six months to fill the positions. Christy asked if the veteran preference program would hold things up. Gillian explained that first all candidates had to meet the minimum job qualifications, then those with a veteran's preference would receive additional points, so it rarely happened with positions requiring a Ph.D.

The committee members decided that meeting dates should become more standardized. It was agreed that meetings would be held twice a year at six month intervals in April/May and Oct./Nov. The suggested dates for the next meeting were April 25-26, 2002. The dates of Oct. 25-26, Oct. 31-Nov. 1, or Nov. 7-8 were suggested for the second 2002 meeting. These dates would be reviewed with Ron Little Owl to see when he was available.

The committee met with Bill Billeck to review the new tracking system and the documentation data bases. Lynne said she remained concerned that there was still no standardized procedure for object data capture.

The meeting adjourned.

Appendix B
Minutes of the May 6, 2002 RRC Meeting

Repatriation Review Committee Meeting (Summary)

May 6-7, 2002

Prepared by Gillian Flynn, 3/24/03

Repatriation Review Committee (RRC) Members attending:

Andrea Hunter, Chair Richard Dalton, Sr., Vice-chair Roger Anyon Lynne Goldstein Ronald Little Owl

Smithsonian Staff attending:

Gillian Flynn, RRC Coordinator, NMNH
Bill Billeck, Repatriation Office (RO) Program Manager, NMNH
Bruce Bernstein, Associate Director for Cultural Resources, NMAI
Dorothy Lippert, RO Case Officer, NMNH
Eric Hollinger, RO Case Officer, NMNH
Steve Ousley, RO Case Officer, NMNH
Gayle Yiotis, RO Museum Specialist, NMNH
Candace Greene, Dept. of Anthropology Museum Specialist, NMNH
Dan Rogers, Dept. of Anthropology Curator, NMNH
Ruth Selig, Special Assistant for Strategic Initiatives, Office of the Director, NMNH

May 6, 2002: 9:30 am

Ruth Selig attended this session.

Andrea Hunter opened the meeting and announced that Christy Turner was unable to attend the meeting due to a family emergency. She reviewed the meeting agenda. She mentioned that Christy had suggested they re-open the discussion on the rotation of members off the committee, because he was concerned that it would cause additional disruption to the museum given the recent departure of the Director, the imminent departure of the Undersecretary, and the recent illness of the Department of Anthropology Chair. Andrea said the committee also needed to discuss the nomination process.

Gillian updated the committee on the situation with the Anthropology Department Chair position.

Gillian reviewed the committee budget handout.

Update on Repatriation Office Activities - Bill Billeck

Bill attended the next session. The RO currently had eleven permanent staff members; Bill Billeck, Steve Ousley, Dorothy Lippert, Eric Hollinger, Betsy Breummer, Laurie Burgess, Jane Beck, Marita Penny, Roz Whittaker, Kim Neutzling, and Erica Jones. There is one term staff person, Beth Eubanks and one temporary staff person, Gayle Yiotis.

Roger asked Bill to review the plan for hiring the two new case officers. Bill said the applications for a new archaeologist and a new ethnologist were being reviewed and he hoped to hire within the next few months. Those positions would be four-year terms. One of those positions will be funded from the Repatriation Review Committee fund.

Ron asked Bill what the duties of the ethnologist would be. Bill said the position would replace Chuck Smythe's position and would predominantly address claims for sacred objects and objects of cultural patrimony from California, Alaska, and the Northwest.

Roger asked how the contracting process was going. Bill said he was also having problems with getting contracts approved. They may have succeeded in completing the process for a two-year contract for a physical anthropologist. He would also like to hire someone to work on creating a data base for the provenance and cultural affiliation data on the human remains and another person to gather data on Army Medical Museum object collections.

Update on Repatriation Cases - Bill Billeck

Bill gave the Committee a handout updating them on the repatriation cases.

Alaska - Since the last meeting there have been no new claims. The Teller report has been written by Dorothy Lippert and reviewed internally. That report should go forward for curatorial review soon. She is also working on the St. Michael report. Eric Hollinger is working on the Barrow report for the historic human remains. He is also working on an addendum to the prior Barrow report because he found some inconsistencies with the numbers in that report. There are some claims for objects of cultural patrimony from the Tlingit.

California - No new work has been done on any of the claims.

<u>Plains</u> - The Arikara report is still on-going. Bill is also working on some older claims. He said the claim for the Sitting Bull hair lock and leggings was still under review. He had sent out letters to all potential claimants informing them of the claim and had received a counter claim from the LaPoint family. Both claimants had been asked to provided evidence of lineal descent, and each had provided a family genealogy. Ruth asked if the two claimants know about each other. Bill said yes. Bill wants to contact each claimant to get permission to share their genealogy with the other family. Ruth asked if any Sitting Bull objects have been returned yet. Bill said he didn't think so. There was a discussion about what category the leggings could be repatriated under. Bill said they could be considered objects taken unethically. Ron thought it

might be good for Bill to come to one of the Sitting Bull genealogy meetings to hear the stories. He hadn't seen Sarah Little Spotted Horse for about two years and had heard she may be in a nursing home or had passed away.

Richard said he remained concerned about the loss of history that tribes have experienced that interferes with claims. He thought it could be possible that some of the Sitting Bull claimants may not know what they are talking about because they have lost their roots.

Andrea asked Bill who the case officer was and what the next step in the process was. Bill said he was handling the case and the next step would be to evaluate the claims.

<u>Doyon</u> - Roger asked who was working on the Doyon case. Bill said Dorothy was but hadn't begun work on it yet. Roger asked what the date of that request was. Bill said it was a number of years old. Roger wanted to know why they hadn't made any progress. Bill said it was because they were working on other older claims.

Menominee - Eric is working on Menominee and will fill the Committee in on that case.

<u>Salinas</u> - Bill said the Salinas report that Tom Killion had drafted was currently under review. The Park Service had done a repatriation of material from that site. The remains that the RO was evaluating appear to be Puebloan and to be affiliated closely with Isleta, Sandia, and Ysleta del Sur and were probably less closely affiliated with Hopi, Zuni, Acoma, and Santo Domingo.

Andrea asked where in the process the report was. Bill said it was still under office review, but should be in review with the Anthropology department within two months.

<u>Southeast Washington</u> - The documentation of the Sullivan Island funerary objects (50,000+) was continuing. Work on the South Oregon report has not begun. The Umatilla claim for a dress as an item of cultural patrimony has not been addressed.

<u>Southeast</u> - Bill said that no new work had begun on the Southeast cases. They have claims from the Caddo and the Tunica. They have also received claims from non-federally recognized groups.

Bill also discussed the problem with the "case-by-case" policy for handling claims from state-recognized tribes. He thought the policy needed to be reviewed. It wasn't clear what the policy was and whether they should ever be given priority over claims from federally recognized tribes. The current policy says we'll consider these claims on a case by case. If we don't ever give them priority over federally recognized claims, these claims may never get addressed. Roger asked if the NMNH gave priority to federally recognized tribes. Bill said they did, but it had never been made clear to state recognized tribes how their cases would be handled. Gillian referred to the letter from the United Tribes of Virginia that was in the Committee's packets. Andrea suggested sending a letter telling them that the NMNH's priority was to address claims from federally recognized tribes first.

Lynne asked how much material was involved. Bill said the Virginia case was large (1,500-1,800 catalog numbers, some from ossuaries) and probably mostly affiliated. He thought most would only be a few hundred years old.

Bill said the Fort Brady Chippewa and the Winnebago cases have recently been added to the "ready to be repatriated" list.

Lynne asked what the response to the Winnebago report had been. Bill said only the Ho-Chunk had responded and had not expressed any concerns. They had come for a visit last week. Lynne said she was surprised because they were claiming affiliation to all effigy mounds. Gillian said she had sent an e-mail to the Committee after the tribes had received the report stating that Eric had said there had been no concerns raised. Andrea asked Bill about the Ho-Chunk's response to the Winnebago report. Bill said that so far they had not raised any concerns. Lynne said she was surprised that the Ho-Chunk had not been upset about the lack of affiliation of the effigy mound material. Gillian said she had asked Eric what the Ho-Chunk's reaction had been to the report and he had told her that the Ho-Chunk were not upset about the report or the Winnebago of Nebraska's claim to the material. Andrea and Lynne were still concerned that tribes weren't being notified early enough in the preparation of a case that another claimant had filed a repatriation request.

Andrea asked Bill if the new case officers were contacting tribes when they take over cases. Bill said they were.

Bill informed the Committee that the Dept. of Mineral Sciences had decided to put the Ontonagan boulder back on display in the NMNH Constitution Ave. lobby. Bill has been able to convince the Dept. of Exhibits to invite the Keweenaw Bay Ojibwe to give their input into the exhibit.

Update on Repatriation Cases - Steve Ousley

Steve said he was finishing up the Grand Ronde Par Tee site report. He had finished his analysis of the evidence provided by the Tribe as well as the archaeological sources and concurred with the Tribe that there was compelling evidence to support repatriation.

Steve provided a handout on the work of the physical lab. They have continued to document the non-Aleut Alaskan remains. Eric Hollinger had reached an agreement with the Barrow representatives to digitize the crania and finish the documentation. The lab had done a few individuals from the Plains.

Steve said they have finished documenting remains from Teller and St. Michael. Roger asked if the Doyon remains has been documented. Steve said they had. Roger asked if the digitization of the Barrow remains involved the historic or prehistoric Barrow. Steve said it included both. They would review the data on the historic remains to see if there is continuity with the prehistoric remains.

Roger asked how much work Bill thought would be coming up. Bill said it was hard to tell. There have been a lot of visitors but not many new claims. We have a lot of interest from Virginia. He thought that if claims started coming from the Southwest where there are a lot of remains, that would keep the RO very busy. Ron asked if it aided a non-recognized tribe's claim when a federally recognized group supported it. Bill said he was thinking of asking non-recognized tribes to provide a letter of support from federally recognized tribes that have an interest in the geographic area.

Roger asked when the Par Tee report would be ready. Steve thought it should be ready by the end of the summer. He assured the committee that the Grand Ronde had been kept up to date on the progress of the case.

Steve left the meeting and Dan Rogers arrived.

Discussion of Member Rotation off the Committee - Dan Rogers and Andrea Hunter

The Committee raised their concerns that the pending rotation of members off the committee would be an additional disruption to the repatriation process considering the loss of senior staff at the Smithsonian. Christy, in particular, had raised a concern that perhaps this was not a good time to begin the process. Roger asked if the memo that they sent to the Director outlining their recommended procedure for instituting term rotation had been approved.

Dan said, in his opinion, the arrangement that everyone had agreed to was a sound one and the Anthropology Department supported continuing forward with the process. He felt that whatever happened with administrative turnover within Anthropology and at the NMNH, it was still a good idea to move forward with the term staggering. He had discussed this issue with Bill Fitzhugh, who was expected to be the next chair of Anthropology and Bill concurred. Gillian said that Lauryn Grant also agreed that the process should move forward.

Ruth assured the committee that she didn't see a real upheaval at the museum. Work is still continuing. She felt that with Lauryn's involvement (and Dan said, Ruth's involvement) that there would be continuity. She said this was one of the longest running committees at the Institution that hadn't had a rotation. She said the Secretary and the Undersecretary both felt that all boards should rotate and believed that if the process did not go forward the next Undersecretary would again question why the membership had not rotated.

Dan updated the committee on activities at the NMNH. He said that the current acting Deputy Director, Ira Rubinoff, who was also the director of the Smithsonian Tropical Research Institute would be returning to Panama shortly. Dan had no knowledge of what was happening with the hiring of a new NMNH director. The Science Commission has recommended that we begin the search for a director immediately. The Director of the Astrophysics Observatory, Irwin Shapiro, would be acting as interim Undersecretary for Science replacing Dennis O'Connor.

Dan left the meeting.

Roger asked Bill if the curatorial review process was going smoothly. Bill said it was going fine. There are currently no reports hung up in curatorial review.

Update on Alaskan and Southeast Repatriation Cases - Dorothy Lippert

Dorothy said the Teller report was currently under RO internal review. The case included 66 individuals in 59 catalog numbers.

She was currently working on the St. Michael case report.

Other Alaskan cases assigned to her included Shishmareff, Doyon, Haida, Aleutian Islands, and Kasaan.

The Caddo have requested repatriation of culturally affiliated human remains, funerary objects, objects of cultural patrimony, sacred objects, and objects acquired illegally. She is not currently working actively on this case.

The Tunica have requested repatriation of culturally affiliated human remains, funerary objects, sacred objects, religious objects and objects of cultural patrimony.

Ron asked what the status was of the Caddo objects that had been acquired illegally. Dorothy said she wasn't aware of any specific objects and thought they were just claiming objects in all categories which were subject to repatriation. Gillian explained that the Smithsonian's policy of returning objects that had been acquired illegally was established by the Board of Regents in 1973.

Dorothy said the lab has started documenting the remains from the Southeast including those from Caddo and Tunica traditional areas. She has not been contacted by the Tunica and Caddo and she has only contacted those tribes whose cases she is currently actively working on. Andrea suggested that the Caddo and Tunica be contacted.

She recently had contact with the United Tribes of Virginia. They were upset because no progress had been made on their case and asked for information on contacting the Review Committee, which she had given them. She was currently trying to determine if the RO could even address their claim. The case included 1,772 sets of remains, minus 97 remains which were from the Hand Site, for which a report had been completed denying repatriation to the Nansemond. The Monacan have asked that their claim be considered separately from the United Tribes of Virginia.

Roger asked if the Teller and St. Michael reports would be completed soon. Dorothy said yes, then she would begin working on Shishmareff, Doyon, Aleutian Islands, and Kasaan.

Andrea asked about the Aleutian request to stop documentation. Dorothy explained that the RO had stopped the physical documentation protocol at the request of the community. She is still speaking with their representative, Alison Young, about how to proceed. She expects to get permission eventually.

The Committee thanked Dorothy.

Update on Great Lakes and Other Alaskan Repatriation Cases - Eric Hollinger

Eric has finished the Winnebago report and the representatives of the Ho-Chunk Nation had visited the previous week. They looked at the collections and talked about the disposition of the human remains. He said they planned to develop an MOU with the Winnebago of Nebraska to undertake a joint return. The Winnebago and the Ho-Chunk were aware of a named individual that could be affiliated with the Menominee, another Menominee set of human remains, and prehistoric Woodland remains from the area. The Ho-Chunk had not shown concern about the remains from mound sites in the report.

He is completing an addendum to the historic Point Barrow report in which 127 individuals in 125 catalog numbers are being offered for return. The addendum includes 132 individuals, 127 of which are offered for return. This report is under curatorial review. It includes 43 historic remains and 72 pre-historic Birnirk remains. The affiliation of the Birnirk remains is still unclear. It is also not clear what the Barrow people will think about the possible break in the continuity of the affiliation of the Birnirk remains.

He has asked the Pequot to reassess their counter claim to a stone pendant offered to the Mohegan Tribe. Their new tribal representatives didn't have the report so he had to resubmit all the information to them.

The Wainwright report might require an addendum. Some objects listed as funerary may not actually fit the definition of funerary object. They may not even come from Wainwright. They were originally offered because they were found in storage on a shelf near the Wainwright remains.

The Point Hope report needs a final assessment and an addendum. He has not begun work on this addendum. There may be some problems with the osteology report.

Work on the Hupa case is on hold until an ethnologist is hired.

The Yavapai Apache have informed the office that they are not ready to proceed with repatriation, but he has not contacted the Yavapai since coming on board.

The Klamath-Modoc had expressed some concern about remains previously repatriated but had not been in recent contact.

Roger asked what Eric's top priority was. Eric said his top priority was the historic Barrow case. They have the largest number of remains and have asked for repatriation this summer. He expects to have this report completed before the end of the summer. His next priority was the Menominee case, and his third was the Mohegan.

This summer he had hired a Sioux intern, Jody Gray, who used to work in the Anthropology library to enter data into a newly created data base, the Physical Anthropology Collections Research History Database, that would track what research had been done on Native American human remains. This project was spurred on by a request from the Apache for information on what research had been done on Apache remains.

Roger asked what documentation they expected to be able to do on the Barrow funerary objects before they are repatriated. Have they been documented? Eric said some of the funerary objects that have been offered were faunal. The objects that are associated with the Birnirk remains in the addendum will be researched to determine whether or not any are funerary and those that are will be documented in detail and photographed. He'd like to have the Alaskan archaeologists assist him in determining what information should be collected. There does not appear to be any objects associated with the historic remains.

Andrea asked Bill if he was still meeting with Jim Pepper Henry. Bill said they still had regular contact and both offices worked closely together on consultations.

The Committee thanked everyone.

Eric, Dorothy, and Bill left the meeting. Lynne left the meeting due to illness.

Update on the Winter Count Project - Candace Greene

Candace Greene circulated a project update handout and gave the committee an update on the Winter Count project. She said she hoped to begin consultations with tribes in June. She had said they had hoped to have Ron assist them. He said he wouldn't be available until after July 12. Candace said that the manuscript was in draft form. All the text chapters have been written. The University of Nebraska Press was very interested in publishing it. Ron recommended making contact with the tribal community colleges and make sure that people get plenty of advance notice. He would be concerned about getting the elders to participate.

Candace explained that the purpose of the trip was to determine how this publication could be useful to tribes, to find out what people are interested in, and also to make sure that they weren't going to be saying anything offensive or incorrect.

Ron thought it was very important that the Crow Creek and Lower Brule communities be consulted. He also pointed out that the Anderson Winter Count is a "contrary" and may elicit negative responses from the elders.

Andrea asked if Candace would be asking for further information on each of the counts. Candace said no, the purpose of the project is to disseminate information that the NAA already has. She hoped it would generate new interest in the counts.

The Committee thanked Candace.

May 7, 2002 - 9:30 am

Ruth Selig attended this session

Ruth discussed Eric's extensive research for the Winnebago case. She had wondered if it had taken too long, but Bill reassured her that this was Eric's area of research and that he was very productive.

Update on NMAI Repatriation Activities - Bruce Bernstein

Bruce circulated a handout of the NMAI's recent activities. He said the NMAI was half way through the five-year collection move project. They have completed the move of the Northwest collection and were now moving the Plains. The construction of the museum has begun with an expected opening in September 2004.

The Repatriation Office recently completed the second repatriation of potlatch material to Alert Bay, British Columbia.

He discussed the joint NMNH/NMAI Ho-Chunk and Comanche visits. He thought both visits went very well.

He said the NMAI was also working toward repatriating collections to Central and South American and the Carribean. They hoped to have all human remains repatriated by June 2004, before the opening of the new museum.

They currently have returns ready for Chile, Cuba and Mexico. They're working with a number of tribes in Wisconsin and Arkansas on joint repatriations. He noted that the NMAI doesn't assign affiliation, but asks the tribes to negotiate among themselves. Jim Pepper Henry is also trying to work out the final disposition/reburial arrangements for remains from Chaco Canyon.

There are two reports expected to go to the board soon, one on a Vancouver Island scalp and another on a set of Musqueam skeletal remains. There are three other reports in final draft stages. One is the Huichol case report. The two other reports in process are Wisconsin and Southern California.

They recently completed a consultation with tribes from southern California. The representatives have identified the tribe that will receive the material on their behalf. The case

includes 40 + sets of remains and funerary objects.

Gary Roybal, who is from San IIDefonso, and curator of Bandalier National Monument, has been assisting the NMAI in its repatriation cases and in traditional care issues for the last six months.

Bruce said that the return of human remains was still the Board of Trustees' top priority. During the collections move they will not be able to re-identify objects so additional remains may still be present but not identified. The volume of claims for repatriation has been declining, but there is still a steady flow of consultation requests and they currently have a backlog of visit requests due to the closure of the collections for the move. To make requested collections available to tribes for repatriation consultations, 20% of their collections crew is dedicated to moving the requested collections.

Lynne asked how confident Bruce was that they had identified all the remains in the collection. Bruce said he thought they had identified almost all of them.

Ruth asked what would happen to the repatriation staff once the repatriation effort had been completed. Bruce said that consultations would be on-going and staff would always be needed for consultations even after repatriation was completed. They really view their work as the cultural care of collections. In a recent visit, the tribal representatives asked that bundles be folded in a culturally specific way and stored in a particular location within their tribal area. The NMAI has over 2,000 pieces of religious paraphernalia in the Plains collection. He mentioned the fact that they have 390 Crow medicine bundles and only one has been repatriated, due to tribal concerns.

Roger asked how many sets of human remains were still in the collection. Bruce said there were about 170 individuals, some were only fragments.

Roger asked Bruce if he could fill the Committee in on the Chaco case. Bruce said that the NMAI will not determine who would receive the remains. Three pueblo groups (Acoma, Zia, and Hopi) and the Navajo will take responsibility for the remains. Negotiations are still ongoing. He said the NMAI was hoping that the tribes can identify one group who will take responsibility for the remains.

Roger also asked about the Narragansett, Wampanoag, Mashantucket-Pequot case. Bruce said that the three groups are not communicating so the repatriation was on hold.

Roger asked about the Chihuahua case. Bruce said Tom Killion will complete the case report after a visit to Mexico City. The museum is concerned about what will happen to the remains because the Mexican government doesn't recognize the right of indigenous people to represent themselves. Roger asked what kind of agreements are put in place to ensure that the remains are returned to the indigenous peoples. He was concerned that, because there is no repatriation legislation in those countries, the remains won't be returned to the affiliated people, but will end up in another museum. Bruce said the SI General Counsel, John Huerta, is negotiating with the

Mexican and Chilean governments to put a legally binding memorandum of understanding together that would guarantee that the remains do get returned to the people. They are trying to be careful not to push repatriation on people just because of the board's mandate to return all human remains. Lynne asked what would happen if these negotiations weren't successful. Bruce said they were trying not to force the issue and would address it again once the NMAI's deadline for deaccessioning all human remains approached. Ruth asked if people have suggested moving the remains to NMNH. Bruce said it has been discussed.

Roger also asked if there had been any negotiations with Hopi and Zuni communities across the international border regarding the human remains from Chihuahua. Bruce said they have been involved in consultations. Tom Killion is also assisting with those consultations.

Bruce mentioned the NMAI's pesticide publication. Gillian asked to get additional copies for the Committee.

Ruth asked Bruce if he would discuss the Rasmusson project. Bruce said the plan was to place a study collection of Native Alaskan objects in Alaska. There was also a plan to get NMAI collections digitally imaged and sent to Alaskan communities. Bruce also mentioned the NMAI's collaboration with NMNH on the Winter Count project.

Bruce said that when tribes come for consultations to NMAI they leave with a CD of digital images of the tribally affiliated collections and historic photographs.

Roger asked about the Sitsika beaver bundle, part of which is at NMAI and part at NMNH. Bruce and Gillian said there had been no action.

Bruce said that the NMAI Board of Directors will be meeting in June and that reports for October and January will be reviewed by them. After that point they can be disseminated to the Review Committee.

Andrea asked about staffing in the NMAI Repatriation Office. Bruce said there are five people on staff and three contractors (Tom Killion is assisting with the Southwest, Katherine Dowdy is assisting with the Mid-West, and a third contract for the Northeast just ended). Dowdy has completed the Mid-West reports but they will not be circulated until the NMAI Board has reviewed them.

The Committee thanked Bruce for his presentation and he left the meeting.

In-Camera Session

This portion of the minutes are not circulated.

Review of the National Anthropological Archives brochure

Gayle Yiotis attended the next session and gave the Committee an overview of the NAA brochure. She wanted to suggest that it be put up on the web. Lynne agreed that was a good idea but still thought it should be printed. Ruth suggested that the Committee contact a vendor she had recently used called Discount Newsletter Printing.

Gayle had recently met the NMAI Archivist who said they will soon be hiring more staff and may be able to contribute information on the NMAI archives to the brochure.

Ruth said the NMNH Arctic Studies Center is systematically going through the NMAI photo archives. She also recommended adding a one page overview on the NAA brochure bulleting the brochure's useful points.

Review of the nomination process

Gillian gave the Committee an update on the nomination process. She also reviewed the planned makeup of the selection committee which was to include Andrea and Richard, the Director, Bill Fitzhugh, and an outside reviewer. Andrea agreed to send Rick West a letter asking him to suggest a reviewer.

Lynne asked that the whole committee see the nomination list.

Gillian explained that as of today very few nominations had come in. There was discussion about whether or not they should have been more proactive in soliciting nominations. There was also discussion about whether or not Indian non-governmental organizations should have been included in the mailing.

Roger suggested that they wait until the deadline passed before expanding the search.

The Committee had planned to discuss the term rotation issue at this meeting but decided to table that discussion until the next meeting.

There was discussion about how to replace Christy Turner on the Committee. Lynne suggested that letters be sent to the Society for American Archaeology, the American Anthropological Association, and the American Association of Physical Anthropologists soliciting nominations.

The meeting was adjourned.

Appendix C
Reports Reviewed by the RRC

REPORTS REVIEWED BY THE REPATRIATION REVIEW COMMITTEE in Fiscal Year 2002				
December 2001	Inventory and Assessment of Human Remains from Fort Brady, Michigan, in the National Museum of Natural History			
February 2002	Inventory and Assessment of Human Remains Potentially Affiliated to the Winnebago/Ho-Chunk Tribes in the National Museum of Natural History			
August 2002	Inventory and Assessment of Human Remains from the Salinas Pueblos of Gran Quivira and Quarai, New Mexico in the National Museum of Natural History, Smithsonian Institution.			
September 2002	Inventory and Assessment of Human Remains and Funerary Objects from Kauwerak, Akavingayak, and Port Clarence, Alaska, in the National Museum of Natural History, Smithsonian Institution			

Appendix D Travel Grant Awards

Travel Grant Visits - Fiscal Year 2002

Dale	il ravel Group	Type of Visit
November 7-8, 2001	San Carlos, White Mountain, Yavapai, and Tonto Apache Tribes	Consultation
January 11-12, 2002	Comanche Tribe	Consultation
July 23-26, 2002	Gros Ventre Nation	Repatriation
September 7-13, 2002	Native Village of Hooper Bay, AK	Consultation

The Smithsonian Institution's Native American Repatriation Review Committee Report for October 1, 2002 to December 30, 2003

The last eighteen months saw several changes to the Smithsonian Institution's Native American Repatriation Review Committee (RRC). This report outlines and discusses these changes. It also provides updates on mandated activities and Committee-approved efforts during the past eighteen months and delineates particular concerns of the Committee.

The RRC continued to conduct its mandated monitoring and review of repatriation at the Smithsonian Institution. Throughout the year the RRC monitored and reviewed the operations of the Repatriation Office (RO) at the National Museum of Natural History (NMNH), and responded to a variety of reports completed by the RO and the NMAI repatriation program. We continued to address issues about repatriation activities at the NMNH.

A variety of other Committee activities were congruent with the Committee's stated policy to engage with Native American groups and communities.

Continuing and new concerns requiring consideration during 2004 include issues related to the functioning of the RO at the NMNH.

Monitoring and Reviewing Activities

Our Congressional mandate, in part, states that the Committee will monitor and review the inventory, identification, and return of Native American human remains and associated Native American funerary objects in possession of the Smithsonian Institution. This was expanded by the 1996 NMAI Act amendment to include objects of cultural patrimony, sacred objects, and unassociated funerary objects at the Smithsonian. In keeping with this mandate, the Committee continued to monitor and review the repatriation activities of the Smithsonian Institution during the year.

We had three meetings held in Washington, DC -- November 14-15, 2002, June 19-20, 2003, and November 12-14, 2003.

Our first meeting was on November 14-15, 2002 (see attached minutes in Appendix A).

Committee members in attendance were Roger Anyon, Richard Dalton (Vice-Chair), Lynne Goldstein, Andrea Hunter, (Chair), and Christy Turner, II. In addition to the previous resignation of Russell Thornton, the Committee's second religious leader, Ronald Little Owl, decided not to accept a second term. Gillian Flynn (RRC Coordinator), Bill Billeck (Repatriation Office (RO) Program Manager), William Fitzhugh (Chair, Dept. of Anthropology), Lauryn Grant (Assistant General Council), Jim Pepper Henry (Assistant Director for Community Relations, NMAI), Dorothy Lippert (RO Case Officer), Eric Hollinger (RO Case Officer), Steve Ousley (RO Case Officer), Ruth Selig (Special Assistant for Strategic Initiatives, Office of the Director), Doug Erwin (Interim Director), and David Evans (Undersecretary for Science), also attended the meeting.

In addition to an update on the progress of the NMNH Repatriation Office by Bill Billeck and his staff, the Committee met with interim NMNH Director, Doug Erwin, and Undersecretary for Science, Dave Evans, to discuss various repatriation-related projects. They also met with Jim Pepper Henry, Assistant Director for Community Relations, at the National Museum of the American Indian (NMAI) for an update on the NMAI repatriation program. Other topics included the nomination process for recruiting three new Committee members. The Committee also received updates on the Native American Graves Protection and Repatriation Act (NAGPRA) Repatriation Committee hearings and the claim for the remains known as "Kennewick Man." In addition, on-site monitoring of the RO was conducted by Andrea Hunter and Richard Dalton.

The Second meeting of the Committee was on June 19-20, 2003 (see Appendix B for minutes). The Committee began this meeting with three new Committee members in attendance. Phillip Walker, Professor of Anthropology at the University of California Santa Barbara; Roland McCook of the Ute Indian Tribe of Uintah and Ouray Reservation, Utah (Vice-Chair); and Gordon Yellowman, Cheyenne and Arapaho Tribes of Oklahoma, were appointed by the Secretary in April 2003 and will serve terms of five years. In March 2003, the Committee's most senior religious leader, Richard Dalton, Sr. passed

away. His absence was sadly noted and the Committee began discussing how to best go about finding a replacement. The additional members of the Committee attending the meeting included Andrea Hunter (Chair), Roger Anyon, and Lynne Goldstein. NMNH staff in attendance included Gillian Flynn, Bill Billeck, Daniel Rogers (Acting Chair, Dept. of Anthropology), Ruth Selig (Special Assistant to the Director), Lauryn Grant, Dorothy Lippert, Eric Hollinger, Steve Ousley, Risa Arbolino (RO Case Officer), Jake Homiak (Program Manager, Collections Management, Dept. of Anthropology), and Candace Greene (Museum Specialist, Dept. of Anthropology).

The Committee met for the first time with Cristián Samper, the new NMNH Director, to give him an overview of the Repatriation Review Committee's mandate. Bill Billeck provided the Committee with an update of the progress of the NMNH Repatriation Office. Jim Pepper Henry was unable to attend the meeting to give the Committee an update on the progress of the NMAI repatriation program. The Committee met with Lauryn Grant, Smithsonian Assistant General Counsel, and the NMNH Repatriation Office staff to discuss how to best handle repatriation claims from state recognized tribes. The Committee also received an update on the publication of the Lakota Winter Counts, a project they had supported. They also met with Anthropology Department staff to discuss a proposed project to digitally image the North American ethnology collections.

The Committee met again on November 12-14, 2003 (see appendix C for minutes). Committee Members present included; Roger Anyon, Lynne Goldstein, Andrea Hunter (Chair), Roland McCook (Vice-Chair), Phillip Walker, and Gordon Yellowman. One position remained vacant on the Committee. The Committee met with Risa Arbolino, Bill Billeck, Bill Fitzhugh, Gillian Flynn, Lauryn Grant, Candace Greene, Eric Hollinger, Dorothy Lippert, Steve Ousley, Cristián Samper, and Ruth Selig.

In addition to an update of the progress of the RO, other topics included the re-organization of the Repatriation Review Committee coordinator position and the repatriation claim by the state-recognized Piro-Manso-Tiwa tribe. Bill Billeck gave an update on the progress of recruiting staff for the North American ethnology digital imaging project. The Committee also met with the entire staff of the

Department of Anthropology to present an overview of their mandate. Jim Pepper Henry was unable to attend the meeting to give the Committee an update on the progress of the NMAI repatriation program.

Reports Considered

The Repatriation Review Committee formally considered six NMNH repatriation case reports during the reporting period, including: Addendum to the Repatriation Office Report Inventory and Assessment of Human Remains and Associated Funerary Objects from the Post-Contact Period in Barrow, Alaska in the National Museum of Natural History; Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated to the Menominee Tribe in the National Museum of Natural History; Inventory and Assessment of Human Remains Potentially Affiliated to the Miami Tribe in the National Museum of Natural History; Assessment of a Repatriation Request for a Cayuse Dress in the National Museum of Natural History; Assessment of a Lineal Descent Request for the Repatriation of Human Remains from the Big Hole Battle of the Nez Perce War at the National Museum of Natural History; and Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated to the Menominee Tribe in the National Museum of Natural History. The Repatriation Review Committee reviewed one NMAI case report, Human Remains and Associated Funerary Objects, McDonald County, Missouri.

Grants Programs

Two grant programs were established by the Repatriation Review Committee to assist Native

American groups in their repatriation activities, the Repatriation Grant Program and the Consultation

Grant Program. This year there were six groups of Native American repatriation representatives who

participated in the program. Groups assisted by the Grant Program include: Sault Ste. Marie Tribe of

Chippewa Indians and Bay Mills Indian Community from Michigan, Confederated Tribes of the Yakama

Nation (Washington), Confederated Tribes of the Warm Springs Reservation (Oregon), Menominee

Indian Tribe of Wisconsin, and Miami Tribe of Oklahoma.

Additional Projects

The Repatriation Review Committee supported a project to digitize the NMNH North American ethnology collections. This project will facilitate repatriation outreach to Native American communities by making images available of all culturally affiliated ethnology collections. The Committee also would like to note its pleasure with the care the NMNH has taken to insure proper housing of the North American human remains while they await repatriation decisions.

Concerns

Although the Repatriation Review Committee is to some extent satisfied that the NMNH Repatriation Office is making progress toward completing the repatriation process, we continue to be concerned about the length of time it is taking to complete some outstanding repatriation cases and the queue of repatriation requests. The Committee strongly encourages the Repatriation Office to address these claims in an expeditious manner.

The Committee recognizes that the NMNH Repatriation Office is actively consulting with those tribes that have filed repatriation claims, but the Committee is concerned about the lack of outreach to tribes that do not have active cases. The Committee wishes to stress the importance of outreach and has offered to fund an outreach liaison person for the Repatriation Office. The Committee encourages the RO Program Manager and staff to pursue all avenues of outreach available to them, including attendance at Native American-related conferences.

The Committee continues to stress the need for an RO protocol that fully links the archaeological and physical databases they are creating. There is a clear need for data capture to be standardized, if the database is to be useful for present repatriation needs and for future scholars. The Committee strongly advises the RO to allocate resources to insure a useful protocol is established.

Another concern relates to the unaffiliated North American archaeological collections that are of

national significance, such as the collections from Spiro Mound, Chaco Canyon, Etowah, and the River Basin Surveys. We recommend that the Department of Anthropology begin assessing collections such as these and take proactive steps to insure that the Smithsonian, in consultation with other nationally recognized museums, takes the lead in determining the cultural affiliation of those collections before errors are made by less experienced regional museums.

During this reporting period, October 1, 2002 to December 31, 2003, there was not one Committee meeting with all seven members present. This was not due to absence of any Committee member, but rather vacancies in member seats. Although the former administration saw a need for rotating terms in Committee members, the constant replacement of members has limited the full participation of all members.

Conclusions

The reporting period was, once again, an active one for the Repatriation Review Committee. We are satisfied that we responded appropriately to the challenges offered and we continued to bring issues of concern to appropriate offices at the Smithsonian as the Committee sought to fulfill its legal mandate. The Committee looks forward to 2004 as one of further challenges and accomplishments.

Appendix A

Minutes of the November 14-15, 2002 RRC Meeting

Appendix B

Minutes of the June 19-20, 2003 RRC Meeting

Appendix C

Minutes of the November 12-14, 2003 RRC Meeting

Appendix D

Reports Reviewed by the RRC

Appendix E

Travel Grant Awards

Appendix A

Minutes of the November 14-15, 2002 RRC Meeting

Final Repatriation Review Committee Meeting Minutes

November 14-15, 2002 Prepared by Gillian Flynn, 9/24/03

Repatriation Review Committee (RRC) Members attending:

Andrea Hunter, Chair Richard Dalton, Sr., Vice-chair Roger Anyon Lynne Goldstein Christy Turner, II

Smithsonian Staff attending:

Gillian Flynn, RRC Coordinator, NMNH
Bill Billeck, Repatriation Office (RO) Program Manager, NMNH
William Fitzhugh, Chair, Dept. of Anthropology, NMNH
Lauryn Grant, Assistant General Council, SI
Jim Pepper Henry, Assistant Director for Community Relations, NMAI
Dorothy Lippert, RO Case Officer, NMNH
Eric Hollinger, RO Case Officer, NMNH
Steve Ousley, RO Case Officer, NMNH
Ruth Selig, Special Assistant for Strategic Initiatives, Office of the Director, NMNH
Doug Erwin, Interim Director, NMNH
David Evans, Undersecretary for Science, SI

November 14, 2002: 1:00 pm

Andrea Hunter opened the meeting. Andrea, Roger, Richard, and Christy were attending. Lynne did not join the meeting on November 15th. Bill Fitzhugh and Ruth Selig were also in attendance. Andrea noted that the Committee did not have a quorum that afternoon with Lynne absent. She review the topics for discussion.

Update on Nomination Process

Andrea discussed the nomination selection committee meeting that had taken place on November 12th with Doug Erwin, Rick West, Bill Fitzhugh, Richard and herself. She explained exemption 6

The biggest pool of candidates was in

the tribal nomination category so they also reviewed the regional distribution of the current Committee and included that as a mitigating factor for that category. They also kept in mind earlier criticisms that the Committee was too academic. They had selected Roland McCook

from the Ute as a tribal representative and Gordon Yellowman, Southern Cheyenne to fill the slot of traditional religious leader. Jane Buikstra was selected to fill the professional organization position. Those selections will be sent to the Secretary for his appointment. She expected the new members to be in place by the next meeting.

Bill Fitzhugh made the point that they shouldn't in the future disqualify any tribal nominees because they had earned academic degrees. Andrea agreed and thought the issue of academics on the Committee would be less of an issue as the current members rotated off the Committee.

Roger asked if the same list of nominees would be used when the next vacancies occur. Gillian said that was the plan. Ruth asked if the nominees who had not been selected would also receive a letter explaining the outcome of the process. Gillian said they would. Roger suggested that the letter also state that their nomination will be kept on file to be considered should future vacancies on the Committee occur. Andrea agreed particularly because there were some strong candidates from who might be able to succeed Richard when he rotates off the Committee.

Bill wondered if the reason we didn't get responses from some of the nominees was because the people who had nominated them hadn't discussed the nomination with the candidate ahead of time. Gillian said she hadn't gotten that impression. Andrea agreed that those people she did speak with had known they had been nominated. (b) (6) had known, because he had contacted her to ask what was happening with the process. He was eliminated because Andrea had tried to contact him earlier and was unsuccessful and when Gillian tried to return his call, she still couldn't reach him. She had reached one of his co-workers and had explained how important it was that (b) (6) get in touch with them, and she still didn't hear back from him. She had also followed that up with a faxed letter asking him to fax a statement back, but he never did.





have as senior a professional as possible for that position.

Summary of NAGPRA hearings

Roger gave a summary of the NAGPRA hearings he attended in November. He said Bob Sterns has been moved into another position and is the special assistant to one of the deputy associate directors at NPS. His former boss, John Robbins, is the interim program manager for the National NAGPRA program. Roger thought Robbins had done a good job at the meeting. There were continued discussions about where in the Dept. of Interior the NAGPRA program should be administered. Robbins said the decision has been made to keep it in the Park Service. Kate Stevenson is no longer the Associate Director for Cultural Resources at Interior. Somebody else will be appointed to that position by the end of the year.

Roger said he had handouts from the hearings that Gillian could distribute to the Committee.

NPS had been given \$2.467 million in funding for repatriation. \$2.17 is available for grants because they reprogrammed \$230,000 for administrative overhead to run the program. There is no budget yet for this fiscal year but they expect level funding.

Tim McKeown announced that of the 13 complaints of non-compliance, three have been settled. Six agencies including Harvard Peabody, American Museum, Ohio Historical Society, NY State Museum, Phoebe Hearst, and the Texas Archaeological Research Lab in Austin had been given a period of forbearance.

The NAGPRA committee was still in the process of developing regulations for culturally unaffiliated human remains. The NAGPRA office is creating an inventory of the 120,000 culturally unaffiliated human remains, which was 40% complete. This list does not include non-reporting federal agencies. John Robbins thinks it will take at least two years to enter all the data, but it will more likely take four years. McKeown gave a chronology of the unpublished draft regulations on the culturally unaffiliated.

Rebecca Tsosie, Keith Kintigh, and James Riding In gave an update on the William Tallbull conference. Tsosie wanted the committee to look into international law. It was clear that the participants could not reach a consensus on culturally affiliated remains.

Lawrence Hart raised the issue of the proposed regulations that had been circulated. He wanted to re-open the debate on the regulations, as he felt his position had been misrepresented in the

¹She has since been awarded the fellowship and the selection committee is searching for another candidate.

draft.

Roger said he thought the committee was moving away from making decisions through consensus and was making more decisions by majority rule. The Ho-Chunk/Field Museum dispute was withdrawn because the parties had reached an agreement. The Tribe passed a resolution to never alienate the object in question, so the Field agreed to return it.

Other issues that were raised included people expressing the opinion that non-recognized tribes should not be allowed to participate in the process. Roger also noted that they have removed discussion of the culturally unidentified funerary objects from the regulatory language.

The NPS advisory committee has decided that its parks should do item by item affiliations by tribe to try to avoid the problems that have arisen through the use of tribal coalitions. They said the parks should follow the recommendations of the NAGPRA Committee and will be drafting guidelines.

The next meeting is set for Minneapolis in May 2003, at which Minthorn, O'Shea, and Bradley cycle off the Committee. Lawrence Hart should cycle off before that.

John Robbins listed the steps that any new regulations will have to go through before they can be adopted. The process starts with a draft being reviewed by the NAGPRA Committee. It then undergoes NPS review. Any comments are addressed and another NPS review takes place. Before it can go into the Federal Register for public comment, it's reviewed by the Office of Management and Budget. Once comments have been addressed it goes in the federal register again.

There was little discussion about Kennewick Man. At the time of the meeting the Park Service had not decided whether or not it will appeal the ruling. They have filed a letter that gives them the right to file an appeal. Tribes have also been allowed to file an appeal.

Update on the Kennewick Man case

Lauryn Grant and Doug Erwin attending.

Lauryn said she felt the case had been badly handled. She summarized the decision. The judge had felt coalition claims were valid unless all members can claim affiliation separately. He challenged the use of oral tradition, not on the grounds that it was a violation of the separation of church and state, but that the stories were so old they were unreliable. He felt ARPA did apply. Therefore the government was obliged to preserve the material, to allow necessary research. He has asked the plaintiff's to provide a curation and retention proposal. It is probable that the remains will remain in Seattle. The tribes were granted permission to file an appeal, and have done so. NPS has reserved the right to file an appeal. Lauryn thought it was unclear whether the tribes have standing. She said that the Smithsonian sent a letter to the judge stating that if he decided that these remains were not subjected to NAGPRA, the Smithsonian would like the

remains to be sent here.

Roger noted that if there is an appeal the decision would affect decisions in the 9th District Circuit. Roger asked if the remains were to come to the Smithsonian, would tribes have a right to claim them, even though the Smithsonian is outside the 9th District. Since we have repatriation legislation aren't we running the risk of having to make a decision about the repatriation of Kennewick Man all over again? She said that usually a case cannot be tried again, except in this case the tribes who might make a claim to the Smithsonian under the NMAI Act were not parties to the lawsuit, so in theory none of the decisions made by the judge are binding on the tribes. (b) (5)

Oregon decision is not binding in this jurisdiction, it would be persuasive evidence.

Gillian asked what would happen then if instead of going to court a tribe appealed to the Review Committee. Lauryn said that there would then be a dispute. Roger asked if tribes could argue that we could repatriate if we wanted to because of the clause in the NMAI Act that states that nothing precludes us from making a decision to repatriate. Lauryn thought (b) (5)

(b) (5) . The tribe then couldn't bring it to the Review Committee or to court. The tribes could argue that the decision was erroneous, that the remains are Native American, but they would have to prove their case all over again.

Roger didn't think it would be good for the Smithsonian to go through this same process. He asked what implication the judge's ruling has for the Smithsonian. Lauryn thought the most significant point concerned coalition claims. She said the judge determined that coalition claims are only valid if each tribe's claim is independently meritorious. That was not done in the Steed-Kisker case,. She noted (b) (5)

with the Salinas report. Roger asked if that case was different because it recommended repatriation to a specific tribe where affiliation was clear, who would act on behalf of the other potentially affiliated tribes. Christy noted that in that case the oral tradition was strong and the remains were only 500 years old. Lauryn agreed, stating that each of the tribes could show an independent connection.

Lauryn said the other issue was how heavily oral tradition can be used. She didn't believe there had been any recent NMNH cases where oral tradition was heavily weighed. Christy said that, in fact, in the Oregon ParTee case oral tradition was relied on heavily to make affiliation.

Roger asked Lauryn what her advice would be for the Repatriation Office in order to avoid disputes about coalition claims coming before the Committee. He wanted the RO to continue to do as much in-depth research as possible to clarify affiliation. Ruth thought it was important to make sure notification of intent to repatriate is done very widely. Bill Fitzhugh also thought it was important that whenever possible we should steer away from coalition returns and encourage tribes to file individual claims. Christy thought that scientists will begin to say that you can get so far back in time as to be unable to identify an affiliated contemporary group.



Lauryn discussed a Philippine Igorot case, which involved the brain of a named individual. It is a descendent claim. It's not being handled by the RO. They expected it to be returned to its US descendent, but it could be returned to the Philippines.

Discussion of RRC funding

Fitzhugh discussed the Smithsonian science commission report. He also discussed the issue of the lack of any funding for the Department to carry out its research functions. The museum is currently under a continuing resolution for this fiscal year and the museum expects to cut all departmental budgets by 10%. He raised the issue of the vulnerability of the RRC accumulated rollover fund. Gillian had been told by the Director's Office that the funding could be targeted for re-programming by the Secretary's Office. Bill suggested the Committee consider funding projects that improve access to the collections, such as information access, digitizing the collections, etc. He thinks there's a strong possibility of this money being redirected away from repatriation all together. Bill has had a discussion with Ross Simons who encouraged moving forward with these types of projects. Bill thought it would improve the political power of this Committee if they fund these kinds of projects during such tight budget times, rather than hunkering down and trying to hang on to the money. Andrea thought the RRC could come up with some good ideas.

Bill thought the Science Commission report would have a very strong impact on science at the Institution. National Academy of Sciences and the National Association of Professional Accountants have both supported science at the Institution and affirmed that Anthropology is a core part of science here.

Richard thought the Review Committee should exercise more political power. Bill thought the Review Committee already had a lot of power. He said the Museum and Repatriation were very appreciative of the Committee's support. The Anthropology Department has already benefited from its relationship with repatriation. He thinks repatriation is Anthropology today. It is becoming more integrated.

Andrea said she was please to hear that, because the Committee had raised concerns in the past about the Department and Repatriation not working well together.

In Camera Session

This portion of the minutes does not circulate.

Friday, November 15, 2002: 9:30 pm

Andrea opened the meeting. Lynne Goldstein, David Evans, Ruth Selig, Lauryn Grant, and Doug Irwin, Bill Fitzhugh attended. Andrea mentioned that the Committee currently had only five members, with one tribal position and one traditional religious leader position needing to be filled. In addition to the two current vacancies, they needed to select a person who would be nominated by anthropological professional organizations to replace Christy Turner, who's term ended in December. Andrea explained that the process had gone very smoothly. She had interviewed all the candidates in September.

Doug noted that Rick West participated in the process and he and Rick planned to submit a memo to the Secretary together making their recommendations. Lauryn said she was very pleased that the Committee and NMAI were able to work so well together on this process. Andrea said the selection committee was recommending Roland McCook, Ute, as the tribal nominee, Gordon Yellowman, Cheyenne, as the traditional religious leader, and Jane Buikstra, physical anthropologist, nominated by the professional organizations, to fill the vacancies on the Committee. Gillian gave Dave Evans an overview of the Committee's operations.

Ruth asked how specific the law was about the categories of nominees. Gillian said for the traditional religious leader category it was very specific. Two members must be religious leaders. Four of the seven members of the Committee must come from nominations from Tribes or Native American organizations. Ruth asked if that meant the tribal nominees had to be Native American. Gillian said no, Roger and Lynne were both nominated by tribes and Native organizations.

Bill Fitzhugh thought it would be useful to give Dave an overview of repatriation. Ruth explained that the Committee was formed to advise the Secretary who has designated the Undersecretary for Science as his designee. Lauryn reviewed the two repatriation laws and discussed the Committee's responsibility to review and monitor the repatriation process at NMNH. She gave an explanation of the relationship between the NMAI and Review Committee. She said the NMAI felt the Committee didn't have jurisdiction over deaccessions at NMAI. But the two programs have developed an informal collaboration and share information. The fact that Rick had agreed to participate in the selection process meant that the relationship with the Review Committee continued to improve.

Andrea explained that the Committee met twice a year usually in the fall and the spring. They could hold special meetings, if needed. They track active repatriation cases, review case reports and work as a monitoring body to ensure the process was operating efficiently. Originally they were monitoring the compliance with the summary and inventory deadlines. They also try to act as a liaison to tribes by attending tribal workshops. Andrea explained the repatriation process. Gillian explained that the process begins when a tribe makes a claim for certain categories of objects that can be repatriated under the law, human remains, funerary objects, sacred objects, and objects of cultural patrimony. A case officer will prepare a research report assessing the claim and makes a recommendation. After internal review and approval the report is sent to the tribe. The tribe then either agrees with the assessment or not. For the most part it is a fairly

agreeable process. There are rarely any disagreements. Once a notification of intent to repatriate is disseminated widely and no other competing claims come in, we begin discussions with the tribe about how they want to proceed with the return. The Committee might be asked to become involved with the case at any point, but usually it is during the assessment process that a tribe might ask for intervention. Part of the responsibility of the Committee is to resolve disputes between tribes and between a tribe and the Museum. Bill said that the RO has prioritized claims for human remains and funerary objects. He thought future assessments of sacred objects and objects of cultural patrimony would present more challenges because the definitions are not as clear. Gillian said the RO had about 12 active cases. Doug asked how many cases the RO closed a year. Gillian said last year they closed two. Dave noted that with two new cases this year, it meant a steady 12 active cases a year. Gillian said that the major factor affecting how long it takes to complete a case is the size of the claim. Other factors include multiple site cases and multiple tribe claims. The physical lab documents the remains before they are returned. If their assessments don't match the records that can also slow down a case. Bill noted that everything is documented with the permission of the tribe and there is usually no sampling done.

Bill explained that the RO and the Repatriation Review Committee are separated administratively. They have separate budgets. This relationship is advantageous for the process. Gillian said that the two offices collaborated whenever they could. Roger said that the perceptions about the Smithsonian had changed significantly since the repatriation process had begun in 1990. The Smithsonian has a much more collaborative relationship with tribes. He thought repatriation would be a long-term ongoing process. Lynne said part of the reason the process will be ongoing is that tribes don't have any deadlines within which to make claims.

Lynne said in the past when the repatriation legislation and the Smithsonian were discussed it was about the NMAI, but now both NMAI and NMNH are discussed much more positively.

Christy said another positive aspect of repatriation is that an enormous amount of scientific research had been completed that would never have been done without repatriation.

Doug asked what percentage of the repatriatable collection had been returned. Gillian said that the Native American human remains collection included approximately 18,000 sets of remains. The Museum has returned 2,800 so far. We returned another 1,000 catalog numbers of objects. Doug asked how many more human remains are repatriatable. Lynne said she didn't think there was any way to know that at this time. Roger thought they should all be considered repatriatable because we don't know what evidence will be brought forward by tribes. Lynne said the Repatriation Office has tried to prioritize their documentation in terms of which collections are most likely to be repatriated. Doug asked if the Committee ever recommended a case be pushed forward if a tribe makes a request. Lynne said they did. Another factor that can push a case forward is if another institution has remains they are moving forward to return. Lauryn pointed out that a portion of the human remains is unaffiliated and as of now there are no regulations governing the disposition of unaffiliated remains. At some point in the future there may be regulations under NAGPRA and at that time we'll have to decide if we want to emulate them for

remains here.

Dave asked what level of interaction tribes currently have with the Institution to encourage consultation about the collections. Gillian explained that the Institution was required to do inventories of the entire Native American collection and submit those to tribes. Doug also noted that there is a lot of interaction with tribes visiting the collections. Bill said there is a lot of interaction with tribes in the Repatriation Office, but outside the RO there is also a lot of interaction with tribes. The NAA and the Arctic Studies Center host a lot of visitors and make a lot of collection information available on-line. Bill discussed the importance of Native access to the collections. He mentioned the Rasmusson project and tribal catalogs as examples of knowledge repatriation. He believes these new relationships are the new Anthropology.

Lynne mentioned that there were very few disputes because the Institution has learned a lot about the process.

Gillian added that one of the projects that the Review Committee created was the travel grant program that use RRC funds to cover the costs of Native visitors to come to the repatriation offices at both the NMAI and the NMNH to consult about collections. The Committee has been discussing the possibility of establishing a new program to improve access to information.

Dave said he was pleased it was going so well. Roger agreed that overall it was going well, but there will always be bumps in the road. Dave acknowledged that that was always possible but it sounded like there was a good strong base from which to work should there be a snag. Ruth pointed out that the program is well funded and well protected.

Bill said he thought the way we've been going about the process, doing extensive documentation and consulting widely, has made this process fair and equitable. It has become a model for other repatriation programs.

Dave asked what he could do for the Committee. Roger said he thought it was important to keep repatriation as a priority. Dave and Doug assured the Committee that the Smithsonian would. Dave invited the Committee to contact him if they ever had any concerns.

Lauryn, Dave, and Doug left the meeting.

Lynne asked Bill to give the Committee some background on Doug and Dave. Bill said Doug is a paleontologist. He was a very active department chair. He was appointed to the Smithsonian science commission and when Bob Fri stepped down he was appointed interim director. Dave is an oceanographer. He came from NOAA where he was a senior director. His strengths are congressional liaison work and agency administration. Ruth said Doug is very interested in repatriation and anthropology.

Discussion of Project Proposals

The Committee discussed funding for projects with Bill. Andrea explained that the rollover funds have once again grown to the point that they were in danger of being re-directed. Yesterday during the in camera session the Committee discussed project ideas with Gillian. Andrea directed the Committee's attention to the handout on project suggestions that they had discussed with Gillian the day before. They had had an in-depth discussion about the digital imaging proposal. They had discussed purchasing new equipment and hiring someone who's sole responsibility was to do digital imaging. She reiterated that the Committee had also been discussing for a few years the need to integrate the physical database with the archaeology database. They had suggested hiring someone to come in and update the databases. Lynne said she was concerned because the archaeology database is not in very good condition. She felt the whole database needed to be updated. She thought getting the databases linked was only one minor issue. Christy said the major problem was a standardization issue. Bill said those issues are being dealt with currently in Collections Management as they begin to migrate the databases into Emu. He said he was impressed with Emu's capabilities. It was able to handle large amounts of text and imagery. Roger thought it was important that the databases be cleaned up and integrated so that they are useful to Tribes and researchers. Gillian said the plan was integrate the RO databases into Emu. Lynne said the design of the RO Archaeology database was actually worse than the data. Gillian explained to Bill that the Committee had discussed bringing in consultants to help design the digital imaging project and to re-design the RO databases. Bill said he'd like to get some suggestions from the Committee about re-organizing the databases. He said he would also discuss it will Bill Billeck.

Lynne asked what other projects had been discussed. Andrea said they had discussed the possibility of bringing in researchers to catalog and analyze those collections that hadn't been claimed yet, but could be in the future, such as Spiro, Chaco Canyon, and River Basin Survey. Lynne thought it was a great idea. Gillian said the idea was to design the projects as pre- and post-doc fellowships in order to target collections that needed documentation. The researcher could then use the data for their own research. Ruth suggested looking into doing them as "senior interns." These are people who are really research assistants, but are brought in as interns. Roger said the point would be to capture a minimum amount of data that tribes and the Repatriation Office could then use for consultation purposes. Gillian pointed out that the first requirement would be to catalog the collection. Bill thought it might be useful to put out a call for proposals to the curators for collections access projects that are linked strongly to Native communities and repatriation. Ruth noted that it would allow closer supervision of the intern. Bill agreed and thought curatorial sponsored projects would help link the department and repatriation more closely. He thought this was a particularly good time to think about developing these kinds of projects because the fellowship program has had its budget cut.

Roger wanted to ensure that there are clearly definable projects that produce results. Gillian said that early on some collections were documented outside the Repatriation Office, but there was a problem because there were not clear standards about how data was to be collected. Roger also wanted to make sure tribes are invited to participate in whatever projects were funded.

They discussed the ethnology re-housing project. Gillian explained that it encompassed making soft mounts to stabilize collections, building new boxes that allowed objects to be moved

without being handled, targeting sacred objects for traditional care treatments, and reorganizing objects by type within culture. She said they had already re-housed the collections from the Northeast, Southeast, and the Southwest. Scalps have already been separated out and traditional care requests receive priority. Andrea raised the issue of re-housing for the physical collections. Gillian discussed the Aleut mummy re-housing project. Bill said that the mummies are going to be moved to a new climate controlled storage space in the basement. Bill said one problem was that he couldn't get the museum to provide adequate facilities for the remains, but he agreed it was important. He's concerned because the administration believed that the remains would fit back into the attic, but there is less space now in the attic than before. He thought that the Committee could facilitate getting improved storage for the human remains by making sure Ross Simons knew of their concerns. He said addressing this issue was one of the department's highest priorities.

Update on Repatriation Office Activities

Bill Billeck gave the Committee an update on Repatriation Office activities. He said he had completed the Owens Valley Paiute, Fort Brady Chippewa case reports. His current priorities were completing the Salinas and Southeast Washington reports. He felt that the Salinas report needed to be revised because Tom Killion had used the format that the NPS had used to determine affiliation, which encompassed tribes who had casual relationships with the area. Bill had been working with one of the museum specialists to finalize the Southeast Washington case report which is in internal review. Because there has not been a push from the Plains tribes to complete repatriation cases, particularly the Arikara, the Plains cases have been put on hold while these other priorities are addressed. He has started work on the Arikara case again. A draft of the report is in RO review. Its 600 pages long and encompasses 2,000 catalog numbers covering 1,300 sets of human remains and 800 catalog numbers with 14,000 funerary objects (including 10,000 beads). The material had been collected by numerous researchers between the 1870s and the 1970s. There were many problems with the catalog records, particularly for the 2,500 funerary objects from the Sterling excavations. There may be more funerary objects yet to be identified. He will consult with the Arikara about the unidentified funerary objects.

Christy asked if the Arikara human remains had been documented. Bill said they had.

Lynne said she had been told by an Arikara representative that the tribe was more concerned with the research being done well rather than quickly and that they were also interested in DNA analysis. Bill asked who the person was and Lynne said she would have to check her notes. Bill said the real problem is that there isn't anyone in the Three Affiliated Tribes government representing the Arikara. The tribal chair is Mandan. Bill did go up to visit with tribal representatives but it wasn't very successful. Elgin Crows Breast, the Repatriation Officer for the Tribe, was supposed to arrange for Bill to meet with Arikara representatives, but that didn't happen. Since then he has spoken with a cultural anthropologist working there who might be able to help him make contact with the correct people.

Richard asked who was representative in the three Tlingit-Haida cases. Bill said he didn't know

but would find out for Richard.

Richard said he was worried about the lack of continuity and lack of knowledge among the representatives. He's concerned that elders need to be interviewed before it's too late to gather their knowledge. He doesn't like the young people acting for the Tribes because they don't know enough.

Bill said he has discussed plans for gathering that information by hiring a cultural anthropologist to work with Eric.

Bill Fitzhugh asked if Eric could be sent up to Alaska. Bill Billeck said he could.

Richard mentioned 15 human remains that had been brought over to Hoonah, but the people don't know whose remains they are.

Bill returned to discussing the Arikara case. Lynne asked if the report included both archaeology and physical or just archaeology. Bill said it incorporated both. He said the report identified 15 sets of remains from Middle Missouri and Coalescent components that could be either Mandan or Arikara and he would like more feedback from the physical curators. They would still be returned to Three Affiliated. Fitzhugh said Bill should contact him if he has trouble getting curatorial feedback.

Lynne asked to what extent Bill had worked with other institutions that have Arikara collections. Bill said he was unaware of any other institution that was repatriating to the Arikara at this time. University of Kansas repatriation Arikara remains a few years ago, but not to the Arikara. They were returned to Ron Little Owl and Ron has since been asked to not to repatriate Arikara remains by the Arikara and he is honoring their request. Bill said there were other Arikara remains that had been returned by the South Dakota Archaeological Research Center (500 remains). There were remains from Crow Creek site returned to the Crow Creek Sioux prior to the repatriation legislation. The North Dakota Historical Society returned Mandan and some Hidatsa remains. The University of Tennessee has 1,000 remains from two large sites. They have submitted a report to the Three Affiliated. Lynne asked if he would send his report to those agencies when it was finished. Bill said that was the plan.

Bill discussed the Sitting Bull case. He is just beginning the report. He said there was a right of possession issue, because the material is an old loan. The hair lock can be classified as human remains but the leggings are not funerary objects, but may have been unethically acquired. Roger asked if the right of possession issue would be resolved before the report is completed. Bill said it would. There was going to have to be internal discussions about it. There are two claims, both descendants. He can't determine who the closest descendant is. The One Bull line claims closest ties through adoption. They are also related through Sitting Bull's sister's son who was also an adopted son of Sitting Bull. The other line are direct biological descendants who don't recognize the adoption of the other line. He needs to do some research on the cultural practice of adoption in Sioux society. He will probably pick the direct biological descendant rather than dealing with a coalition of relatives.

Roger asked Bill to update the Committee on the Mohegan/Mashantucket-Pequot case. Bill said the pendant had been offered to the Mohegan but when the notice of intent to repatriate was published the Mashantucket-Pequot filed a counter claim. The pendant comes from an area near the borders of both tribes' traditional lands. Recently the Pequot offered to accept repatriation jointly with the Mohegan and Bill has sent the Pequot a copy of the Mohegan letter. He is waiting to hear back from the Mohegan.

Bill said the ParTee site case report was in RO review. It recommends repatriation to the Grand Ronde and other tribes.

Risa Arbolino is now on board, being paid through Review Committee funds. She previously worked with Martha Graham at the American Museum of Natural History. She will be working on cases in the Southwest and Northwest. There has been little activity by tribes in the Southwest. She is handling the Salinas case. There has been no response regarding the Salinas report from the three affiliated tribes. Park Service is also working with the tribes. The tribes are trying to coordinate a return of NMNH and Park Service collections.

Andrea asked when tribes were contacted about affiliation considerations. Bill said it occurred during the case research process.

Bill announced that the Cheyenne remains from Fort Robinson that the Southern Cheyenne asked for assistance in studying had arrived. Roger said he was concerned about the RO taking time to do analysis on non-Smithsonian remains. Bill said the work was being done after hours. He noted that requests like this don't happen often. So far they've only been asked to analyze two sets of remains. He thought it would be wrong to refuse to help. Roger felt the RO should focus on SI remains.

Lynne asked what the biggest issue Bill expected the RO to grapple with in the near future. Bill said the main concern was about the NAGPRA regulations regarding the culturally unidentified. He's also concerned about possible budget cuts. He felt he had a good staff at the moment. They still have a backlog of cases, but he expected to make a lot of progress in the next six months.

Andrea asked what was happening with the ethnology position. Bill said the applicant pool was very disappointing. Most of the people on the list were archaeologists. He intends to readvertise. He may try to hire a contractor.

Fitzhugh said he'd like to see the RO have more outreach with tribes and develop some exhibits on their work. He wants to see more case reports published. He's concerned about the relationship between the Repatriation Office and the Review Committee. He's asked the RO to develop a plan for spending their rollover funds. He wants the issues with the databases addressed.

Bill informed the Committee that Mineral Sciences wants to put the Ontonagan boulder back on

display. Bill has asked them to invite the tribe to consult and participate in the exhibit planning. They sent a letter to the tribe. They have not responded. He plans to send another letter inviting the tribe to bring people down to consult.

Bill mentioned the Southern Cheyenne photographic exhibit he's working on with Gordon Yellowman and Lawrence Hart.

There have been three new claims, Pequot, Miami (for one set of remains from Indiana), and Hooper Bay, AK. There are currently 18 active claims from 30 tribes. Most of the tribes with inactive cases have been contacted, except those from the Northwest because we've only just hired that case officer.

Bill asked if the list of cases he provided was useful. Roger said it was but suggested a tabular format showing when a major step had been completed for each case. Andrea asked if he could put the claim initiation date on the handout.

The Repatriation Review Committee took the time to acknowledge Christy's departure from the Committee and to thank him for all his efforts. Bill Fitzhugh thanked Christy on behalf of the Department.

Update on Repatriation Cases

Dorothy Lippert, Eric Hollinger, Risa Arblino, and Steve Ousley joined the meeting.

Dorothy updated the Committee on cases from Alaska. She said the Teller report on human remains has been sent out to the communities and the Bering Straits Foundation.

The St. Michael report is still in progress. She wants to add a section on burial practices and review the taphonomy of the group, but she doesn't expect this information to change the affiliation determinations.

The Shishmareff case involves 50 sets of human remains and an unknown number of funerary objects. She has not started the report.

Caroline Brown, of the Tenakanana Corp. is her contact for the Doyon case. The masks have been photographed and the images have been shared with the tribe.

Dorothy has spoken with the representative of the Kasaan who have claimed human remains and funerary objects.

The Aleut case involves 800 sets of remains, including 20-30 mummies. They had requested that we not conduct research on the human remains. She has been trying to address their concerns. She has rewritten the physical protocol memo and has discussed the protocol with their representative, Alison Young, but decisions to allow documentation are still pending. Bill

F. asked what precipitated the no documentation demand. Dorothy said she didn't know but didn't think it was an across the board policy. She expects to eventually be given permission to continue the documentation protocol.

The Hooper Bay request is the RO's newest case and involves 30 individuals and eight objects.

Anaktuvuk Pass case recommended consultations regarding the human remains occur with the eleven groups in the area. So far none of those groups have expressed an interest. Dorothy has had contact with a woman who is interested in having DNA testing done on the remains.

The Nunivak memorandum of understanding allowing the funerary objects to remain at NMNH was never signed by the tribal representatives. She is trying to clarify this.

She has identified five additional sets of remains to go to St. Lawrence Island and one mandible from Larsen Bay that is associated with remains that have already been reburied.

She received a visit from the Caddo in September. Doug Owsley has analyzed Caddo remains for the Army Corp which the Caddo representatives visited while they were here. She has not started their case report, which includes a request for human remains and funerary objects.

The Tunica-Biloxi case has been divided into three reports, the Pierite collection, Mississippi-Louisiana-Alabama, and Arkansas. Bill Day is once again representing the Tribe.

She has received a claim from the United Tribes of Virginia, which is an un-recognized group, and one from the Monacan who are state-recognized. The Anthropology Repatriation Advisory Committee will be meet to discuss how Repatriation should proceed with these claims. Andrea asked if the RO spoke with the non-recognized groups about options available to them for seeking repatriation, such as seeking the support of federally recognized groups. Dorothy said she had discussed it with these tribes.

She had additional visits this period from the Queen Charlotte Island Haida community who have said they do not wish to work with U.S. counterpart to undertake repatriation.

There was a joint visit with NMAI of people from Hooper Bay. There had been a problem at NMAI when they inadvertently came across a potentially harmful shaman's bag and had to undergo a cleansing ceremony. She thought the visit went better at NMNH because we had an opportunity to address their concerns about seeing funerary objects and were able to remove them from storage ahead of time.

She had a Creek intern this summer, John Beaver, who's Creek, who worked on the Etowah Mound material.

Roger asked Dorothy when she expected to begin the Doyon case. Dorothy said not until after the Tunica case, which she has just started.

Eric Hollinger updated the Committee on cases from Alaska, the Great Lakes and the Northeast. He said in response to the Committee's recommendation to reconnect with tribes, Eric had discussed the Barrow addendum with the community and has sent a letter to the Wainwright community. He recently received a letter from the Paiute expressing their concerns about taking receipt of two sets of remains.

He will be consulting with the tribe regarding their ultimate disposition and special nanding restrictions should we be asked to retain them. There is an additional set of remains from Fort McDermitt. He has sent a letter to the Fort McDermitt Pauite. They asked for more information, which he has sent them.

He has six letters to six tribes regarding two sets of Chippewa remains. He hasn't heard back from any of the communities.

He is waiting for confirmation from both the Ho-Chunk and the Winnebago regarding the RO's suggestion to separate the remains between the two tribes. The Ho-Chunk would take responsibility for the two individuals from Wisconsin and the Winnebago would take the remains from South Dakota. Eric has invited Terry Snowball, from NMAI who is Ho-Chunk, to assist with the repatriation.

He discussed the Mashantucket-Pequot/Mohegan case. Recently, the Pequot have said they think the two tribes should claim the pendant jointly. He has shared this information with the Mohegan and thinks it's likely that they will agree to a joint repatriation. If the two groups can't reach an agreement, he will allow the Pequot to provide additional information supporting their claim, because they were not invited to participate in the original consultations, and possibly revise the findings in the report, if necessary.

Andrea asked Eric if he had resolved the status of some faunal remains found with the remains. He said he didn't believe they should be classified as funerary objects because they appear to have been inadvertently associated with the remains, but since they have already been classified as funerary in the report, it would require an addendum to change that assessment and he's not planning to revise the report.

He is working on the pre-historic Barrow report. It's almost ready for RO review. The addendum to the historic Barrow report is almost as large as the original report. Christy asked how large Eric expected the Barrow report to be. Eric said about 120 pages. It encompasses a number of sites dealt with in the report. They were able to track down a lot of research on these remains.

The Menominee case report on one named individual is in RO review. He'd shared more information about the names that this individual may have had. But neither he nor the Tribe has been able to associate the name with any existing families. He expects that this individual will be offered to the Tribe as a tribal affiliation. The case also included an additional 9 sets of remains and 28 funerary objects from several sites in eastern Wisconsin. Their request was for all remains and funerary objects from territories they had land claims for, which included eastern

and central Wisconsin.

He's had a lot of information requests from Chippewa and California groups.

Jody Gray, an intern from the Cheyenne River Sioux, will be working on the PACRAD project. She is being trained on the new cataloging software. He hopes to find volunteers and interns to continue this project. Andrea asked if Jody would be available to continue this work after her internship. Eric said he wasn't sure. She was looking for full-time work as a library specialist, but he thought she might be interested in seeing the project through to completion.

Andrea noted that the content of the case reports is excellent, but thought the reports needed to be more standardized and recommended using the *American Antiquity* style guide. Eric said they tried to stick to the *American Antiquity* style guide but may occasionally make mistakes. Bill recommended that the Committee submit their report comments in writing to the authors.

Eric's future projects included finishing the Barrow and Menominee reports. He's received new claims from the Miami for one individual, and the Klamath Tribe claim for human remains. . He noted that the NMNH had no Klamath remains but they also represent the Modoc and the Snake Tribes and we may have 6-9 Snake remains from Idaho and Oregon. His primary efforts will be directed toward claims from Alaska from the Tlingit, Haida, and Kootznoowoo for ethnographic objects. He also has a claim from the Hupa for the Red Man deerskin from California. Other groups might have claims for that object. He hopes to address the Alaska cases in one report. He hopes to hire a contractor, Dr. Anne Marie Victor Howe, who used to be the ethnologist from Peabody Harvard, to work on those cases. She's been a consultant for the Tlingit for many years. He noted that Richard had met her. Richard thought it was very important for Eric to come to Southeast Alaska to interview the Tlingit elders soon to gather information about the ethnographic objects, particularly because the elders aren't getting any younger.

Risa has sent out the Salinas report to the tribes and is following up on that report. She will be contacting Isleta Del Sur, Ysleta, and Sandia Pueblos.

She has written an addendum to the Nez Perce report that evaluates Nez Perce lineal descent claim for a named individual. There are also other remains under discussion that have joint affiliations with Nez Perce and Colville. She expects to complete that report within the next few weeks. She has been consulting with people at Nez Perce about the named individual.

Her next case involves a Cayuse dress claimed by the Umatilla as an object of cultural patrimony.

There is an additional Grand Ronde claim for unassociated funerary objects from Memaloose Island that still needs to be addressed. She will wait to address those materials until after the ParTee Site case is completed, because that is the Grand Ronde's main priority.

She has had visitors from the Coville and the Samish tribes. The Coville visitor is a Ph.D.

student interested in doing her dissertation on archaeological and repatriation issues associated with remains from Coville aboriginal territories. She may become the Coville NAGPRA representative. The Samish Indian Tribe from Puget Sound, Washington is federally recognized. They are interested in "information repatriation" to revitalize traditional crafts. They hope to have this information available through photographs and the web. They are developing an environmental and cultural center.

Roger asked if there were any other cases pending in the Southwest. Risa said there were no other active claims from the Southwest. Bill noted that out of the 5,200 sets of remains the Forest Service has offered to Southwest tribes, they have only been able to repatriate 52.

Steve Ousley reported on the Osteology Lab. He circulated a progress report. He has finished the Par Tee site report. It is RO review. He also plans to send out sections for review to some of the archaeologists who participated in the consultation for their input. He expects the remains to be offered jointly to the Grand Ronde, Siletz, and possibly Chinook.

The lab has finished documenting all 2,000 Alaskan remains, except the Aleut collection, which they are restricted from documenting. There are some remains with unknown provenience. We also documented isolated remains from North Dakota, Arizona, New Mexico, and California. Work still pending includes the Tunica claim. He will re-analyze the Mississippi case report. Also coming up are the Caddo, and Klamath cases.

He has improved the correspondence tracking system. They have done some storage location updates in YODA. The North attic remains are being moved, so they need to track them. He has added some craniometric data from pervious research on remains from the SI to the physical database. There has been only one addition to the staff. Christopher Dudar is working on contract. He had an undergraduate Research Training Program intern digitize a large sample of Asian crania to assist in the identification of Native American remains, particularly Alaskan remains. He used the data to analyze remains from a Chinese cannery site Alaska. The written records stated that they had been excavated by an amateur archaeologist and sent to Hrlicka. He used the Asian craniometric data to confirm that these remains are Chinese. He had three interns doing enhanced skeletal inventories of the Southwest remains. The lab now has a bone-by-bone inventory of all the remains from the Southwest.

He also discussed individual staff research publications.

Lynne noted Steve's contribution to other people's research. Bill Billeck also noted Steve's contribution to museum data retrieval.

Andrea asked if the lab had addressed the issues of researchers using ethno-historic information to make determinations about burial practices rather than independently assessing the physical evidence. Steve said that had been a problem in some earlier reports, but is no longer the case. He also said that in some cases where a researcher had determined that the bones showed signs of cut marks, he re-analyzed those remains and found that not to be the case.

Andrea discussed her review of the physical assessments and said that the lab was doing an excellent job as usual.

The Committee thanked the case officers, who left the meeting.

The Committee approved the minutes pending the recommended edits. They discussed holding a meeting in March and suggested the 13-14, 20-21, and 27-28 as possible dates.

Roger had to leave the meeting at this time.

Bill Billeck returned for the meeting with Jim Pepper Henry. Bill discussed the problem with the policy for working with state recognized tribes. He said the policy was to consider them on a case-by-case basis, but there are no guidelines for how to evaluate these claims. Lynne said she thought the Monacan and the United Tribes of Virginia were very different cases. Bill agreed but noted that under the current policy, a claim like the Virginia claim, would be handled in the same way as a federally recognize tribe claiming all remains from a state. Each set of remains from the state would be evaluated and affiliation would be determined for each set of remains. Lynne said she thought the policy for handling any state recognized claims was that those claims would not take precedence over federally recognized tribal claims, essentially pushing those claims to the bottom of the list. Andrea said she was concerned that it has taken so long to develop a policy. She thought a decision needed to be made. Bill said he planned to take this issue to the Anthropology Repatriation Advisory Committee. The policy has been that any federally recognized tribes who can claim affiliation control whether or not the state recognized tribes can participate.

Jim Pepper Henry gave the Committee an update on repatriation activities at NMAI. He said he has been promoted to Assistant Director for Community Services. He had been under Cultural Resources with the Repatriation Office. He has replaced Nikki Sandoval. He will now be responsible for community services, which covers fellowships, internships, technical assistance workshops, public programming, electronic initiatives including radio and web sites, development of tribal web pages, and the Pow Wow. Repatriation has moved with him. He will continue to act as Repatriation Program Manager through the opening of the museum.

They have few claims coming in, only two in the last eighteen months. They have had several consultation visits. He expects the number of consultations to increase once the museum opens. They are close to completing the research on the North American collections, except Mexico. They have about a dozen requests left to address. He expects to complete all case reports by September 2003. He brought a list of the reports and cases they are working on. They are hiring someone on contract to gather the statistics on the number of returns that have been completed.

They will be closing the New York research branch in 2004. The board doesn't want the human remains from New York brought to Maryland so he is trying to find storage space for those that will not have been repatriated by then. They are putting together a task force to work on the problem. They are planning a to develop a workshop for tribal representatives to discuss the disposition of the unclaimed remains. They have a lot of soft tissue remains as well as bones that

are incorporated into objects. They will need to resolve what human remains objects can come into the museum.

They are short-staffed at the office, so they've been hiring contractors, but he doesn't want contractors doing consultations. NMAI staff members do all face-to-face consultation. Katherine Dowdy is one of their contractors.

Three case reports have recently gone to the board for review. One case report involves bone fragments that were found on the Menominee reservation. They consulted with a number of tribes. The other tribes felt it was appropriate for the Menominee to take the lead in this case. They have consulted with the Ho-Chunk about this case. The report was written by Doreen Red Cloud.

They have one set of unidentified remains from Kimball County, Nebraska. There are no tribes that claim affiliation with that area. They have approached a Nebraska repatriation coalition who is deferring to the Pawnee. Katherine Dowdy wrote that case report.

The final case involves remains from a Missouri rock shelter burial. They have consulted with the Osage, Kaw, Quawpaw, Caddo, and Wichita. He expected the Osage to take the lead, although recent tribal elections removed their NAGPRA representative. He also expected the removal of Carrie Wilson, who's Quawpaw, has been working with the tribe, so he wasn't sure where that case stood.

All the easy cases have been completed. What are left are those that are difficult to research because of poor records.

Their board wants to see all the remains repatriated. They are producing about 8-12 reports per year. They have two Canadian cases.

They have an active international repatriation program. They have completed returns to the Musqueam and Nanootka in Canada. They have also returned potlatch material. They have completed returns to the Taino and Cuba, as well Chilean mummies.

Currently, they have thirteen to fourteen cases from Mexico. They have made contact with communities in Bolivia and Belize but their governments don't recognized indigenous peoples rights. The NMAI is trying to develop memorandums of understanding with these governments. They are offering to return human remains and funerary objects, but if there are objects of cultural patrimony its up to the communities to file claims. Repatriation of cultural patrimony would have to be reviewed by the NMAI board first, before research can begin.

They are currently working on cases for Delaware and Shawnee remains. They are working closely with the National Park Service on the Delaware case, because the NPS has offered burial space on Ellis Island and if the NMAI can complete their consultations in time, they can conduct a joint repatriation with the Park Service. They hope to have those cases resolved by the summer. They have a few additional cases in Texas, Tennessee, and Colorado. They're hoping

to have those completed by June also. The biggest area they have yet to finish is California. They have consulted with seventy-three tribes from Northern and Southern California. These claims will be split into 22 or 23 reports. This should be the last area they need to complete.



The NMAI is establishing a traditional care committee. They have just presented the proposal.

Lynne asked if Jim had found the move to Community Services to be beneficial for repatriation. Jim said he saw benefits to being in both departments. If repatriation is seen as an outreach program then the move makes sense. But they will still work closely with Cultural Resources. At some time, repatriation will slow down but there will always be a need for consultation with tribes. He sees repatriation evolving.

Bill F. asked Jim if the NMAI had Ainu collections. Jim said no. He invited the Review Committee to tour the CRC and the new NMAI building. He noted that there had been substantial collaboration with the NMNH RO and the RRC in arranging consultations.

He discussed the NMAI pesticide testing protocol. They have been work with the Burke Museum to develop non-destructive detection processes for organic pesticides.

He distributed the NMAI case reports and said he would appreciate feedback from the Review Committee.

The Review Committee thanked Jim for meeting with them.

Bill Fitzhugh said he wanted the committee to think about how the RRC and the RO could improve coordination of communication. Lynne asked Gillian is she had any particular concerns in that area. Gillian said she thought the two offices could try to work more in concert with one another. She thought the reason it was difficult to do that was because both offices tried to maintain their independence. She always tried to ensure that the RRC was not treated as a subset of the RO. She wanted to make sure RRC ideas, proposals, and its status were acknowledged. Bill said he just wanted to two offices to communicate more broadly. He pointed out the issue of Bill B. not knowing about the State and Local History meetings that Gillian attended. Gillian pointed out that the RO staff did know about the meetings and hadn't communicated that to him. Lynne said she thought there was a problem with communication within the RO that exacerbated the problem.

Bill said he would like to see the RO produce some publications on their research. Andrea said she didn't think the RO staff should be taking time away from repatriation do this. She

recommended they hire an editor. Bill said they were also interested in pursuing an exhibit on repatriation. Gillian thought it was important that the RO be involved in any exhibit about repatriation. The Committee agreed, they just didn't think time should be taken away from casework.

Lynne asked Bill how he envisioned repatriation publications. He said he thought they could be a compilation of the case reports, not just summaries. He didn't just want the repatriation data to end up buried in the registrar's office where no one could use it. Gillian pointed out that originally case reports and ethnographic summaries were bound and made available to the library so that researchers could request them through interlibrary loan. Lynne pointed out that the RO never produced a map showing areas where cases had been done.

The meeting adjourned.

State Recognized Tribes Issue

Bill Billeck, Eric Hollinger, Risa Arbolino, Dorothy Lippert, Steve Ousley, and Lauryn Grant were present.

Andrea discussed the fact that the NMAI Act did not include state recognized and non-recognized tribes but the United Tribes of Virginia, who were not recognized, had asked the Committee to review their case.

Lynne asked Lauryn what the NMAI's policy was. Lauryn said she wasn't sure about non-recognized tribes, but they did repatriate to state recognized tribes. Phil asked what the criteria were for determining which state recognized tribes were legitimate. Lauryn didn't know. Dorothy thought that because it was the NMAI board's policy to proactively encourage repatriation, they would accept a tribal assertion of legitimacy. Lauryn thought they should ask Jim Pepper Henry. Eric pointed out that the NMAI will even do international repatriations. Phil said he didn't think there was any reason why the NMNH couldn't expand its policy. Bill said he was concerned that accepting claims from state and non-recognized tribes could impede the repatriation to federally recognized tribes. Their claims could also compete with federally recognized tribe's claims for the same material. Bill updated the committee on the current NMNH policy which says that they will be handled on a case by case basis. It's unclear how that policy should be implemented. The policy says nothing about non-recognized tribes. Bill said the RO was asking for input from the RRC. They had a way to address counter claims by non-recognized tribes if the other affiliated tribe is federally recognized, which was that the non-recognized tribe had to work with the recognized tribe.

Bill updated the Committee on the meeting held with the curators. The curators did not think it should be done. Lynne said that federally recognized tribe's claims should be dealt with first, but that meant that the other claims would always be at the bottom of the list. Roger said they would be at the bottom of the list given the law's mandate, but would be dealt with eventually.

Bill said they could do what they do under NAGPRA and require support from federally-recognized tribes. Roger asked why the NMNH should have to do that. Bill said it would mirror a previously established policy under NAGPRA and would answer the concerns of federally-recognized tribes. Phil said that museums originally started asking for letters of support from federally recognized tribes and sought the approval of the NAGPRA committee because they felt it shielded them from charges they were violating their fiduciary responsibilities to protect and maintain the collection. Phil thought that concern wouldn't apply to the Smithsonian as a federal institution, but Lauryn said that the Smithsonian was also a charitable organization and had fiduciary responsibilities. She felt that legally they could defend either position, and that it was really a policy decision. Roger pointed out that if they required federal sanction it would leave out the whole southeast and the east coast, because there is such strong opposition in that part of the country to permitting non-federally recognized tribes to participate in the repatriation process. It meant that the claim from Virginia would not get support. Phil said he was concerned because if the Smithsonian jumped ahead and recognized California tribes before the California

legislature had finalized a policy and process for recognizing tribes, there would be a lot of complaints from the California legislators.

Lynne asked if the Case Officers could give their views. Dorothy said she felt it was better to think of them as non-federally recognized tribes and then try to determine how their claims impact the federally-recognized tribes in the region. Phil didn't think that would work either, pointing out that there are fifteen Gabriellano groups, all non-federally recognized, who don't recognize each other's legitimacy. One of those groups might try to put in a claim, but there would be fourteen counter-claims. Some tribes might also try to use a successful claim as evidence of legitimacy when seeking federal recognition.

Gordon was concerned about how far the state tribes will go to push this. They have the financial resources. He thought getting the blessing from a federally-recognized tribe was good, but many federally-recognized tribes won't support it. Eric said NAGPRA requires support from a federally-recognized tribe from the particular region. Lynne pointed out that that approach eliminates large parts of the country.

Roger asked what would happen in the RO in the next ten years. At the moment the work was claims driven, but once that work is completed, the RO may begin affiliating remains without claims. At that point, the RO could consider the non-recognized tribes. Bill thought that was likely to happen.

Gillian wondered what would happen when NAGPRA finally resolves the culturally unidentified remains issue. Lauryn said (b) (5) (5)

(b) (5) By the time the RO has completed the federally recognized tribes' claims there may be NAGPRA regulations giving guidance on what to do with the culturally unidentified remains. There may also be a history of cases that would guide the development of a policy. Phil pointed out that because there was no statute of limitations on when federally recognized tribes could claim their remains, the RO will never technically been done with their claims driven work. Lauryn said the federally recognized tribes would still get priority. Phil asked what would happen if a non-recognized tribe put in a claim for collections that could be affiliated with a federally recognized tribe. Lauryn said they wouldn't have standing to put in a claim at all in that case. This policy would only apply to the culturally unaffiliated remains. Everyone recognized that once the RO began working on claims from state and non-recognized tribes it would absorb most of the office's resources for a considerable period.

Roland said it wasn't fashionable to be an Indian, originally. Some Indian people petitioned to have their recognition terminated, but now their descendents want to be recognized and that is upsetting to those tribes who maintained their status as Indians in spite of the hardships that it entailed.

Gordon thought the policy should take into account those tribes who were currently seeking recognition. Phil pointed out that once the RO started working on one case, other tribes seeking recognition would come forward. Roland thought the response should be to suggest the tribe seek a federal tribe to support the claim. Lynne thought the tribe should have to deal with a federal tribe. Phil thought those tribes that had been terminated should receive special consideration.

Roland supported the language the RO had suggested, that a state or non-recognized group should seek the support of a federally recognized tribe. Phil thought one type of case they might want to consider is when there is a federally recognized tribe from the region that agrees with the museum that the remains were culturally affiliated with non-recognized group. Eric said that those kinds of cases are among the rarest. Eric discussed the Wampanoag case. He said that in that case it was possible to determine that among all the Wampanoag communities the remains were most closely affiliated with the non-recognized group, but in most cases we end up determining that the remains are jointly affiliated.

Risa said that in the Northwest there are cases where the non-recognized group is clearly more closely affiliated with the remains than the federally recognized tribe.

Bill said this is a problem that needed to be addressed immediately because in the past the RO offered remains to non-recognized tribes and those tribes are now seeking repatriation. Lynne remained concerned that developing a policy that allows non-recognized tribes to seek claims at this point would overwhelm the office with claims and impede the legally mandated repatriation to federally recognized tribes. Phil felt something more should be done for the terminated tribes that had lost recognition due to government mischief. Risa asked what they should do then in cases like the Chinook where there was a terminated tribe but there remained a federally recognized tribe. Everyone agreed that in that case the federally recognized tribe had a legal right to make a claim.

Dorothy pointed out that the reason the Virginia tribes are having difficulty achieving federal recognition is because for a long time there existed a state law that allowed new births to be registered as either white or negro. Indian people had to choose between those two categories and many chose to be classified as white. She also reminded the committee that the RO had documented one Virginia non-recognized tribe's claim, the Hand Site claimed by the Nansemond. In that case, the RO determined that the remains were not affiliated, but for reasons other than lack of recognition. That's why the United Tribes of Virginia feel very strongly that their case should be considered.

Roger wondered if the RO could say that it recognizes its prior acknowledgement of a claim, but inform the tribe that their case was on hold. Eric said he wanted to be careful not to raise the expectation that the case will be considered. Bill asked if that meant that remains from non-recognized groups should be eliminated from cases like the Southeast Washington report. The consensus was that that was neither necessary nor feasible because it happened in too many cases. The non-recognized tribes should be told that claims from federally recognized tribes had

to be considered first and all other claims were on hold until the claims from federally recognized tribes were completed and legislative guidance on how to handle unaffiliated remains was developed.

The Committee agreed that the state recognized claims should be put on hold and the RO should develop language explaining the decision. Lauryn volunteered to draft a letter.

Bill distributed 2002-2003 case reports to the new RRC members for their information. He also gave them the collection inventory reports for their areas of the country.

Bill, Lauryn, and the case officers left the meeting.

Andrea mentioned that the RRC still needed to fill the last slot on the Committee. She would like to select someone from Alaska. She recommended a selection committee composed of Roland, Cristián Samper, Rick West, and Bill Fitzhugh, and herself.

Discussion of the Repatriation Review Committee Budget

Dan and Ruth attended this session. Dan gave the Committee an overview of the budget process. He said the NMAI Act authorized \$250,000 for the Committee, but did not require that amount to be distributed. He explained that there had occasionally been minor fluctuations in that amount due to cost of living adjustments. The Committee's allocation is no-year, which means that it doesn't expire at the end of the fiscal year, but can roll-over. Over the years the roll-over amount had grown significantly and he was worried that the Secretary will ask for authorization to make a re-allocation. The Smithsonian suffered budget reductions this year and needed to make up the deficit. The SI took \$60,000 from the Committee budget this year. He wanted to remind the Committee that \$186,000 is the Committee's current base budget, \$10,000 of which can be used for special projects at their discretion. What remains after the \$186,000 is to be used for the general repatriation endeavor. If the Committee feels they have additional needs beyond those covered by the \$186,000, requests for adjustments should be directed through Gillian to the Chair of Anthropology.

Gillian reviewed the budget details. At the end of last fiscal year the roll-over had accumulated to \$556,000. The 2003 budget is \$227,000. The Committee's operating budget is \$186,000 plus the funds for the four-year term archaeology position in the RO. Gillian said she'd had a conversation with the new director recently about the Committee and its budget and he said that he was actually the chair of a federal advisory committee which had a set budget. What remained of their allocation each year is turned over to the program to be used for operating expenses. Ruth reminded the Committee that a large roll-over was vulnerable to re-allocation.

Lynne said she was comfortable with that but if the extra money is going to be used by the RO, she wants to see a comprehensive approach to the documentation process taken. Currently, Bill will just ask for an ancillary project to be funded without a comprehensive plan. Andrea pointed

out that the Committee kept recommending certain projects that needed to be addressed. She felt that the RO shouldn't be funding tangential projects, but should focus on completing the documentation process. Lynne and Andrea pointed out that the Committee had been recommending that the RO hire someone to document the large undocumented archaeological collections that are likely to be claimed in the future, such as Etowah. Dan said he wants the Committee to make the Chair aware of their concerns. Gillian pointed out that the RO ceased asking for funding for staffing when Russell was chair because he was so strongly opposed to using Committee money for funding documentation. Dan said that that no longer needed to be the case. Lynne pointed out that there were some curators in the Anthropology Department who didn't think collections should be documented until there was a claim for them. Dan didn't agree with that position.

Lynne said she was still concerned that the RO archaeology database needed revamping. Dan agreed. Phil thought the RO should target the proto-historic and historic collections for cataloging. Dan concurred, noting that there had already been a lot of descriptive work on Spiro and sites in the Northern Plains, particularly Arikara. There has also been work done in the Southeast on sites that are likely to be Cherokee. It's true that the work has been sporadic.

Lynne said the problems with the database needed to be fixed first. She said there were no documentation standards and no context data was collected. Bill has said he agreed that the data base needed revamping but the Committee was never given any information on whether it was being upgraded. Dan said he would look into it. Ruth and Dan suggested the Committee develop a list of recommendations.

Dan reminded the Committee that given the current budget situation at the Institution there would be a time when the costs of running the RO would exceed their budget.

Andrea returned to discussing the hiring of contractors to revamp the database and document the large collections. She said Bill had told her he didn't have time to supervise new contracts. Dan explained that the Contracting Office had begun implementing in-depth reviews of all the RO contracts, which had significantly slowed down the contracting process. It was also sometimes difficult to find people with the right experience to take a contract. Dan thinks the RO's top priority should be to keep contracts moving through the approval process. Roger thought Bill might have more time now that the Arikara case report is completed. He thought it was better to get the four-year commitment that a term position permits, rather than one-year contracts. Dan said he agreed and he thought they should hire someone to revamp the archaeology database. Lynne thought Bill should propose something. Dan said Spiro is not in the database. He suggested that the Committee make a recommendation that this case be finalized first. He knew Bill planned to hire an ethnology case officer but he wondered if it made more sense to hire a geographic area specialist. Roger said he didn't want to wait until the next meeting to get this done. Dan wanted the Committee to make a suggestion so that Bill could respond and explain his approach. However, he reminded the Committee that it wasn't to seek approval. Lynne thought the Committee should send its recommendation to the RO and set up a meeting with the RO to discuss them. Dan continued to remind the Committee that it would not be to seek their

approval. Roger wanted the RO to recommend projects directly related to repatriation. Andrea agreed to write a memo to Bill. The Committee set the date for a meeting with the Repatriation Office for August 25th.

There was some discussion about the difficulties with the EMu program. Gillian explained that the RO had expected to be able to use EMu to input all the data collected in the consultation process but after receiving reassurances that data could be batch uploaded into EMu, that will not be the case for the foreseeable future¹.

Space Planning

Ruth Selig attended.

Dan discussed the current proposals for space reallocation within the NMNH. He said one of the scenarios on the table was to join all the currently scattered Anthropology units together, but in order to do that, the administration expects to have to move the human remains a number of times. One of the long-range storage goals is to improve the storage of the human remains. Gillian said one concern is that tribes might not like the remains moved for spiritual reasons.

Gordon thought it would be a good idea to invite tribal leaders to bless the collections.

Gillian said the Committee was concerned about the potential disruption to the repatriation process.

Ruth said the Smithsonian has to go to Congress to justify the renovation. The Museum has completed a space budget for the downtown areas. Now they have to conduct a space budget for the Museum Support Center. This is a long-range plan with a completion target date of 2023. One goal was to use compactor storage for the human remains.

Dan said he wants the human remains separated from the public space. Andrea said she was concerned about using attic space.

Update on the Winter Count Project

Candace Greene gave the Review Committee an update on the winter count project. The draft manuscript had been accepted for publication, in full color. She had undertaken consultations with numerous Lakota communities; Rose Bud, Pine Ridge, Cheyenne River, and Standing Rock. The Winter Count project was very well received at all the communities. Roland said he was surprised that the feedback was so positive. Candace pointed out that the Smithsonian was not interpreting the counts, only reporting them. There are approximately 950 images. The

¹ As of March 2004, the upload module in EMu had still not been purchased.

Smithsonian is fortunate in that we have not only the winter count itself, but also the maker's interpretation of the count. Roland mentioned that the Ute also used winter counts. Candace said the earliest count is the Batiste Good count from 1700. There is an earlier version that goes by 70 year increments that dates back to 900. The most recent winter count dates from 1920. Tribal members suggested that they be put on the web and the SI Women's Committee has agreed to fund its publication on the web. She had included NMAI winter counts. Royalties of 7% would come to the Smithsonian, over and above the \$20,000 that the publisher put into the project.

Roger asked if some of the royalties could go back to the tribes. Candace said that was a possibility. Another possibility was that the royalties would be placed into an account to continue the research. Roger said he would like to see it go back to repatriation. Candace said tribes want access to the database, so it will be put on the web. This project could generate some employment and training opportunities. The Smithsonian could fund internships. Ruth, citing her experience with AnthroNotes, pointed out that the size of the royalties would likely be minimal and it is very hard to track royalties in the Smithsonian accounting systems. Gordon asked if a note about the visits to the community would be included in the book. Candace said yes. When she was applying for the Women's Committee grant she asked the tribes to send letters of support, which they did and the letters were very supportive of the project. A set of slides of all the winter count images have been given to each Lakota community library.

Gordon jokingly asked Candace when she planned to do the Cheyenne ledger books (drawings). She acknowledged that it would be a worthy project. She was currently working on a Kiowa calendar.

Lynne said she wanted to be sure that the Committee members get copies of the books. Candace said the publisher wanted to get it into the Fall 2004 catalog, but Candace didn't expect it to be finished that quickly.

She asked if the Committee would like to purchase advanced copies for the tribes. The Committee thought that might be a possibility. Candace said she would produce a list. She noted that the website would probably be up first and that was free. Gordon suggested sending a CD to all the Lakota libraries.

The Committee thanked Candace for a good job.

Discussion of Consultation and Outreach Projects

Jake Homiak, Bill Billeck, and Candace Greene attended this session.

Gillian gave an overview of the proposed project. She said it stemmed from the Committee's concern about proper documentation of those parts of the collections that are being repatriated. The Committee had been critical of the quality and format of the earlier photographs taken of the

deaccessioned collections. At the last Committee meeting, the Committee had said there was no standardization of the images. The Committee had asked why the collections weren't being digitized. They had referenced the Tlingit-Haida video-teleconferencing project. The Committee recommended that the RO and Collections Management begin digitizing the collections. Gillian had shared the Committee's discussion with Bill and Jake. The next step was to hold a series of meetings with the various Anthropology offices to discuss how to proceed. Bill and Jake developed a brief proposal and submitted it to the Committee. They asked for input from the Committee and received some negative comments, which were puzzling considering it was the Committee who originally recommended the project. Lynne said since she hadn't attended the in-camera meeting where digitization was discussed among the Committee members, her comments were based solely on the short proposal that Jake and Bill had submitted. So, Jake and Bill are attending this meeting so that all parties can discuss the issues.

Jake said it was his understanding that the idea was to help facilitate consultation and outreach to tribes through digital imaging. Collections Management would work closely with the RO to identify collections that tribes could most benefit from viewing the collections electronically. They wanted to be sure that they targeted whole collections. Bill would provide Collections Management with a priority list. These images would be added to EMu which would further increase access to the collections for both tribes and the general public. Bill said he hadn't picked any area yet. He said currently the RO was already picking certain objects to digitize. Andrea asked if these were funerary objects, sacred objects, and objects of cultural patrimony. Bill said the objects were ethnographic objects but they wouldn't know if they were sensitive objects until the tribes had seen the images and determined that they did fall into those categories. The identification of those objects would occur during consultation.

Andrea asked what would happen if the tribes objected to these objects being digitized without consultation with the tribes. Andrea said she was concerned about digitally imaging sacred objects, particularly if they were going to be put up on the web. Candace said that before the images were put on-line the tribe would have a chance to review them and raise their concerns. Andrea was concerned that some tribes may feel certain objects should never have been photographed in the first place. Gillian said the objects were already being photographed as part of the documentation and deaccessioning process. Roger thought consulting on the appropriateness of digitizing each object was going to be a time consuming process because you had to be sure you're consulting with the right people. He pointed to the Hopi Katchina masks which are obviously sacred and which the tribe would be unlikely to want digitized and put on the web. Roger understood that most of the claims that had come in were for archaeological material, not ethnographic. Gillian agreed that that was the case for returns, but not for consultations. He just wanted to be sure that the RO wasn't creating political difficulties for itself. Gillian asked why these concerns were being raised now, rather than when the Committee first recommended that the RO begin digitizing the collection. Andrea said at the last meeting she had raised these concerns and Gillian had given assurances that that wouldn't occur. Roger said that the Committee's focus was on the documentation of objects that were being repatriated. Gillian said that if that was going to be the focus of the project, then the RO might as well continue photographing the objects as they have been and not begin a digitizing project. She

thought the Committee was recommending a full-scale program to digitize the collections. There was actually very little material being repatriated at the moment, so it wouldn't justify a full-scale program. Ruth said she was surprised that this would be a problem because NMAI was digitally imaging its entire collection. She was familiar with the NMAI's Rasmussen Project. In that case, the tribal representatives receive a CD with all the images when they arrive for a consultation. She suggested targeting the Alaskan collections, because of the remote access opportunities and because the Native Alaskans seems so supportive of digital imaging. Gillian asked Bill if he knew of any tribes for whom this was a problem. Roger said Zuni would likely object. Phil said the Native Hawaiians would probably object as well. Candace said she thought the logistics could be worked out. The tribes could be contacted and provided with the images. Andrea thought that would be fine. She was concerned about tribes not having veto power over what gets digitized and put on the web. She thought the RO should seek the tribe's permission.

Lynne didn't think they could do all of the collections in a year. Jake said they estimated they could digitize about 50 objects per day, about 5,000 to 7,500 objects per year. The Committee put \$10,000 into the National Anthropological Archives digital imaging project and they have digitized 52,000+ images, half of which are already in the catalog. They are currently consulting with the Navajo who have requested that images be taken. We asked them if any of the images were of sensitive items and was any of the catalog information incorrect. Phil didn't think every object needed to be imaged. He thought the RO could make a preliminary determination of what might be subject to repatriation and target those objects. Bill said he didn't want to be the person to make that decision. It is the responsibility of the tribe to make that decision. Gillian said that most tribes want to see the entire collection to alleviate any suspicion that they aren't being denied access to significant objects. Gillian said there had been a suggestion that it would actually take more time to pick and choose than it would to tackle the entire collection. They had already purchased a portable white box that allows quick imaging right in the POD. Jake agreed, explaining that if you wanted to go back and do the entire collection after you'd previously imaged only certain collections, it takes time to determine what has been photographed and what hasn't.

Candace explained that they would likely be targeting those collections that are stored in drawer units and not trying to image the pots, baskets, bows, arrows, or textiles that are in separate storage and take time to remove from their units.

Lynne noted that personnel costs were the largest expense on the proposal. She believed that although there were some tribes that were likely to object, most do want this kind of work done, to improve tribal access. She asked if Jake could organize the project to prioritize collections of tribes that are supportive of imaging, seek their permission, and then rewrite the proposal for a one year project. Bill said they had checked with other institutions that were imaging collections and it's clear that it takes multiple years to complete. Lynne acknowledged that it was likely to be a multi-year project. Bill pointed to the American Museum of Natural History's website. Gordon said that museum had restricted access to some images and a researcher had to have a research access code to gain access.

Gordon said the Cheyenne's policy on digital images is that those made prior to NAGPRA could be used without a tribe's permission, but if new images were being created they required tribal permission. He has had opportunities to take images of NMNH collections and Bill has provided CDs and he has shared those with his community. He thought digital images enhanced consultations. Tribal elders didn't find lists and descriptions of objects to be very useful, but when they see images they are able to provide a lot of information about an object.

Gillian pointed out that the NAA and the Department already had a permission procedure to control what images are published.

Roland said people needed to remember that an object that was made by an individual may have sacred value to that person, but the tribe can only assess categories of objects. The sacredness of individually owned objects can't be assessed by the tribe. The Ute Tribe doesn't want Sun Dance material digitized. Tribes need to be consulted about what is acceptable to put on the web. He thought the digitization project could go forward as long as tribes are consulted.

Bill thought the RO could ask tribes to review their ethnographic summaries to see if there were any objects they didn't want digitized. He asked Gordon if he thought that would work. Lynne said it could be done in two ways; either the RO could send out a list of objects to a tribe for approval, or the RO could photograph all objects and then ask which ones the tribe didn't want put on the web. Gordon thought digitizing collections worked as long as the tribe supported it.

Roger asked Gordon how it had helped with the repatriation process. Gordon said they had found it very useful. They are able to consult with conservators about the condition of an object. The tribe has sometimes decided not to seek repatriation, because after seeing an image they have decided an object was too important but also too fragile to survive a move. He discussed the Sun Dance buffalo skull project. He noted that it has been a three-year long project. He said they have decided to only repatriate the human remains so far.

Ruth left the meeting.

Phil asked about the image resolution. Jake said the images would be shot as an 8 x 10, 300 DPI, 17.4 megabyte file, which is a publishable image. That file size would just be the archival file size. Phil asked if you have higher resolution with traditional film or with digital. Bill said the real issue was that digital was cheaper and much more efficient. Phil said that film images could later be scanned, but Lynne pointed out that that process was much slower and more expensive. Bill said they had estimated that scanning traditional images cost about \$3 per image and he wasn't sure if the quality was very good. They would have to scan 40,000 slides. Candace also noted that all those images needed to be named and stored in a way that would enable someone else to find them. Jake said there was an on-going debate about which format was better. He said traditional film had longevity, but the digital image was more versatile.

Lynne said she thought the project should be approved for a year. Roger said he would prefer to see a more concrete list of priorities. Bill said the RO planned to select a region of the country

and consult with communities about their images. Roger said he wanted good reasons why a particular area was chosen. He thought the RO should consult with other museums about which tribes had supported imaging. Bill had thought they would target the Northwest coast. Lynne agreed that tribes from the Northwest coast had been very supportive of imaging. Bill said he thought the Tlingit-Haida would be very interested.

Lynne asked if the equipment they were proposing to buy was sufficient. Jake said they had consulted with NMAI about equipment, but pointed out that the NMAI had five imaging stations and the RO would have only one.

Gillian discussed the new white box. She explained that this equipment alleviated the need to reset the lights for every image, which is what slowed down the process. Usually white boxes are made by hand, but she had been able to find one that had been designed to shoot fast high quality images with minimal set-up time and so far the images that it was generating were of excellent quality and consistency. The box came with a digital camera installed in it and the download software. It measures 2' x 2'. Images can be taken from multiple angles. It's made by a company called Coloreal, a specialist in digital equipment, and we purchased it on a 30 day trial period for \$1,000 less than the retail price. Lynne asked what happened when an object was too large for the box. Jake said in that case it would be photographed by Smithsonian photographic services.

Phil asked what the standards were for imaging. Jake said they were working the standards out, but it was clear that some objects warranted more than one shot.

Andrea said she wanted to see an updated proposal that included a process for tribal consultation. Roger wanted to take time to discuss it before getting back to Jake and Bill. Bill asked if he could take a photograph of the Committee for the wall exhibit. They said they wanted to wait until their 7th member was appointed. Roger said he thought it was fine, but he didn't want it on the web.

Bill and Jake left the meeting.

In Camera Session

The Committee met in camera. This portion of the minutes is not circulated.

Actions List from June 19-20, 2003 RRC meeting

Action Required By:	Request	Action Taken
Bill Billeck	Provide organizational chart of the case review process	Provided at Nov. 2003 meeting
Bill Billeck	Copy of the museum's deaccession policy	Provided by Gillian in November 2003 meeting packets
Bill Billeck	Provided old case reports to new Committee members	Provided by Bill at the June meeting
Lynne Goldstein	Provide notes from the Par Tee site consultation	Tabled
Bill Billeck	Provide named individual status report	Provided at Nov. 2003 meeting
Andrea Hunter	Memo to Bill Billeck regarding upgrading the archaeology database	Submitted July 14, 2003
Andrea Hunter	Letter to Bill about the Committee's recommendations for the digital imaging project	Bill gave update at Nov. 2003 meeting

Appendix B

Minutes of the June 19-20, 2003 RRC Meeting

Final Repatriation Review Committee Meeting Minutes June 19-20, 2003 Prepared by Gillian Flynn, 5/26/04

Repatriation Review Committee Members attending:

Andrea Hunter (Chair)
Roger Anyon
Lynne Goldstein
Phillip Walker
Roland McCook
Gordon Yellowman

Smithsonian Staff attending:

Gillian Flynn, RRC Coordinator
Bill Billeck, Repatriation Office Program Manager, NMNH
Daniel Rogers, Acting Chair, Dept. of Anthropology, NMNH
Ruth Selig, Special Assistant to the Director, NMNH
Lauryn Grant, Assistant General Counsel, SI
Dorothy Lippert, Case Officer, Repatriation Office, NMNH
Eric Hollinger, Case Officer, Repatriation Office, NMNH
Steve Ousley, Case Officer, Repatriation Office, NMNH
Risa Arbolino, Case Officer, Repatriation Office, NMNH
Cristián Samper, Director, NMNH
Jake Homiak, Program Manager, Collections Management, Dept. of Anthropology, NMNH
Candace Greene, Museum Specialist, Dept. of Anthropology, NMNH

June 19, 2003: 9:30 a.m.

Introductions

Andrea Hunter opened the meeting. Cristián Samper, Ruth Selig, Gillian Flynn, Bill Billeck, and Dan Rogers were present. Andrea made an introduction in Osage to the new members and Cristián Samper. The new members of the Committee (Phil Walker, Roland McCook, and Gordon Yellowman) introduced themselves. Ruth Selig announced that she had been appointed Special Assistant to the Director.

Andrea reflected upon the passing of Repatriation Review Committee (RRC) Vice-chair, Richard Dalton. She said he would be missed. He contributed a great deal in his special way as a tribal elder. He always reminded us why we were here through his stories. His contributions will be remembered.

Andrea reviewed the Review Committee's mandate to oversee repatriation and to help native people in their repatriation efforts. She felt it was important that the Committee remember what

its objectives were.

Cristián Samper welcomed the Committee to the Smithsonian. He introduced himself. He said he had a vision for the next ten years. He wanted to improve research, exhibits and care of the collections. He said he'd been briefed about repatriation. He hoped to be able to turn to the Committee for advice.

Update on Repatriation Office (RO) Activities

Bill Billeck provided the Committee with an update on the activities of the Repatriation Office. He reviewed the staffing of the office and handed out a report on the administrative structure of the RO. He mentioned a new ethnology contractor, Ann Marie Victor-Howe, previously at the Peabody, who is assisting with the Tlingit-Haida case. He also distributed a map of the areas of responsibility for the Case Officers. He discussed the various databases that the RO uses. He said the most important database was the consultation tracking database, which was still being redesigned. He estimated that the RO spends about 50% of its time on consultations with tribes. He mentioned the RO's two new Native American interns. One is Hopi, Erica Baloni, who is working on a digital imaging project with Dorothy Lippert and Risa Arbolino. She is imaging the unidentified puebloan objects in the hopes of identifying their tribal affiliations. He handed out a list, organized chronologically, of the reports that have been written to date and the list of collections that have been repatriated. The RO has repatriated remains to approximately 50 tribes and offered 300-400 remains to an additional 90 tribes. The RO is still awaiting decisions from the tribes in those cases. They've returned 88,000 archaeological funerary objects (many of which are glass beads). He reviewed the list of completed returns and mentioned that the RO did not have a large number of sacred object claims. They currently had two tribes that have claimed sacred and cultural patrimony objects, the Umatilla and the Tlingit-Haida. The Hoopa appear to have made a claim, but the RO needs to clarify the claim with the tribe.

Phillip Walker asked how proactive the RO was in communicating with tribes. Bill said they tried to be proactive. The new case officers have reviewed all the cases and correspondence to try to determine the status of their cases. Phil pointed out that the difficulty lay in identifying the correct tribal leaders and elders to contact. Bill said the RO attempted to locate the correct people. Lynne Goldstein said the Committee has been encouraging the RO to be more proactive. She explained that the RRC reviews the RO case files to see how proactive the office has been. Phil suggested sending letters to both tribal governments and elders' councils. Bill said the RO contacted people in the tribal government to ask who the RO should be working with. Sometimes they are told that they are only to work with the tribal government and the law requires the RO to work with the tribal government. This is frustrating when we know that certain groups are not represented in the tribal government. Lynne said the Committee has encouraged the RO to take steps to ensure that all federally-recognized tribes with an interest in a particular case are contacted early in the case, not just when a case report is completed. Roland McCook recommended sending case reports to both the tribal chair and the cultural resources office. He said the Ute Tribe's previous chair was a traditional person and would not work with

white people, because of historically negative relations with white society, and would not pass information down to the cultural offices. Gordon Yellowman concurred with Roland's remarks. He suggested that people contact the Bureau of Indian Affairs (BIA) concerning whom to contact, because they keep track of current tribal officials. Phil said there was a great deal of difficulty in contacting California tribes.

Cristián left the meeting at this time.

Lynne pointed out to Bill that the RO web site needed to be updated. Bill agreed.

Phil asked how cases were prioritized. Bill said the first priority was claims for named individuals by lineal descendents. The RO's next priority was documenting the Army Medical Museum human remains, particularly from battlefield sites. Most of those remains are archaeological collections. The remains that came from Army surgeons total approximately 800. About one hundred of those represent people who were killed. Half of those, we know, were killed by the military. Who killed the other half is unknown.

Phil mentioned the Sand Creek remains and their descendants. Bill said that case was complicated by the fact that only a few names of the Sand Creek massacre victims were known. This meant that they had to be repatriated under a tribal claim. The Sand Creek descendant groups only had standing to make a claim in the cases of named individuals. Gordon Yellowman said survivor descendants don't always feel represented by the organized descendant special interest groups. Now that there is a National Park Service (NPS) site at Sand Creek some descendants think the remains should be disinterred and reburied at the NPS site. Other descendants say that should not happen. There are a lot of mixed feelings and complex problems.

Roland said his tribe was concerned about receiving additional parts of already reburied remains or of having reburied remains dug up yet again. They don't want to have to keep going through the process. He also said that tribes don't want to proceed with repatriations unless there's a guarantee that the remains are affiliated. Ruth asked if Bill had experienced problems with proceeding with repatriations. Bill said yes, there were many reasons for reburial plans not being finalized. Gordon said tribes often make a distinction between remains that have never been buried, such as battle site remains, and remains that are being reburied. There are also remains of people that had been banished from the tribe. Phil mentioned the concern the Chumash have about receiving remains that have poor provenience. They don't want outsiders buried in their cemeteries. He said the RO needs to make sure the tribe felt it was in control of the process. He discussed the problem of the non-federally recognized tribes in California not being able to represent themselves. Tribes that have recognition don't want the non-recognized tribes to participate in the repatriation process. He's concerned about the state-recognition issue. He thought the Smithsonian and the Review Committee should still try to find a way to assist the non-recognized tribes.

Bill pointed out that the Smithsonian has the highest return rate in the country, because its

process was claim driven, unlike the NAGPRA process, which was originally notification and consultation driven. The RO currently has 25 claims to process. We expect that to be reduced to ten this year.

Bill discussed the case report review process. He explained that when a tribe made a claim, their request is put into the queue by geographic area, and its priority is based upon other pending cases in that region. Once a case has begun, the tribe is notified and a draft report is prepared by a case officer. The report undergoes extensive internal review beginning within the RO. It is then sent on to the two or three curators responsible for that particular area of the country, then to the Chair of the Dept. and the Repatriation Review Committee. Once the Chair signs off on a report it is sent up through the chain of command (Associate Director for Science, NMNH Director, Office of the General Counsel) and finally to the Undersecretary for Science, for his approval. Only at that time is it shared with the tribe. If the tribe wishes to dispute the findings, they can bring the case to the Review Committee.

Phil asked how the RO counted individuals. Bill said it depended upon the context. Within discrete context they would count the minimum number of individuals (MNI), for example a discrete burial unit. Lynne said the lab was consistent in its counting method. Phil thought an explanation within the report of how the RO arrived at the MNI would be useful. Bill said that it is provided. He explained that in the report the MNI is reported by individual burial context. He realized there were numerous ways that individuals in ossuary burials could be counted, but the lab used one method throughout all reports.

Phil asked what happened if the curators didn't agree with the findings. Dan Rogers said the RO reviews the curator's arguments and if they can't be resolved, the case goes to the Chair for arbitration. There was a discussion about the Committee providing comments on the case reports. Lynne explained that the Committee could and did make editorial comments and could raise questions about the evidence provided, but could not endorse the findings in the reports. This stipulation was required so that in the event of a dispute resolution hearing, the Committee would be impartial and not seen to have already approved the recommendations.

Roger Anyon recommended that the new Committee members be given a tour of the RO to meet the staff.

The Committee asked Bill to provide an organizational chart for the review process, a copy of the deaccession policy, and copies of old case reports for the new members.

Phil asked if the Department had ever deaccessioned collections that fell outside the repatriation legislation. Gillian said yes, the Wounded Knee ghost dance shirts were an example. She explained that the shirts didn't fit into any of the repatriatable categories but the Department felt that ethically they should be repatriated. The SI legal office argued that the collection should be treated as if the individuals were prisoners in which case their personal effects should have been returned to their relatives after they died. In that case, neither the Army, nor the museum had right of possession.

Bill reviewed the office activities handout he had provided. He discussed the Par-Tee site case report. The report has gone through office review. Steve Ousley is the author of the report. Risa Arbolino now has charge of the case. She knows the area very well. Although the consultation meeting that took place with the Grand Ronde was very productive, there is no record in the transcript of why affiliation was established. Although many of the experts stated that the Grand Ronde were affiliated, no one stated why. Gillian pointed out that that evidence was presented but eliminated from the official transcript at the request of the tribe. Roger and Lynne agreed. Bill wanted to know how the RO could proceed without a written record. Gillian said there should be handwritten notes. Bill said the RO didn't have them. Gillian said she had taken notes, so had Katherine Ramey, Andrea, and Lynne. Gillian said the tape where the tribal representatives discussed the evidence was given to the representatives at their request. Roger suggested Risa go back to the tribe and ask for their assistance. Lynne said it was clear at the meeting that everyone except the Smithsonian scientists believed the Grand Ronde were affiliated with these remains. Steve, the author, did attend the meeting but because he is not an archaeologist may not have understood the evidence presented. Bill felt it was important that the current staff have an understanding of what happened at that meeting. Lynne suggested that Risa also contact the archaeology consultants that attended the meeting. Gillian provided Risa with the notes she had available. Lynne said she would provide hers.

Bill said the RO review of the Arikara report has been completed and he is addressing the comments received. He discovered that there were remains in the report that the physical lab had not documented. The physical lab had also looked at remains of which Bill was unaware. The case report encompassed 1,300 sets of remains. Number errors have been corrected. A large number of the remains had to be cataloged.

Bill mentioned the EMu (the electronic museum database) data review process with which the RO was assisting. He said that all the archaeological data that the RO had collected over the years had been merged into EMu and the RO was just now reviewing the uploaded information to ensure that it had merged correctly. This means the data is now merged into the full catalog database. The information is more consistent and much more searchable by object type. The physical remains documentation data has not yet been put into to EMu. He was committed to seeing that this data is added to the museum-wide database to ensure that it will be available in the future. Discussions are on-going about how it should be done. Phil said the RO needed to be sure that the code book for the data is also preserved. Bill said the challenge with the physical database is to reach an agreement on how many fields the EMu data managers will allow to be used. Initially, the data managers had said the RO could use as many fields as it needed, but now they are being more conservative.

Bill discussed the status of current case reports. He said the SE Washington Report had been split into two reports. One report will include an important Captain Cook expedition object. He said the Committee should soon be receiving the Nez Perce, Cayuse, SE Washington, Par Tee, St. Michaels, Barrow, and Arikara (revised) reports. Other reports that are in progress are Tlingit-Haida, Kootznoowoo, Tunica-Biloxi. The one new claim is the Tlingit-Haida/Kootznoowoo Chilkat blanket. This will be included in a case report with the other

Tlingit-Haida collections.

He discussed the active claims that the RO is currently addressing. The Point Hope report does not need an addendum as previously thought. The RO is completing a re-inventory of all the Alaska human remains. They are clarifying one California claim with the tribe.

Phil asked if the RO required the representatives of a tribe to have written authority from the tribe. Bill said yes; anyone can represent a tribe as long as they have the authority from the official tribal government.

Bill said the claim for the Sitting Bull hair lock and leggings still needed to be addressed. He is speaking with the descendents about how to proceed. It's a complicated case because the objects were originally loaned to the museum. No heirs to the property have been identified, but there are two sets of claimants claiming lineal descent. One set of descendents are related to Sitting Bull through adoption. He is speaking with one of the representatives. He's hoping the two sets of claimants can negotiate.

Dorothy has begun the Tunica-Biloxi case. She thinks that because the Arkansas collection has better documentation it could be completed before the collection from the South.

Andrea asked what else needed to be done on the Wichita case. Bill said the contextual information has been documented, but the report needs an introduction and an evaluation of affiliation, which can take the longest to complete. The case includes over 100 remains from Kansas and Oklahoma. Some are from ossuaries. There are funerary objects which have not yet been documented. There are remains from Rice County which may be Wichita but may also be Wichita enemies.

Phil asked Bill how the RO prioritized lineal descendents in multiple claimant cases. Bill said the RO considers tribal succession customs. He wasn't sure what should be done about adopted descendents.

Bill discussed the problem with old loans. The Sitting Bull case is an old loan which should technically mean it is not available for repatriation, but because it includes human remains there is a legal question about whether or not the original "owner" had the right to take them. So, there are right of possession issues.

Gordon asked what the status of the leggings was. Bill said they were removed from the body at the same time as the hair lock. He pointed out that the problem with the leggings is that they don't fit into any of the repatriation categories. It becomes a question of right of possession. Did the person who took the leggings have the ethical right to take them? The RO felt they didn't and expects to offer them for return based on the Smithsonian's policy of not acquiring objects that have been unethically acquired.

Phil asked if the museum had scalps. Bill said it did, but there have been no claims for them.

They are considered sacred objects. Phil discussed the issue of how to repatriate an object, such as a shirt, that is a sacred or funerary object, but has scalps attached to it. To which tribe is it returned? While on the NAGPRA Committee, William Tallbull said he felt that it belonged to the tribe that made the shirt. Bill said the RO has returned two scalps and in both cases they knew who had taken the scalp and the tribe from which the scalp was taken. In both cases, they consulted with both tribes. In one case the scalp went to the tribe from which it had been taken. In the other case, it was part of a medicine bundle and it went back to the tribe with which the bundle was affiliated, with the approval of the other tribe.

Bill returned to the documentation handout. He pointed out the consultation visitor statistics.

Phil asked if the museum had cases where the human remains were here at the Smithsonian, but the funerary objects were at another museum. Bill said generally not. Occasionally, the collections were split up by the collector with a portion being sent to the NMNH and another portion being sent to the NMAI. This is the case with the Zuni human remains. Since that time, the NMAI has transferred their Zuni remains back to the NMNH.

Bill reviewed the case status report that he had handed out.

Roger asked if there were any active cases from the Southwest. Bill said no. The most active areas of the country have been Alaska, the Plains and the Northwest.

Andrea asked about the Wichita case. She wanted to know if the Wichita had been asking about the status of their case. Bill said there has not been much contact for the last two years. The last person he spoke to about it was Virgil Swift, but he wasn't sure if Virgil was still in charge of repatriation for the tribe. Gordon said Virgil has been very ill and has been out of the office for a long time. Most people have been dealing with Gary McAdams, the tribal chairman. Bill said the Wichita report is being held up by the unfinished Arikara report. The general Sioux report covers all remains that are only listed as Sioux and have no tribal affiliation.

Andrea reminded Bill again that the Committee wanted to see an updated report on the status of named individual remains. Bill said it wasn't available, but he could prepare something for the next meeting.

Andrea asked what the status of the ethnology position was. Bill said he didn't think the RO would be hiring an ethnologist. Most of the claims are being handled by the current case officers. He was currently trying to recruit contractors with expertise in certain areas. He'd advertised the ethnology position, but the pool of candidates was not strong. The top candidate for the ethnologist position was Risa Arbolino, whom he hired as an archaeologist. He believed many ethnologists were shying away from repatriation positions.

Bill said he was in the process of trying to replace Gayle Yiotis, but the Office of Human Resources wasn't letting new hires go through due to budget constraints at the Smithsonian. There have already been reductions in force (RIFs) in photo services and business ventures and

more RIFs are expected. Because tourism is down due to September 11th, revenue on the trust fund side is down. Lynne asked if the RO could hire contractors who had other positions elsewhere. Bill said the RO can hire anyone as long as they are not a federal employee. Dan pointed out that federal employees can be detailed to other agencies.

Gordon asked what happened if a tribal representative wanted to speak with a staff person other than the one assigned to the case. Bill said he thought that case officer could be involved, but the case would still need to be managed by the assigned case officer.

Update on Alaska and Southeast Repatriation Cases

Andrea introduced the three new Committee members to the case officers.

Bill introduced the case officers. Dorothy Lippert is responsible for Alaska and the Southeast. Risa Arbolino is responsible for the Northwest and Southwest. Steve Ousley is the physical anthropologist responsible for documenting the human remains. Eric Hollinger is responsible for Northeast, Mid-west, California, Great Basin, and North Alaska.

Dorothy began by reviewing her active cases. The Teller report has been completed and sent to the community. It involved 66 individuals in 59 catalog numbers. There has been no response from the community. The St. Michaels request involves 19 individuals in 19 catalog numbers. The case report has completed office review and she is currently addressing comments. She has a claim for human remains and funerary objects from Shishmareff. She estimates the case will cover approximately 50 human remains and an unknown number of objects. She is working on the Doyon claim for human remains and funerary objects. The report is going to be split out by village. There are no claims from any of the villages. There was a claim from Kasaan, but it wasn't clear from the letter if the person making the claim was the authorized representative. Dorothy has written to the tribal chair for clarification but has not heard back. The Aleutian-Pribiloff Island request is a large request, encompassing approximately 800 human remains, a number which are mummified. The community had requested that the osteology protocol be suspended. She is working with their representative, Alison Young, to try and revisit this issue with the community. Hooper Bay has requested human remains and funerary objects. She estimates there are about 30 individuals and eight funerary objects. Representatives from this village visited the RO. They requested photographs of about 400 ethnographic objects.

Roger asked which Alaska cases were pre-contact and which were post-contact. Dorothy said that the Hooper Bay remains were historic. She hasn't researched the history of any of the remains from the other new cases yet.

Dorothy discussed the Caddo claim for human remains and funerary objects. Their letter encompassed other categories of objects, but didn't clarify which objects. Roger asked Dorothy how she would be handling the sacred objects and objects of cultural patrimony. Dorothy said she needed to consult with the tribe on that. Roger asked what the Caddo were basing their claim

for sacred objects and objects of cultural patrimony on. Were they basing their claim on the ethnology inventories, or objects they have seen? Dorothy thought they were just using the generic language in the law.

Dorothy discussed the Tunica-Biloxi case. The report has been split out by region. The case includes proto-historic and historic remains. Lynne asked if the tribe asked for specific sites or counties. Dorothy said they made their request by county. The RO will evaluate all remains from those specified counties to see what evidence exists for affiliation with the Tunica.

Dorothy discussed recent visits. She had visitors from Ghost Creek/Holy Cross, Alaska. This may turn into a named individual lineal descendent case. They may be interested in using DNA analysis to help with identification. She met with Ken Carlton of the Mississippi Choctaw.

Dorothy mentioned that she had a Hopi/Navajo intern doing a digital imaging project on the Hooper Bay and the Pueblo collections this summer. She's also assisting the RO photographer with photographing the Aleutian artifacts. Another high school intern, who is Crow, will be assisting with the digital imaging project.

Lynne asked which case was taking most of Dorothy's time. Dorothy said the Tunica case. It encompassed approximately fifteen sites combined in both reports. There are more sites in the historic report. The Tunica-Biloxi are actually composed of four separate tribal groups that came together to form the contemporary tribe. The historic report covers Mississippi, Louisiana and Alabama. Phil asked how much of the Arkansas proto-historic material had good provenience. Dorothy said most of it.

Lynne asked if Dorothy was working with other museums to develop standard cultural affiliation criteria. Dorothy said she has not been able to do that yet, because it is not yet clear what other tribes might be interested in those collections. Lynne suggested that when a case officer is working on a collection and they know other museums have similar collections the case officer should be working with those other museums. Phil agreed. Bill said this has been done in other Southeast cases. Dorothy is only just beginning to work on this case after completing Alaska. He expected that they would be discussing this case with other museums. Lynne said she was concerned because the Smithsonian has not always been good about coordinating with other museums. Phil thought it was also important to have better information on the Columbian Exposition collections that are at numerous museums. Bill said it wasn't always possible to know what museums had certain collections. There was some debate about this. Eric said that he has tried many times to get the lists of affiliated collections from museums that had to file NAGPRA summaries and they have been very reluctant to share that information even though it's public information. He has also had trouble getting that information from the National Park Service. Lynne worried about the possibility that different museums could potentially affiliate the same material to different tribes. She believed that because the Smithsonian had such vast resources and had done advanced research on cultural affiliation that it had an obligation to try to coordinate the research. Bill felt the RO did try to do that, but perhaps they weren't as successful as they could be. They try to talk to local tribal and regional archaeologists. They do look at the

NAGPRA national register notices. If, in doing their research, they come upon information that the site may have been excavated by more than one institution, or was split among institutions then they do try to contact those other institutions. The question was whether the institution would agree to discuss it. Lynne thought the RO should actually be holding meetings with these other institutions to develop criteria for affiliation. The discussion continued.

Update on Northwest and Southwest Repatriation Cases

Risa Arbolino discussed the Cayuse claim for a dress. It was sold to the Smithsonian by an individual tribal member in 1987 who owned the dress. Now other family members are claiming it as an object of cultural patrimony with the support of the tribe. The donor, who is still living, feels very strongly that she had the right to donate it, that it was personal property, and does not support its return. Lynne asked what the request for the object as an object of cultural patrimony was based on. Risa said the tribe claimed it was not individually owned and belonged to the tribe, that it was a special dress for special ceremonial occasions. The dress was very old and had been passed down through several generations. Phil asked why the RO had decided the dress was not an object of cultural patrimony. Risa said it was because the donor says it was her own personal property. The claimants said they had not known about the dress until a recent visit to the museum. Phil pointed out that that statement undermined their claim of cultural patrimony. Roger asked if the claimants have the support of the tribe. Risa said they did have support of the Chairman of cultural resources committee of the tribe, but not from the authorized tribal representatives. His letter included a list of objects considered to be cultural patrimony by the tribe, which included dresses of this kind. It is a lineal descendent claim, with a counter claim that it is not cultural patrimony by the original donor, who is also a lineal descendent. You can't have a claim for cultural patrimony from a lineal descendent. Gordon Yellowman thought some representatives didn't really know what cultural patrimony means and needed to be educated. Andrea pointed out that the supporting letter was written by Armand Minthorn, a NAGPRA Committee representative, who should know the criteria for cultural patrimony. Bill said the Umatilla has a very broad idea of what is classified as cultural patrimony.

Risa went on to discuss a lineal descendent claim for the remains of a Nez Perce warrior named Five Wounds. There was a report written in 1996 covering three remains which were found to be affiliated with the Nez Perce Tribe. The Confederated Tribes of the Colville Reservation submitted a counter claim. They said they wanted to be involved in the repatriation. Discussions began, but no progress was made. Subsequently a lineal descendent claim came in for one set of the remains claiming them as their relative Five Wounds. The report stated that there was a possibility that one set of the remains could be of Five Wounds. Phil asked how many casualties there were from the battle. Risa said there were 90 to 100 total Nez Perce. She has narrowed the list down to ten individuals whom this set of remains could be. The report is in curator review. It recommends that it is not possible to narrow the remains down to one named individual. It is even less likely than it was in the original report, because the more recent age evaluation does not match.

Risa updated the Committee on the Par Tee site case. Phil asked Risa to outline the case. Risa

and Steve Ousley gave an overview. The original report covered a number of sites potentially affiliated with the Grand Ronde. The Par Tee site includes remains which date from approximately 2,000 - 1,000 BP. It's a unique coastal Oregon site. The RO originally found the remains from Par Tee to be unaffiliated. The Grand Ronde Tribe requested a re-evaluation of the evidence. They also asked the Repatriation Review Committee to review the case. There was a consultation meeting in Oregon where several tribal representatives, RO representatives, the Repatriation Review Committee, and several outside archaeologists specializing in coastal Oregon archaeology met to evaluate the evidence. At that time, the tribe gave oral evidence of burial practices that matched the evidence from the site. Steve explained that they were now having difficulty reconstructing the Tribe's claim because the burial practice evidence that supported the Tribe's affiliation claim was removed from the public record at the request of the Tribe. Phil asked if the Review Committee thought the tribe was affiliated. Lynne said everyone except the Smithsonian felt the tribe was affiliated. The Committee suggested that the Smithsonian take the new burial practice evidence into consideration and re-evaluate their decision. Gillian said she had some handwritten notes that might help clarify the Tribe's evidence. Steve said the main problem was that the Grand Ronde were applying proto-historic burial practices to remains that are 2,000-1,000 years old. Lynne and Roger thought the tribe should have the tapes that discuss their evidence. Lynne asked Steve if he had spoken to Ken Ames, one of the archaeologists. Steve said he had on numerous occasions. He had also spoken to many other Northwest coast archaeologists. He has not received much information to assist him in developing a report.

Risa said there was also another pending claim from the Grand Ronde for seven funerary objects reported as coming from "memaluk" island. There is evidence that that means memaloose island (burial island). There is also a pending claim from the Klamath Tribe for human remains and funerary objects. She hasn't looked at that case in any detail.

She has been following up on all the pending returns for the Northwest cases. She has sent letters and made telephone calls to claimants. She has heard back from some communities.

Risa discussed the Salinas Pueblo case. The RO found Isleta, Ysleta del Sur, and Sandia pueblos to be affiliated with that site. There was a conflict with the non-federally recognized Piro-Manso-Tiwa who Ysleta del Sur does not want involved in the process. She said the Smithsonian was waiting for Ysleta del Sur to be ready to take the remains. Roger asked if Ysleta del Sur was asking to rebury at the Park Service monument. He also asked if the recent tribal elections had disrupted the process, and were the other groups ready to take the remains. Risa said the tribe was having a dispute with the state of Texas over gaming rights, which was distracting the tribe. Roger asked if the other tribes have asked Ysleta del Sur if they can take the lead. Risa said Sandia does not want to be involved in repatriation directly. Ysleta del Sur has not expressed an interest in taking the lead. She's not sure what her role should be in nudging this case along. She's discussed the case with the Hopi, who were affiliated with Salinas by the Park Service. Hopi is also trying to work with Ysleta del Sur.

Risa discussed the Chinook case. There are 29 remains. They were found affiliated with the

Grand Ronde. Six of those were affiliated jointly with Chillwater Bay Indian Reservation and the Grand Ronde. Twenty three were affiliated with the Grand Ronde. The Chinook Indian Tribe, which is not federally-recognized, submitted a counter claim in 1997. Grand Ronde decided to only seek repatriation of the uncontested remains at that time. The two tribes have been in discussions and plan to move forward together. The Chinook are seeking recognition and plan to contact the Grand Ronde again to begin negotiations.

She had a visit from an aid from Congressman Byer's office. She'd also had a visit from the Wanapum Tribe, who are also not federally-recognized.

Risa said the Samish also visited. They are very interested in gaining access to research information. The Smithsonian has collections in all the tribe's natural history areas. The Samish are particularly interested in reviving their weaving tradition. She is hosting two interns this summer to work on textiles some of which are woven from the hair of a now extinct breed of dog called the wooly dog. Our mammals department is the only department in the country that has wooly dog specimens. The Samish want to do genetic studies on the specimens and take samples of the blankets. They would like to re-breed the wooly dog. Phil asked if there were plans to clone the dog. Roland asked if the Samish were seeking to repatriate the remains.

Roland asked what area of the country the Wanapum band was from. Risa said they were from the state of Washington.

Roland went on to discuss the evidence needed to determine lineal descent. He said that if tribal members needed to prove descent, they could get the probate records from the Bureau of Indian Affairs. Phil asked how far back the records went. Roland said they went back to the original allotment period. Gordon said the census rolls were also very helpful.

Update on Alaska, Great Basin, and Great Lakes Repatriation Cases

Eric Hollinger gave an update on his cases. He said that he has completed four case reports in less than two years. He has a fifth currently in RO review. The first was the Winnebago/Ho Chunk case. Three sets of remains were found to be affiliated jointly and have been offered for return. He completed an addendum to the Barrow report which he discussed. The historic Barrow remains report was completed previously. His addendum discussed which remains had not been offered and which remained to be reviewed. Lynne asked if Barrow had objected to the documentation of the human remains. Eric said they had. He planned to discuss this case further.

He said he had contacted all tribes he had not previously contacted to let them know he was their new repatriation contact and to update them on their cases. In addition to Barrow, he is responsible for the Wainwright case. Four remains were offered in that report. He has had no response from them. Dorothy is going to be responsible for Arctic Slope because she has had previous contact with people from North Slope and Anatuvuuk Pass.

In the Great Basin, four individuals have been offered to the Paiute. There was an additional set of Paiute remains in the Owens Valley report. Eric said they hadn't heard back from the tribe about those remains. Bill said it was because there were five Paiute tribes involved and they are having difficulty coming to an agreement on disposition. From the Western Nevada report, one individual was found affiliated with Fort McDermitt Paiute. Two additional individuals were found affiliated to the Yerington Paiute and the Walker River Paiute, respectively. One individual is recorded as having been killed for treason and the other was reportedly killed for witchcraft. It's unclear whether the tribes will want to take possession of these remains.

Phil asked how many remains were involved in the Wainwright case. Eric said there were four individuals.

Eric mentioned the Chippewa case involving two individuals. Lynne asked to whom the Chippewa remains had been offered. Eric said he had written letters asking for guidance from the five Chippewa groups in southwest Minnesota about disposition, but he's received no response.

Eric discussed the Mohegan/Pequot case. A report was done on a stone pendant which was found to be a funerary object affiliated with the Mohegan. The Pequot had not been consulted and they raised concerns. They felt there were jointly affiliated with the object. They asked for the repatriation process to be halted. The Mohegan agreed. The two tribes have asked for time to work out the dispute themselves. The Mohegan have asked to RO not to interfere in the negotiations at this time. The Mohegan could at any time ask for the case to go forward and the Pequot could file a formal dispute hearing request with the Committee.

Eric updated the Committee on the Apache case involving 25 individuals on which he is working with the Western Apache NAGPRA Working Group of San Carlos, White Mountain, Yavapai, Tonto Apache. He said the tribes intended to claim a large number of ethnology objects from us and National Museum of the American Indian and wanted to wait to repatriate the human remains until then. Roger asked if there had been any movement toward repatriation, noting that the human remains had been ready for repatriation for a long time. Eric said the tribes had visited but they were still disagreeing among themselves about what should be done and how. Roger asked which tribe had made the original request. Eric said only a request for information was submitted and the case report was initiated without a claim. Roger asked who requested the information. Eric said he thought it was the Yavapai. But there had also been a joint Apache Working Group consultation that the RO had participated in, so it may have been a larger group asking for information. Roger asked who the official representatives for the four tribes were. Eric said it was the Apache Working Group.

Eric returned to discussing the Barrow case. He explained that the regional corporation originally said they didn't want the human remains documented. The Native Village of Barrow has said the corporation was not speaking for them. The RO visited with the Barrow people and explained why the documentation was important. There are non-native remains from that region

in our collection. They agreed with us and documentation proceeded. Phil asked about the history of the Alaskan regional corporations. Eric explained that they are for-profit entities. The villages want control over cultural issues. Phil pointed out that under NAGPRA there was no hierarchy for the Alaskan entities and no guidance on which entity should take the lead on repatriation. Eric said that the regional corporations only broadly represent native Alaskans and the RO wants to affiliate collections to the closest entity. Phil said he believed under NAGPRA the affiliation was broad and encouraged repatriation to the regional corporations. Eric said the villages feel they represent themselves on cultural issues and the corporations should not speak for them. The RO would repatriate to a regional corporation, but only with the support of the local village. Phil noted that the descendants in a corporation may not be affiliated with the remains, but he thought the corporations could still be viable claimants. Eric agreed that it is a concern for determining affiliation. Lynne thought the regional corporation should be able to act as representatives but only if the villages don't object. Phil said he believed the regional corporations should have standing because they encompass a larger area and could include people who migrated out of the villages who are still affiliated. Eric noted that the North Slope Regional Corporation is not on the list of recognized groups. Phil agreed that altered their standing. Eric said that case was nearing completion. He said that for this case he did search the NAGPRA registers to find other institutions that had collections from Barrow. He did find a few with Barrow collections that he had not known about as well as the information from the institutions that he did know had Barrow collections. He tried to get copies of whatever these institutions had submitted to the NAGPRA office. We have shared collections with the University of Pennsylvania. We have the human remains and they have the funerary objects. They had completed a NAGPRA inventory on the objects. We've asked for a copy, but they say both their collections and archives are closed for two years during a museum renovation. He contacted the Park Service NAGPRA office but has not heard from them, either. We have a few catalog numbers for which they did share information. Lynne said she thought he should write Penn another letter and copy Jerry Sabloff, the director, to get them to cooperate. Eric said he would be contacting them again about the Tlingit-Haida cases, so he can ask again. He doesn't think anything in their reports will alter the RO's recommendations. He noted that Sabloff was copied on the e-mails that Eric sent to their NAGPRA representatives and three of their curators asking for information.

Eric discussed the six Tlingit-Haida Central Council/Kootznoowoo cases. He passed around digital images of the eleven objects being claimed. They are all being claimed as objects of cultural patrimony. Some are also being claimed as sacred objects. He is speaking with other museums that have Tlingit-Haida collections to see how they're evaluating them. The SI is proceeding very carefully with these cases, because there are so many Tlingit-Haida objects in the collections and they don't want to treat the claims lightly. Other museums are also finding these cases difficult, because of the social complexity of Tlingit-Haida culture. Many museums have not acted on their requests. There are many Tlingit-Haida claims throughout the country and they have probably received more collections than any other tribe.

Phil asked what other museums had claims for similar collections. He asked if Eric had contacted the Field Museum. Eric said he had not yet. He pointed out that every major museum had Tlingit collections. We're going to focus on those museums that currently have claims or

have addressed claims to discuss how they handled their cases. Eric said he has spoken to the Alaskan museum and the American Museum of Natural History. An RO group traveled last week to Alaska to consult with the Tlingit-Haida about their claims. They spent a week visiting all the communities and he thought the meetings were very productive. We discovered that some of the objects from Angoon may have been looted during a naval attack and if that's the case then the objects would have been unethically acquired and can be repatriated under other Smithsonian collections policies. Although the Navy has not apologized for the attack, they have paid restitution

Eric discussed Point Hope. The inventory of the Alaskan human remains has almost been completed. He thought initially there were some remains that had been repatriated but not documented in the case report and he planned to do an addendum, but since then he's realized that portions of a set of remains were returned and only parts had not been repatriated. He has contacted the communities to let them know there are a few more remains that have been identified, but no addendum to the report is needed. Only eight catalog numbers out of 600 are affected and it includes metacarpals, metatarsals, a clavicle, small elements, etc.

Eric discussed his California cases. He has a Hoopa claim for a "red man" deer skin as a sacred object. He's reviewed the correspondence and has determined that the letter was not a claim letter. The tribe had said it would send a list of objects that were of interest to them, but they have not done that. He plans to send them a letter asking for clarification. There are other Hoopa objects that he expected them to claim, but this object was not one of them.

He discussed the Menominee and Miami cases. The Menominee report was for two individuals, one of which was a named individual. He did extensive research to try to find a lineal descendent but was not successful. The report, therefore, recommends repatriation to the tribe. The Miami case included one individual which was offered for return.

He mentioned the PACRHAD project. He explained the project was to gather as much documented information about the human remains as possible and put it all into one database. The project was spawned out of a request by the Apache for information on what research had been done on their remains. The RO had not been able to determine if any reports, other than repatriation reports, had been done on them. Eric thought that this information needed to be centralized to assist the repatriation effort, to enable it to be provided to the tribe, and for visiting researchers. The plan was to hire someone to enter that information into the database. The project was waiting for the EMu collections database to come on-line. With fund support from the Review Committee he hoped to hire someone in the summer.

Lauryn Grant attended the next session. Andrea introduced the new committee members to Lauryn and explained that she was assistant general counsel for the Smithsonian Institution

Steve Ousley introduced himself as the manager of the RO osteology lab. He explained that the lab was responsible for preparing detailed skeletal inventories of the human remains. He said the lab will often be able to reunite remains that had been separated into separate catalog numbers.

He said they also try to determine the age and sex of the remains. They record taphonomic observations (changes to the bones that have occurred post-mortem) which have often assisted in determining cultural affiliation. They also record dental and skeletal pathologies, dental wear, and cranial and post-cranial metric and non-metric observations. Documentation also includes radiography and photography. He gave an update on the lab's progress. In the last six months, the lab has documented remains from South Dakota, California, Utah, Florida, New Mexico and several other states. The lab has completed the work on all active claims, with the exception of the Aleut remains, and so has begun to document collections that are likely to be claimed. He gave an overview of EMu. He also discussed the change of storage locations of approximately 10,000 catalog numbers of human remains and said they had done extensive inventorying to account for the collections.

Lynne asked if anyone had ever used any of the data collected by the RO for research purposes. Steve said RO staff members had. Lynne asked if anyone outside the RO had used it. Steve said one graduate student from the University of Tennessee was using it for her dissertation. Lynne said she would like the RRC to know when someone has completed their research using it. Phil said he if had known he could request permission to use the database he would have. When he approached the Army Corp of Engineers, they said no. He asked what the protocol was for requesting permission to use it. Steve said you just needed to e-mail him. Eric said the Kaw were also asking what the protocol for use was because they might be interested. Lynne said she felt that the object data was unusable and wanted to know if the physical data could actually be used. Phil said he helped develop the standards for the physical database and also wanted to know if it worked. Bill Billeck asked Steve if the RO was sharing the database structure with other institutions. Steve said that was the plan, but he wanted to fix and update the data. Phil wanted to ensure that all the data the government collected was usable. He thought the Army Corp data was not very good and could not be used.

Lynne asked if the RO had turned down anyone. Steve said only one person, who wanted to use everything. Phil said the Corp had made some of their data available. Steve said some agencies were afraid that sharing data would generate more claims. He said the RO data standards were being updated.

Bill pointed out that the lab was ahead of the RO in documenting remains. Bill said that changes to the affiliation determination can occur after they had been documented. He said the tribes were informed once the case report is completed.

Andrea asked how many of the 18,000 Native American human remains were not identified by culture. Bill said that in the original catalog records only about 10% were assigned an affiliation and some of those affiliations were wrong. Steve pointed out that in the case of the Alaskan remains they were affiliated as Eskimo, which is not an accurate affiliation. Bill thinks that by conducting additional archival research the RO has been able to accurately affiliate about 6,000 sets of remains. Lynne pointed out that 18,000 was not a valid number because it didn't count individuals. There was a discussion about how many individuals 18,000 catalog numbers covered. Bill pointed out that so far in the 2,848 catalog numbers already repatriated there were

3,317 individuals.

Phil asked if the initial approach to documenting remains was based on locale information. Steve said that was how they would begin initially. Eric noted that they also used the original collector's cultural affiliation assessments as a starting point. Phil said he thought the RO should work on all groups that were lacking cultural affiliation assessments and work to get that completed. The case officers pointed out that there were problems with doing it that way, including time and other pending claims. Phil said he thought determining affiliation now was important. Bill said that as the RO did research on the other claims the RO would make affiliation determinations on a large number of remains. Phil asked how the RO determined what collections to document. He thought they should work on remains that were in the best condition first, in order to improve data collection. There was some debate about what approach to take. Lynne pointed out that she had recommended for a long time that the department should be proactive and document those collections that are most important to science. Bill pointed out that the RO was required to address active claims first. The Committee agreed. Eric pointed out that there are cases where remains that had not been claimed had been documented but the affiliated tribes were not ready to seek repatriation. It would be impossible to try to anticipate which collections might be most important to tribes unless they've been claimed. Steve did say that perhaps if the curators know the dates of the sites they could recommend collections that should be documented. Bill said he thought a large portion of the North American remains would eventually be affiliated. There were large portions of the country which were likely to have affiliated remains for which claims had not yet been submitted. In the Plains, he expected about 80% of the remains to be affiliated. In the Northwest he expected at least that many to be affiliated. Alaska would also be over 80%. Determining affiliation will be much harder in the Southeast and the Mid-west. He thought it would be possible to affiliate a large portion of the Southwest remains.

Phil asked how the lab decided which unclaimed remains to document. Steve said they were now trying to complete documentation for all remains by state. He wants to tackle them beginning with the remains from the large sites. Phil thought they should be tackling them based on quality of preservation and contextual data.

Bill said the RO set a goal to document all the US Native American remains. So far they had documented about 9,000 out of the 18,000 North American remains. They were able to document about 1,000 a year, so they had completed about half.

Gordon asked who was working on the Northern Arapaho claim. Bill said the case report had been sent to the tribe and they had been waiting for a response for about two years. The tribe did not appear to be ready to move on this claim. Gordon asked if he could have a copy. Bill said he would get Gordon a copy and said the report also included Southern Arapaho remains.

The Committee decided to move the discussion about state recognized tribes to the following morning. Lynne asked Lauryn if she had an opinion on this issue. Lauryn said that it was a matter of policy rather than law, since the law doesn't address it and says that nothing in the law

should stop the Smithsonian from going beyond the statute. She said that the NMNH had to decide what it wanted to do, noting that the NMAI does repatriate to state recognized tribes.

June 20, 2003: 9:30 a.m.

In Camera

The Committee met in-camera. This portion of the minutes is not circulated.

Appendix C

Minutes of the November 12-14, 2003 RRC Meeting

Final Repatriation Review Committee Meeting Minutes Nov. 12-14, 2003 Prepared by Gillian Flynn

Repatriation Review Committee Members attending:

Andrea Hunter (Chair)
Roger Anyon
Lynne Goldstein
Phillip Walker
Roland McCook
Gordon Yellowman

Smithsonian Staff attending:

Gillian Flynn, RRC Coordinator
Bill Billeck, Repatriation Office Program Manager, NMNH
Bill Fitzhugh, Chair, NMNH
Ruth Selig, Special Assistant to the Director, NMNH
Lauryn Grant, Assistant General Counsel, SI
Candace Greene, Museum Specialist, NMNH
Dorothy Lippert, Case Officer, Repatriation Office, NMNH
Eric Hollinger, Case Officer, Repatriation Office, NMNH
Steve Ousley, Case Officer, Repatriation Office, NMNH
Risa Arbolino, Case Officer, Repatriation Office, NMNH
Cristián Samper, Director, NMNH

November 12, 2003: 9:30 a.m.

Introduction

Andrea Hunter opened the meeting. She thanked everyone for attending. Bill Fitzhugh, Ruth Selig, and Bill Billeck were present. The Committee and Bill Fitzhugh discussed the approach they would take for the open meeting scheduled with the Anthropology Department staff.

Reorganization of Repatriation Review Committee position

Bill Fitzhugh raised the subject of re-organizing the Repatriation Review Committee (RRC) Coordinator position. He said he would like to get the Committee's feedback on a number of suggestions. He would like to divide the duties with clerical, fund management, and travel being turned into a grade 5-7 position moved to the Chair's Office and attach the policy development responsibilities to the Deputy Chair position he is trying to create. The Deputy Chair would oversee personnel and policy issues and the Committee could always come to the Chair should the need arise.

Lynne said she thought the Deputy Chair would be overloaded and she didn't want the RRC to

become a secondary issue. That person has to be available to the Committee.

Meeting with staff of the Anthropology Department, National Museum of Natural History (NMNH)

The Committee met with members of the Anthropology Department, Cristián Samper, Director of the NMNH, and Lauryn Grant.

Department staff members in attendance included: Ron Bishop, Bill Sturtevant, Ives Goddard, Maggie Dittemore, Doug Ubelaker, Dennis Stanford, Laurie Burgess, Dorothy Lippert, Eric Hollinger, Nancy Shorey, Gus Van Beek, Ruth Selig, Steve Loring, Beth Eubanks, Ann Kaup, Kim Neutzling, Jane Beck, and Betsy Bruemmer.

Andrea, Chair of the Repatriation Review Committee, introduced herself, noting that she was part Osage. She gave an overview of the Review Committee's duties. She said it was the Committee's responsibility to monitor and review the repatriation process. She said the Committee had monitored the summary and inventory process and was now monitoring the repatriation claims process. She said the Committee reviewed case findings, facilitated disputes, and acted as a liaison to tribes.

Phil Walker introduced himself. He said he had previously sat on the Native American Graves Protection and Repatriation Act (NAGPRA) Review Committee responsible for drafting regulations for the act. He brought his perspective as a physical anthropologist who works with human remains to the Committee. He had a long-standing relationship with Native American tribes. He had begun his work doing bio-archaeology in southern California with the Chumash over 30 years ago.

Lynne Goldstein said she had been on the Review Committee since the beginning. She was involved with developing the repatriation legislation from the beginning. She rotates off the Committee in December 2004. During the writing of the NAGPRA legislation, she had created a dialogue with physical anthropologists, such as Doug Ubelaker, to develop the language for the law. She also assisted in the development of the Wisconsin repatriation legislation. She was nominated by the SAA, the AAA, and several Ojibwe tribes from Wisconsin. She has focused much of her archaeological work on the Mississippian period particularly at the Aztlan site. She is Chair of the Anthropology Department at Michigan State.

Roger Anyon introduced himself. He said he had begun conducting his archaeological research in the Mimbres Valley. In the mid-1980s, he became the Zuni tribal archaeologist and historic preservation officer involved with the repatriation of the Zuni twin gods. He was nominated to the RRC by Zuni. He's been on the Committee since its inception. He worked on numerous NAGPRA issues, both before and after the legislation was passed. He turned the Zuni tribal historic office over to Zuni staffers in 1996. He worked with T.J. Ferguson and Taos and Hopi pueblos, the Apache, and the Walapai primarily on the preservation of traditional cultural places and cultural landscapes. He is now an archaeologist with Pima County, AZ. He continues to work in Mimbres and is also working with the Apache, Hopi, Zuni, and Tohono O'odham in the

San Pedro Valley in Southeast Arizona on a project coordinated through the Center for Desert Archaeology on an NEH grant looking at those tribes' cultural landscapes in the valley to see how they fit with the archaeological landscape.

Gordon Yellowman (Cheyenne and Arapaho Tribes of Oklahoma) is a new member on the Committee. He has worked with the Smithsonian on several projects and still has one on-going. He first came to the Smithsonian in 1993 with some tribal elders to work with the collections and to discuss the treatment of human remains. He was picked to serve on this Committee as a traditional religious leader which is quite an honor since he needs to represent the interests of all Native people. It can be physically and spiritually demanding. He said traditional religious leaders have their own ways of communicating with the ancestors. Their community has lost 93 elders. He has worked with the Repatriation Office and worked with Anthropology Department curators on several exhibits. He believes the field of anthropology can contribute to the repatriation effort. He has worked with Doug Owsley to reconstruct human remains from the Battle of Wolf Creek. He worked with a Cheyenne forensic specialist on the reconstruction. They want to know as much as they can about their ancestors to aid in the reburial process. His grandmother was Josephine White, pipe keeper for the Northern Arapaho. His father, Ed Yellowman, was chief of the Sun Dance chiefs. He comes from a strong traditional background. His great grandmother was a pipe keeper for the Northern Cheyenne.

Roland McCook introduced himself. He is a member of the Ute Tribe. He was an elected official on the tribal council for nine years and was elected twice. He was a civil engineer with the Bureau of Land Management. He was the Bureau of Indian Affairs realty officer for fifteen years. As an undergraduate, he studied Native American history. He is a liaison to federal agencies for his tribe. He co-authored repatriation regulations. He speaks fluent Ute. He has assisted with the handling of inadvertently discovered human remains. He was nominated to the Review Committee by his tribe.

Andrea explained that the seventh position on the Committee was vacant. Because four members of the Committee must be nominated by federally recognized tribes, the vacant seventh appointment must be nominated from that pool. Andrea said the NMNH was in the process of selecting another Native American to sit on the Review Committee. Candace asked Andrea to elaborate on some of the other special projects that the Committee has supported. Andrea discussed the two repatriation grant programs. They funded the re-housing of portions of the Native American collection and the re-housing of sacred objects initiated from traditional care requests by tribes.

Bill Fitzhugh thanked the Committee for their comments. Cristián Samper thanked the Committee for taking the time to attend the Anthropology staff meeting and for taking the repatriation process so seriously.

Candace Greene suggested that Andrea discuss the other assistance the Committee has provided. Andrea said the Committee worked with the Smithsonian to develop a grant program that funds two Native American visitors to come to the Smithsonian for consultations and repatriations. The Committee worked with Candace on digitizing and publishing a book on Lakota winter counts. They funded the re-housing of the North American ethnology collection and they funded

the construction of the ceremonial room at MSC.

Phil wanted the Committee to think about continuing its collaboration with tribes. He noted that there hasn't been a universal request for the repatriation of human remains and he thought the Committee should begin communicating with tribes to find out what other interests tribes have.

Gordon said he agreed. He would like to see the development of a fellowship that would allow tribal members to learn about the human remains analysis technique and how the documentation process works.

Members of the Anthropology Department introduced themselves to the Committee.

Bill Sturtevant asked if the Committee's decisions were final. Andrea said the ultimate decision was the Secretary's. The Committee could only give advice to the Secretary. Bill Fitzhugh said the Committee also gave advice to the Director of the NMNH and the Chair of the Anthropology Department.

Ruth Selig asked Andrea to comment on the Committee's monitoring role for the other Smithsonian museums. Andrea said the Committee had informed all the Smithsonian museums that the museums had an obligation to prepare inventories of their collections and submit them to tribes. She explained that the NMAI created its own repatriation office and their Board of Trustees was responsible for repatriation decisions at their museum, but the RRC had reviewed some of the NMAI case reports and made comments. Bill Fitzhugh noted that Rick West, NMAI Director, was on the selection committee that chose the three new Committee members.

Ives Goddard asked if the Committee thought the museum should voluntarily comply with NAGPRA. Andrea said the Committee felt it should follow those parts of NAGPRA that clarify the NMAI Act, particularly the inventories and summaries regulations.

Stephen Loring asked if the RRC felt it should take an advisory role with regard to the Kennewick Man case. Andrea said that because that case does not currently involve Smithsonian collections, the Committee has not commented on it. Phil Walker said he was on the science committee asked to analyze Kennewick Man.

Meeting with Director, NMNH

The Committee met with Cristián Samper. Ruth Selig and Bill Billeck attended. Andrea asked Cristián about the possible relocation of the human remains storage area. She said that many Native Americans were not comfortable with having them stored in the hallways. Phil Walker believed that NAGPRA was born because William Tallbull came to the Smithsonian and saw the rows of storage units in the hallways. Phil thought there could be some flexibility regarding where and how they were stored as long as they were treated and handled respectfully. Roger thought it was very important that the remains not be continually moved. He thought the Committee should visit the proposed attic space.

Cristián said the Museum was looking at many options as part of the overall space use plan. He has seen an initial plan. There are a number of options available. He believes some Anthropology staff will be moved and there is the possibility of housing the human remains in that space. The collections could be moved to MSC. It is a good facility, but currently there isn't space. They will be building a fifth storage pod. They need to finish the space use plan. There isn't a short-term solution to the problem. Another option is to put the remains on the 3rd, 4th, or 5th floors of the East Court in compactor storage. He was trying to get MSC pod 3 returned to NMNH control. A statement from the Committee would help bring attention to the storage problem. A short-term solution could be to move the human remains out to MSC. Lynne said she would like to tour all the proposed spaces.

Roger thought people should be careful of using such words as "in-fill" and "compactor." Their meaning could be misconstrued and deemed disrespectful by Native Americans. Phil said he thought compactor storage was a good solution because it closes the collection in. He noted that they haven't discussed researcher access. Cristián said they will be making a decision in 2004 and would appreciate the Committee's comments. He thanked the Committee for their help. Cristián and Ruth left the meeting.

Update on Repatriation Office Activities

Bill Billeck provided a handout and gave an update on the activities of the Repatriation Office. Two case reports have been completed, one for a Nez Perce named individual and one for a Cayuse dress. Four reports are in curator review; Southeast Washington, the Patu report, St. Michael AK, and Barrow Part II. The Arikara report is ready for curator review. The Par-Tee report has completed Repatriation Office review. Lynne asked when that report would be finished. Active reports include: Tlingit-Haida, Tunica-Biloxi (2 reports), Sitting Bull lineal descendent case, Mameluke Island, and Sullivans Island. The Mameluke Island report covers objects from the ethnographic collections. It's not clear which Northwest island they are from. The Sullivans Island report is being written by Laurie Burgess and includes over 50,000 beads and other historic metal and ceramic object dating from the 1800s-1870s. He said that the RO had completed two repatriations, to the Miami of Oklahoma and the Menominee (Wisconsin). Both were joint repatriations with the NMAI.

Phil wondered if Bill could give more detail in his report to help the new members on the Committee. He asked whether there were human remains co-mingled with the faunal collection.

Bill said the faunal material was usually imbedded in the archaeological collections. There isn't good inventory control and some archaeological collections aren't even cataloged, so it's hard to know how many human remains are mixed in with the faunal collections. Lynne said that when she asked about developing an inventory of the human remains in the faunal collections ten years ago she was told that it couldn't be done systematically, but that when the RO looked at specific sites the faunal material would be looked at. Phil thought that when a researcher identified human remains in the faunal collection, there should be some process for notifying the RO, so the RO could notify tribes. Bill said the RO does try to identify human remains in the faunal collection and notify tribes of their existence. Phil just wanted to make sure that other

researchers do notify the RO when they find remains in the faunal collections. Bill said the RO does spend a lot time reviewing the collections. Phil hoped that the people who review the collections know osteology well.

Bill went on to discuss new claims. He said the Shawnee of Oklahoma had requested the repatriation of a named individual. Lynne asked if the Museum knew this individual was in the collection. Bill said yes. Phil asked if the descendents were applying. Bill said they weren't sure who many of the descendents of the named individuals were. The RO was sending out letters to all the tribes asking for their assistance in identifying lineal descendents. He distributed the named individual list. He noted that thirty of the seventy named individuals on the list had already been repatriated. Eleven more had been offered for repatriation. Two of the named individuals may not be at the Smithsonian. One may never have been here and one was here at one time, but may have been transferred to the Army Medical Museum and cannot be located now. One set of remains recently identified has been at the Museum listed with a temporary number. Phil said he was concerned that the lineal descendents weren't getting enough outreach. He thought the RO had some responsibility to identify lineal descendents. Lynne didn't think they could do much more than they already have.

Bill discussed the Sitting Bull case. He said it was unclear how they should proceed because of the adopted status some of the claimants. The adoptions had been done on an informal basis. Roger thought it might be useful to note on the report all the attempts the RO has made to contact the Tribe and notify them about the named individuals. He thought it was important to show on this table that the process of contacting lineal descendents had begun a long time ago.

Roger also asked if the RO had re-notified tribes like the San Carlos Apache that there are remains ready for repatriation. Bill said there had been numerous consultations with all the Apache tribes at which time they had been notified of the existence of these remains. Roger thought that should also be put in the table. Bill said that if he noted every time a tribe was contacted the table would become unmanageable. Roger thought it was important to show that the consultation process was on-going. Lynne thought the table should show that the RO had spoken to the tribes in the nine years since they were first notified.

Gordon said he would like to see more information in the report showing when the RO had submitted its case reports to the tribes. Ruth asked Bill if the report was being distributed. Bill said it wasn't. Ruth thought he ought to assume that the report could be distributed.

Bill said the Potowami named individual status could not be confirmed. It's unclear how this set of remains came to be identified as Eagle Eye. There are no records in the museum that support that identification, but Stuart Speaker, a former case officer, listed these remains in a report as belonging to Eagle Eye. The tribe has been notified that the remains exist, but the RO does not know the name of the descendent. The Potowami have not made a claim.

Gordon noted that the remains of Dull Knife are not on the list. Bill said it's unclear which agency is responsible for those remains. They are not actually named. Gordon said the tag on the remains said they were affiliated with Dull Knife. This problem of agency responsibility will continue to come up. Bill said he could add Dull Knife to the list, but the BIA holds those

remains and is in charge of them. The case officers recently sent out letters again to all their constituent tribes informing them about the existence of the named individuals.

Phil asked if the RO had done the physical protocol on the named individuals. Bill said yes and that information is communicated to a tribe when the analysis shows a discrepancy with the catalog records.

Bill reported the RO had received 35 visitors in the last six months. The report showed that the RO had met this year with the largest number of visitors to date.

Bill discussed the current active case load and what he expected to be completed in the next six months. St. Michaels and Barrow are in curator review and will be completed within the next six months. Tlingit-Haida should also be completed. That would leave Doyon, Kasaan Haida, Shimareff, Aleutian-Pribilof Islands, and Hooper Bay as the last five claims to be reviewed in Alaska. The biggest back log of claims is from Alaska.

Roger asked if the Doyon case was the original case. Bill said he wasn't sure, but Dorothy could tell the Committee. Lynne and Roger said they thought it was. Gillian said it had to be the case Stuart was working on. Bill said they were doing the cases in the order that the claims came in, so this cannot be the same case. Roger said he had definitely been getting phone calls from Native Alaskans about a Doyon case since 1990. Phil asked what the case was about. Roger said he believed that they were claiming everything within their traditional area in central Alaska. Gillian said she thought that since the Doyon regional corporation made the original claim, the case has since been broken out by village and included culturally unidentified remains. Bill explained that regional corporations and native villages had equal standing under the law and it was difficult to understand which entity was taking the lead and keeping all the other interested parties informed. Usually the corporations will defer to the villages if they want to handle their own claim, but the corporation might file a claim if no other entity seems interested in doing it. Phil asked if there were any cases where the RO has agreements from the villages designating the regional corporation as their representative. Bill said there were cases like that. One such case was the Aleutian-Pribilof Islands Association. Phil said he was concerned that although those agreements might be in place at one point, with changes in leadership those agreements may not be honored. He asked if the RO checked that any agreements were still valid before repatriation occurred. Bill said that after the report is written all interested parties receive a copy and the report tries to be very clear about which entity the RO understands is representing the parties involved. Prior to repatriation going forward there is another notification period to allow anyone with a disagreement about disposition of the remains to come forward.

Bill mentioned the Hoopa claim for a sacred object. He said the RO was unclear if the Hoopa had made a claim, so they have been contacted and asked if their letter stating their interest in a particular object was, in fact, a claim. He noted that a new claim from the Shawnee just came in from the Midwest.

All seven of the Northwest cases should be completed within the next six months, with the exception of the Klamath claim. In the Plains, the Arikara case, Sitting Bull, and part of the Wichita case will be completed. Bill has spoken with Virgil Swift, the representative of the

Wichita, who has requested that the two named individuals be evaluated immediately. That leaves one Plains case left to do, general Sioux.

Dorothy expects to have completed the Tunica-Biloxi case. That leaves the Caddo claim remaining. Lynne asked what the Tunica-Biloxi were claiming. Bill said it was human remains from various counties, not from large archaeological sites.

Bill said he expected the next six months to be very busy. They now have a claim for the Spiro material from the Wichita, but the Tribe is not pushing the case. Lynne asked Bill if the RO was working with other museums on affiliating the Spiro material. Bill said no other museum has formally affiliated Spiro. She said she thought the RO should take a more active role in setting up consultations with other museums about Spiro. Bill said the Wichita and the Caddo should also be involved in consultations about Spiro, but will not attend meetings together. Lynne said she worried that other museums might make incorrect affiliation determinations that the NMNH would then have to dispute. Phil agreed and said all campuses in the University of California system agreed to the same affiliation decisions. Lynne asked if the RO knew which other institutions have Spiro material. Bill said they were aware of all the large museums and most of which agree that both the Wichita and the Caddo are jointly affiliated. The Caddo believe that they are solely affiliated with Spiro.

Phil asked if anyone had claimed Cahokia. Bill said there have been no claims, but many tribes in the area of Cahokia have expressed interest. Roger asked if there was a specific claim for Spiro. Bill said not specifically, but the Wichita claim everything from the historic period back to Paleo-Indian within that area, including Spiro.

Bill Fitzhugh said he wasn't sure what the policy should be on those kinds of claims. He was concerned that working on affiliating Spiro could take an enormous amount of time and resources and be a distraction from all the pending claims. He was reluctant to begin conducting any research on Spiro. Lynne said she would try to have some private discussions with other Mississippian period researchers. Bill Fitzhugh said he thought the material should be exhibited and that might bring about a resolution.

Roger asked how other museums had affiliated Spiro when they sent out their inventories. Bill said they listed the material as unaffiliated. Lynne said that Jim Brown has changed his opinion on the affiliation of Spiro since he conducted his initial research there. His later research shows that due to pot hunting damage to the site, the stratigraphy was reversed. Lynne thought it would be very difficult to make a case for Caddo affiliation over Wichita, or vice-versa. If they made a joint claim, it would be difficult to say that they weren't jointly affiliated.

Lynne said she thought it was very important that the NMNH take the lead on this issue. Bill agreed to contact other museums. Ruth asked why there was such particular concern over Spiro. Lynne said she was concerned that another museum may make an incorrect affiliation determination. She thought research should begin now before there is a claim rather than waiting for a public relations disaster that must be responded to without due consideration.

Phil said the Middle Mississippian phase is in between the period when you can make direct

tribal affiliations and that period when you can only make multiple early Native American group determinations. Bill Fitzhugh said they were working on doing some research for an exhibit on Middle Mississippian collections. Phil asked what the case was for singling out the Caddo and Wichita for affiliation with Middle Mississippian. Lynne said Caddo and Wichita are likely affiliated with Spiro, but different tribes can claim Middle Mississippian period collections from other sites. Bill said he had asked Dan Rogers who he thought was affiliated with Spiro and he said Wichita. Roger asked Bill Billeck when he expected to be able to review Wichita's claim. Bill said it would be several years. Roger said that considering that time frame there was time to conduct extensive consultations. He didn't want another situation like the Pawnee Steed-Kisker dispute. He said he wanted to make sure the tribes were involved if there were any consultations about Spiro affiliation. He noted that the tribes were very critical about their lack of inclusion in the Chaco Canyon case and it was inevitable that there would be a dispute over affiliation of that material. Bill Fitzhugh thought that Bill Billeck should write up a proposal about how to approach this issue before the next Review Committee meeting.

Lynne suggested a meeting with Dan Rogers, Jim Brown, Bill Billeck, and herself to discuss where the research on Spiro stood. Phil asked if Lynne thought there was more research that could be done to assist with the affiliation of Spiro. Lynne said she did. She thought it would be good to know what research is being conducted currently. Andrea asked why, if the Wichita were claiming Spiro, the affiliation research hasn't already begun. Bill explained it was because the tribe had asked the RO to document the later material first. Roger pointed out that the Wichita claim was very broad and Spiro was only one part. Andrea asked Bill what his response would be if he were asked what work had been done on the large archaeological collections. Bill said he could say that the Spiro material had been documented. He explained that for the other archaeological collections it is difficult to say how many human remains and funerary objects are included with the excavated material until more in-depth research could be done. Bill's priority has always been to address the claim backlog. He thought it would be difficult to justify working on collections that were unclaimed while active claims went unaddressed. Risa is trying to organize the Southwest material. They are focusing on the Southwest because it is the area with the largest number of human remains that could potentially be affiliated. He did not expect a lot of claims from the Southeast. There is very little material in the Northeast that could be claimed. The Midwest remains are mostly Woodland period. The Northwest has almost been completed. The Alaskan collections have either been repatriated or have been claimed. There wouldn't be much Plains material remaining after the Arikara case is completed. Bill said that the RO had put a lot of time and effort into trying to affiliate the Etowah Mound materials, which included only one human bone and few potential funerary objects, about 10-15 objects if you include the material Cyrus Thomas excavated. There had been seventeen meetings and not a single claim generated out of them. It was a lot of effort for only one human bone and a handful of funerary objects.

Phil asked how the RO handled collections that aren't identified as funerary objects, but for which the preponderance of evidence suggests they were removed from a funerary context. Bill said it depended upon the evidence including what is known about the collector. The RO might be able to determine that some objects are funerary by identifying the collector. Bill said those sorts of cases were handled on a case by case basis. The RO would consult with tribes about what they consider to be funerary. Phil didn't think it was fair to leave all the work up to the

tribes. Bill said the RO would solicit their opinion, but needed evidence.

Gordon said he thought something should be done about Spiro. He thought all tribes potentially affiliated with Spiro should be kept informed about new claims. He's sure that the Caddo know that the Wichita have made a claim. He thought using the creation of an exhibition as a means of starting a dialogue might be useful. There is a new museum being built in Oklahoma City in consultation with tribes in the shape of a mound, and there have been talks with the Caddo and Wichita about the design.

Bill Fitzhugh said Dan Rogers would be willing to go to the AAAs to meet with Lynne, Jim Brown, and Bill Billeck to discuss Spiro.

Roland felt that tribes look to some authority to make final decisions on affiliation. The Wichita are probably looking to someone to make a decision and the RO shouldn't drag its feet so that the tribe loses interest. Someone needs to contact the tribes, get their input, and then act on it. Bill Fitzhugh said the case was complicated by the broadness of the Wichita's claim. Roland agreed, but thought the RO should take the lead. Phil said that although the claim is broad the RO could say that they are going to tackle the piece that can be managed. Bill Billeck said that was what the RO was doing. They have met recently with both the Caddo and the Wichita. The Caddo didn't discuss Spiro and the Wichita have asked that the RO assess the two named individual first.

Bill Billeck went on to discuss the pesticide issue. The RO wanted to acquire an x-ray florescence machine to begin analyzing objects for the presence of pesticides. The NMAI has one and might be willing to share the technology. The RO originally didn't think they would have access to the NMAI machine because the NMAI does not want the machine moved to MSC. The movement of the machine is restricted to the MSC/CRC area and cannot be taken into Washington, DC because it has radioactive components. The Anthropology Conservation division is also interested in acquiring one. Bill had submitted a joint Women's Committee grant for \$30,000, making a commitment to pay up to \$10,000 out of RO funds. The machine costs \$40,000. It can be calibrated to identify a number of metals and chemicals and it's a nondestructive sampling method. He thinks the NMAI might be willing to share the machine because its results may be hard to interpret and they may want NMNH experts to assist with interpreting results. Gordon asked how tribes felt about using this technology. Bill said it was non-destructive and tribes are very interested in having ethnographic objects analyzed for the presence of pesticides. Gordon discussed his Tribe's recent collaboration with a local hospital to have some material x-rayed to determine if a person died of a gunshot wound as claimed. Bill Fitzhugh said the Anthropology Department had a CT scanner that can also be used for those kinds of purposes.

Gillian said the NMAI was originally using swab testing for the presence of pesticides. The problem with that technique was that it only showed presence/absence at the location of the swab, so you could get false negatives. You also have no way of knowing the quantity of the chemical present.

Bill discussed the RO database projects. They have been able to link the human remains

database to the funerary object database. On the object documentation database, they have made some progress. They have shrunk the number of object types to about 40. The most commonly described objects are beads, which are 50 percent of the objects documented. They are going through each category and developing minimum description standards. In Emu, they have been limited to 40 object types and ten description fields plus a comment field. They are currently developing the standards for what will be included at a minimum. Eric will be taking the lead on developing the object description protocol. Risa will also be assisting.

Phil asked if human remains and objects are found together in storage. Bill said sometimes; some objects are loose and are defined as funerary objects. On the other hand, weapons may be imbedded in the remains or copper objects have adhered to the remains. In those cases, both the human remains and the object are described separately. The material can be stored with either the physical or the archaeological collections. In either case a note will be placed in the other collection area. Phil asked if they could see the original database. Bill said the original database was very limited. It had a lot of objects types with a limited number of fields.

Overview of Repatriation Cases

Dorothy Lippert - Alaska and Southeast

Dorothy mentioned she supervised two interns during the summer, one Hopi and the other Crow. She also mentioned she was working with the Haida of Canada helping clarify their options.

She gave an overview of her current cases. The St. Michael report is in curator review. She is working on two Tunica-Biloxi reports at the same time. One is for proto-historic remains from Arkansas. The second one is for historic remains from Mississippi, Alabama, and Louisiana.

One child's mandible, not located during the original Larsen Bay repatriation, was repatriated to Larsen Bay. It was discovered, during an inventory of the collection, in an incorrect storage location. The rest of the child's body had been repatriated previously.

The Doyon claim for human remains and funerary objects will be handled separately by each village. She has not been contacted yet by the villages.

She noted the claims from Shishmareff and Kasaan for human remains and funerary objects.

She has requested that the Aleutian-Pribilof Islands Association permit the physical protocol to be restarted. They are having a conference call this evening with their repatriation committee and have asked her to participate. The lab had completed documentation on 75 percent of the collection when the Aleuts requested that they stop two or three years ago. Lynne asked why Dorothy thought they might permit it now. Dorothy said there was more open communication and they have allowed other researchers to do research on their human remains. They originally became upset when they saw the Smithsonian documentary on their mummified remains because they didn't have control over what the Smithsonian was saying about their ancestors. They have requested a study on the funerary objects from Kagamil Island. They want to bring community

artists and scholars to research the collection and she hoped this indicated a change of attitude. She thinks it would be a good opportunity to work with the community. Phil asked if all the Aleutian villages had authorized the Aleutian-Pribilof Islands Association to take responsibility for repatriation. Dorothy said they had.

In the case of the Doyon, there was an original agreement to let the regional corporation represent the villages, but that changed over time.

The RO has offered the village of Teller 62 individuals and 38 catalog numbers of funerary objects. She has not had a response from the village about how they'd like to proceed.

Dorothy met with Ken Carleton, representing the Mississippi Choctaw. Roger asked if there had been any discussion about the named individuals. Dorothy said there wasn't because she didn't know about them at that time. Since then all the Choctaw tribes have been notified. She has had no response

Dorothy reviewed her named individual cases. She discussed an Athapaskan named individual. The village from which his remains came has been notified. In a Haida case, a brain is identified as a 70 year old man. They had a neurological specialist examine the brain and he determined that it was a child, instead, because the blood vessels show no signs of calcification. However, other evidence suggests that the person had suffered from blindness for a number of years, which would more likely suggest an elderly person. The Tlingit remains identified as is the brain of a ten year old boy. The RO had been discussing a repatriation claim with the representative of exemption 6 hephews from Sitka, but that correspondence stopped in 1999. She thought they might have declined to pursue it to avoid upsetting older sister, exemption 6 has passed away. Dorothy is re-notifying the chair of the Sitka tribal council, giving him the history of the communications that had taken place.

Dorothy has contacted the traditional council from the village of Togiak about the brain of Mr.

Bill Fitzhugh asked why the brain collection is here at the NMNH. Dorothy said it was because many were taken during autopsy procedures by surgeons, such Charles Firestone who was an Indian Health Service doctor. At least one that he took was sent here to Hrdlicka through Henry Collins. The bodies of these individuals were buried on hospital grounds, so they may not have been claimed by their communities. Firestone might have thought it was his right to collect them.

Dorothy said the United Tribes of Virginia received the letter denying their claim two months ago and had not responded. Bill Billeck was contacted by some Oglala Sioux individuals who might try to claim remains from Virginia.

Dorothy organized some sessions on repatriation for the World Archaeological Congress. She agreed to act as the WAC's indigenous representative. She will be meeting with the Australian Anthropological Association.

Gordon asked if the people who come to visit the RO are official representatives or just tribal members. Dorothy said they are often tribal representatives, but not always. Dorothy thinks it's good if tribal visitors feel comfortable contacting us to ask for assistance in interacting with the Smithsonian, in contexts other than just repatriation. Bill said the RO makes a serious effort to try to meet with everyone who asks.

Gillian told the Committee that a number of Chippewa visitors will be out at MSC while the Committee is touring out there and they'd asked if they could meet informally with the Committee. Gillian thought lunch-time might work well. The group consisted of one US group and two Canadian groups. The Committee agreed.

Risa Arbolino - Northwest and Southwest

Risa Arbolino gave an update on her active cases. She had been unable to determine the affiliation of a named individual the Nez Perce wanted to claim. In the Cayuse case, she determined that the dress was not an object of cultural patrimony. She said she hadn't heard anything about the dress, but the family claiming the Nez Perce individual is not happy. Those remains and two others have been offered jointly to the Confederate Tribes of the Colville Reservation and the Nez Perce Tribe, but there are political problems between the two tribes, because the Nez Perce will not recognize the legitimacy of the Chief Joseph Band of Nez Perce living at Colville.

Phil asked how the person was identified as a named individual in the first place. Risa said there were accounts of the battle that suggested that the remains could be one of a number of people, but she has not been able to determine which particular individual. Roger asked if the descendent family was disputing the finding. Risa said the woman who felt she was a descendent is enrolled at Colville, but the Nez Perce filed the claim on her behalf.

Grand Ronde has filed a claim for objects from "Mameluke Island." She thinks "Mameluke" is actually "memaloose", a term for funerary island, and the claimed objects are probably funerary objects.

There was another misplaced mandible repatriated recently to Yakama/Warm Springs. They are aware of the "Mamaluke Island" issue and that there may be additional repatriations in the future. The mandible was found at the South Dakota Archaeological Research Center, in Rapid City, South Dakota and they determined that it was an NMNH specimen. It matched a set of NMNH remains already repatriated. Bill Billeck thought the mandible could have gone to South Dakota in the 1930s as part of a large shipment of collections between the two institutions.

Risa said she was working with an Anthropology Department fellow, Rob Lossi, on the Par-Tee case. He was working on the archaeology and found stylistically interesting evidence for affiliation.

The osteology lab is re-evaluating seven sets of remains potentially affiliated with the Grand

Ronde that were documented in earlier reports.

She had re-contacted all the tribes that had been offered remains from the Northwest. The Chehalis were pleased that she had taken the trouble to contact them, but said they were not interested in pursuing repatriation at this time.

She'd had a visit from two community scholars from the Samish Indian Nation. They were two weavers researching textiles at the NMAI and NMNH interested in the Samish wooly dog specimens in the mammals collection. Zia Pueblo has also expressed an interest in doing an extended research project related to repatriation.

Risa reviewed the list of named individuals from her area. She noted the remains of Worthow who was listed as being "Barbeles." She knows of no Native American tribe by that name. The remains also appear to be Caucasian. Roger noted that the Tesuque area where the remains purportedly came from is not an area known to have suffered extensive collecting by the Army Medical Museum. Bill said that out of the 2,600 remains sent to the Smithsonian from the Army Medical Museum (AMM) only 800 or so were collected by the AMM. Many of the remaining 1,800 were collected by Smithsonian curators and sent to the AMM, then later returned to the Smithsonian.

Chinook remains named "wife of Chief Tyee" have been offered for repatriation. She needs to determine to which tribe the remains of Chief Redgrass, listed as Flathead, should be offered.

Four Modoc named individuals were repatriated in 1984. Since then, she has identified another set of remains, listed as Curley Haired Jack. The Modoc have been contacted and will be seeking his repatriation.

The brain of Fracesco Sordo, a Navajo boy, was also collected by Army surgeon Charles Firestone during his stay in Albuquerque. The rest of his remains were probably buried. The tribe has been notified of his existence.

The Nisqually individual has been offered for repatriation.

She is hosting a Native intern who is taking digital images of the approximately 250 culturally unidentified puebloan objects and conducting research to try to affiliate the objects.

She is also organizing the web site redesign and will be adding a lot more information. The RO will be hiring a contractor to redesign the web site and the RO will be adding additional content. She had done a little research and discovered that the RO repatriation website is the only museum-based repatriation website that has more than a paragraph of information.

Phil asked if Risa had anymore information on the Nez Perce scalp. Risa said the remains were of Redheart, a participant in the Nez Perce war. Bill said the Crow had taken his scalp and it was given to the Army Medical Museum.

Gordon asked about an Arapaho named individual. The Armed Forces Institute of Pathology

(AFIP, formerly the AMM) has the hand, but the remainder of the body has already been repatriated. Bill said the hand probably turned up during an inventory conducted after the repatriation. At the time the RO was repatriating the Army Medical Museum remains, they had a good working relationship with the AFIP and conducted a lot of joint repatriations with them. If they had known about the hand at that time, they would have repatriated it.

Eric Hollinger - Alaska, Great Lakes, Great Basin, Mid-west

Eric Hollinger gave an overview of his cases from Alaska. He has been working on the Barrow case. The report is in curator review. He has also been consulting with other Alaska experts about this case. He is spending a majority of his time working on the Tlingit-Haida/Kootznoowoo case. The case includes eleven objects. Some objects are being claimed as sacred objects, others are being claimed as objects of cultural patrimony. He said he had been consulting with other museums to see how they have approached these types of claims. He wanted to know what evidence they considered to assess these claims for sacred objects and objects of cultural patrimony. Lynne asked if Eric had resolved Richard Dalton's concern about the legitimacy of the claimant of the killer whale hat. Eric said Richard had never raised those concerns with him. Bill said Richard had wanted to know who the claimant was, so Bill had given him copies of all the claim letters. Richard had said he wanted to go with Eric and Bill when they consulted about this item, but he became ill and passed away before they could organize the trip. The RO is also concerned about the legitimacy of some of the claimants, because some are asserting ownership of the crest. The problem is that there are sixteen different clans that use the killer whale as their crest. He knows the killer whale hat is from Angoon, from the Dakl'aweidi Clan. Some of the crest identifications are in dispute between clans. Some of the objects the claimants from one clan have identified as having killer whale crests are actually identified in NMNH records as coming from another clan and are identified as having bear crests. The Committee members suggested to Eric that he go back through the RRC minutes and then listen to the meeting tapes to clarify Richard's concerns.

Eric discussed the Hoopa claim. It may not actually be a claim; the letter just expresses an interest in the object. He has contacted the Tribe for clarification.

There has been no further response from the Paiute regarding the remains offered for return. This is also the case with the Chippewa. They have received letters reminding them that the remains are at the NMNH and asking for their assistance in trying to affiliate the remains. He has not heard from any of the tribes. He has letters from the Winnebago of Nebraska authorizing the Ho-Chunk to take responsibility for the repatriation of the remains offered to them, but he does not have a corresponding letter from the Ho-Chunk acknowledging the Winnebago's authority.

The single Miami individual was repatriated this week. The Menominee remains were repatriated last week.

The Mohegan/Pequot case is on hold while the two tribes try to come to a resolution.

Eric reviewed his tribal visits. He'd had six visits since the last RRC meeting. Missing from the list was a visit by the chairman of the Shawnee Tribe of Oklahoma, Ron Sparkman, to discuss the named individual, Black Loon. Eric sent letters to twenty different tribes concerning twelve individuals. Three tribes of Chippewa that have Pembina Band members were contacted about the three Chippewa named individuals. They have responded with claims. They plan to authorize the Turtle Mountain Band to be the main contact. They want to consult with linguists, and ethnohistory and oral tradition experts about these named individuals to document the culture history of the tribe. They believe they know who these individuals are and have identified potential lineal descendents. The letters that were sent to the tribes weren't letters offering repatriation, but requests for assistance in identifying lineal descendents who could make claims.

There is one Potawatami named individual, Awebnabi, but there are many tribes to which he could be affiliated. Eric mailed letters to all the Potawatami and has received a response from one group. They have submitted evidence identifying this person as a well known chief involved in a number of battles and a signatory on several treaties, but they haven't submitted a formal claim.

He has identified two Goshute individuals and has written to two federally recognized Goshute tribes. The remains are from Eastern Utah. There are two Ute individuals. Roland's tribe and two other Ute groups have been contacted about those individuals. He expects to receive claims from the Potawatami and Ute.

He is hosting a visit from two Canadian groups and one American group of Chippewa this week. The remains in question are likely to be affiliated with the Sault Ste. Marie and Bay Mills Chippewa, so the Canadian groups can work with them.

Steve Ousley - Osteology Lab

Steve reviewed the Osteology Lab report. This past six months he has analyzed the craniometric data for the Arikara Report. Some of the remains could be Sioux, Mandan, Arapaho, or Arikara. The lab has been documenting remains from New Mexico, Florida, South Dakota, and California. In the near future they will be documenting remains from New Mexico and Arizona. They have completed the photography of all the remaining non-Aleut remains from Alaska. There are about 200 out of 900 catalog numbers of Aleutian remains left to be documented. This summer, an intern entered data into the physical protocol database from the Larsen Bay repatriation. Several storage areas have been re-inventoried. A funerary object database was created that can be linked to the physical anthropology database, to allow human remain and funerary object information to be merged and searched by site, etc. Steve reviewed the current osteology lab personnel. Two other interns assisted with collections inventory and the rehousing of the skeletal remains. Steve reviewed the documentation statistics.

Andrea asked if the physical anthropology contracts that Steve discussed had been advertised. Steve said they had initially been advertised, but were now renewals. Andrea asked if he expected to hire any more staff. Steve said the lab space was full and there was no additional

space.

Lynne asked if he was still sharing the database with other researchers. Steve said yes, researchers have asked for the database structure. Phil said he would like to review the database.

Steve gave the Review Committee a tour of the physical anthropology storage areas.

November 12, 2003: 9:30 a.m.

In Camera Session

This portion of the minutes is not circulated.

Meeting with Bill Fitzhugh

The Committee met with Bill Fitzhugh.

Lynne explained that the Committee was concerned about the lack of a liaison person in the RO. She felt that outreach work was being conducted less and less. The Repatriation Office is not doing outreach and has no future plans to do outreach, so the Committee wants to fund outreach to tribes.

Bill said he agreed that the RO needed to do more outreach. Bill Billeck and the case officers want to work with tribes and he thought Bill Billeck might feel that a separate position might lead to complications.

Lynne said the Committee didn't agree that it would.

Phil said he thought that someone should be going to tribal business council meetings to explain how to make claims because there are so many collections that have not been requested. He acknowledged that it would create more claims and, therefore, more work for the RO. He didn't agree, however, that there needed to be an inherent conflict between the RO and a liaison funded by the RRC.

Bill said he didn't believe that it was the Review Committee's role to create more requests. He thought the liaison needed to be the right kind of person, preferably a Native American. Dorothy Lippert would like to do more outreach and he has asked Bill to encourage her.

The Committee and Bill went on to discuss the possible re-organization of the Committee coordinator position. Lynne said she felt there would be a conflict of interest if the RO handled fund management for the Review Committee. Bill said he thought it could work with proper oversight. He would build a fire wall between the two funds.

He returned to discussing the liaison position. He said he thought the RO had a good relationship with tribes, but it does need to do more outreach. He would also like the RO staff to have stronger relationships with the curators. The Review Committee agreed and noted that when Tom was program manager he did more outreach. Bill said it was his impression that when Bill Billeck was hired to take Tom's place it was, in part, because the executive committee felt that the RO was delving too far into activities that were not part of their mandate. Bill said there was concern about spending as the budget is under pressure. The RO budget shows that 100 percent of the budget will be utilized in future years and he wondered if it was prudent to consider increasing staffing levels. Bill Billeck also feels he has a staffing level that he can manage.

Roger said he was frustrated with the RO refusal to make proposals. He just didn't think they were making any progress in getting Bill Billeck to make proposals to the RRC for assistance. He felt that Bill could bring in an assistant to help with project expansion. He's concerned that if the RRC doesn't make increased use of the roll-over budget, there would be a budget grab. He wants to make sure that the money gets spent on repatriation projects, particularly to assist with

getting the claims backlog reduced. Bill Billeck needs to figure out how to move those claims forward.

Bill said he agreed. Roger asked what the RRC could do to help. Bill thought they needed to make specific recommendations. He felt that some of the issues the Committee had raised were being addressed. The RO was making progress toward improving the archaeology databases. He has discussed the backlog problem with Bill. Perhaps the RO needs more supervision from the Chair. He suggested that the Committee write up its specific suggestions. Lynne said she didn't think the RRC was in the best position to make specific suggestions about how to get the work done. Bill said he could re-activate the department's repatriation advisory committee. Phil thought an assistant would be helpful to Bill. Bill felt that Laurie Burgess acted in that capacity for the RO. He wanted repatriation activities to be included in the deputy chair position.

Lynne said she thought the RO needed more help. Bill said it would be good if they could implement a few of the Committee's suggestion within the next few months. The discussion continued.

Bill began discussing the possible re-organization of the committee coordinator position. He said he would like to create a lower level position that handled fund management and travel that would be supervised by the Chair's Office. He thought having someone like Laurie as Deputy Chair with some responsibility for the Committee would be beneficial to everyone. Lynne said she didn't think that person should take the Committee over completely or even half time, but perhaps as a small percentage. Bill wanted to discuss it with his executive committee. He didn't know how long he would be chair and didn't know who the next chair would be. Mary Jo Arnoldi is one prospect. It's unclear whether Dan Rogers would be interested. Bruce Smith is currently acting Associate Director for Research and Collections, but he expected a permanent appointment to be made soon. The Anthropology Department has added three new people to its staff. Dolores Piperno from the Smithsonian Tropical Research Institute; and Jim Blackman and Ron Bishop, chemists, from the Smithsonian Center for Materials Research and Education have been transferred to the Anthropology Department.

The Committee discussed their concerns about space allocation with Bill. Lynne said the attic storage space was much improved. Bill thought the physical curators will want to keep the physical collections downtown at the Natural History building. Lynne asked if there was a goal to get all collections moved to MSC. Bill said the physical anthropology curators would prefer that they remain downtown. Dave Hunt, the physical anthropology collections manager, has reluctantly agreed to the move. Lynne asked if part of the reason that they remain downtown is because of repatriation. Bill said yes.

Piro-Manso-Tiwa Claim

Lauryn, Bill Billeck, and Risa attended the next session. Andrea asked Risa to update the Committee on the case.

Risa explained that the Piro-Manso-Tiwa (PMT) were not eligible to participate in the

repatriation process because they were not federally recognized. There are three federally recognized tribes (Ysleta del Sur, Isleta, and Sandia pueblos) affiliated with the Salinas pueblo collection that the PMT claim affiliation with and the Ysleta del Sur do not want the PMT involved. Isleta and Sandia are willing to let the Ysleta del Sur take the lead. The Hopi, who were not found to be affiliated by the SI, although the National Park Service did, do want the PMT involved. The PMT do have a pending application for recognition. They asked the NAGPRA Committee to hear a dispute, but the NAGPRA Committee declined to hear it, because they have now decided that only federally recognized tribes are considered affected parties. She has not heard directly from any of the culturally affiliated tribes. The PMT have appealed to the RRC.

Phil thought that in the Kennewick Man case, non-federally recognized tribes were allowed to participate. Bill Billeck said that was a different issue. Risa explained that Sandia was also listed as affiliated, but was waiting for Isleta and Ysleta del Sur to take the lead.

Phil asked if the PMT would be affiliated if they were recognized.

Roger asked what it was the PMT was disputing. Risa said they are disputing the denial of their claim to be a participant. They want to be included in the repatriation. They are upset about the reburial arrangements that were made during prior repatriations. Roger pointed out that the RRC can't get involved in disputes over burial practices. Roger discussed the previous repatriation. The PMT asked the Park Service to include them in the repatriation discussions. The Park Service consulted with all the federally recognized tribes which decided that the PMT could participate in the discussions, but the federally recognized tribes would make the reburial decisions. The Park Service had decided that the remains couldn't be buried where they had been originally buried because those areas were protected archaeological sites and offered reburial within the monument site. Phil asked if the PMT were trying to use repatriation as a way to further their federal recognition claim. Roger said he didn't know. Risa said she believed that the Ysleta del Sur consider the PMT to be part of Ysleta del Sur and not a separate tribe. Phil said he didn't think the RRC could help them. Roger agreed and pointed out that the report was very clear about who was an affiliated tribe. Andrea thought it didn't preclude the RRC from hearing PMT's case. Other Committee members disagreed. Lynne pointed out that the PMT can't be culturally affiliated because they aren't federally recognized. Gillian said that under NAGPRA collections associated with non-recognized tribes are listed in inventories as culturally unaffiliated. Andrea said that under the NMAI Act there was a provision for the Smithsonian to repatriate collections outside of the law. The other Committee members agreed, but pointed out that it could only occur when there wasn't a competing federally recognized tribe. Roger pointed out that the RO letter to the United Tribes of Virginia states that whenever there is a federally recognized tribe and a non-federally recognized tribe, the federally recognized tribe's claim takes precedence. Phil pointed out that many federally recognized tribes feel very strongly that non-recognized tribes have no standing. Lynne didn't think that in a case where there were three federally recognized tribes, the Committee could determine that the nonrecognized tribe could supersede them. She wondered what purpose a hearing would serve when the RRC couldn't put aside the rights of the federally recognized tribes.

Lauryn agreed and said the most the RRC could do was encourage the federally recognized

tribes to include the PMT.

Roger noted that the Ysleta del Sur had filed the original claim. Bill Billeck said that was true, then the PMT filed a claim. The RO told them they had no standing.

Andrea said she would draft a letter to the PMT telling them the Committee could not hear their case and would circulate it for editing. Lynne thought the RRC should also send letters to Ysleta del Sur encouraging them to include the PMT in the process and copy the PMT.

Roland said that these disputes between federally recognized tribes and non-recognized tribes were long standing. Originally these tribes didn't want federal recognition. Roger said that the PMT was one of the tribes that were not recognized.

Lauryn wondered if letters to the other tribes would be seen as meddling. Phil thought that might be possible. Roger thought they should still be sent because the PMT do have an affiliation. Lynne agreed. Gordon also agreed. He discussed the new Freeman-Seminole recognition case.

Risa said Ysleta del Sur was having trouble getting written support for taking the lead from the other federally recognized tribes.

Phil raised the subject of the terminated tribes. They have as strong a shared group identity as many of the recognized tribes, yet can't participate in the repatriation process. He thought that state recognized tribe might be able to participate in the repatriation process. There was no agreement on this issue. Lynne said they couldn't participate until the federally recognized tribes' claims have been addressed. Lauryn pointed out that accepting federal recognition as the standard simplifies the process. Gillian asked if the state recognized tribes could use the travel grant program. She noted that they had supported the state recognized Wanapum and the Kumeyaay coalition, which included state recognized groups. The Committee thought that it should not be permitted unless these tribes had the support of a federally recognized tribe.

Roger thought that the letter that the RO sent to the non-recognized tribes spelled out the policy very clearly and should be used as the standard.

Lauryn offered to review the RRC's letter to the PMT.

Update on Repatriation Office Activities (continued)

Bill Billeck made a few announcements. He said he had spoken with Dave Hunt, the physical anthropology collections manager, who said that all of the North American human remains will be moved from the hallways to the east attic by January 2004. Phil thought that the new storage area should not be referred to as an attic. Bill said they needed to develop a new term. When the north attic became available the remains that are stored on the fourth floor rotunda balcony will be moved there.

Bill said Greta Hansen, the anthropology conservator, has arranged for the NMAI conservator to

Arapaho. The Tribe did not really want the original returned, because it displaced the currently active replicated object and upset the keeper's authority. The repatriated original has been put into storage and is not permitted to attend ceremonies. The object was also problematic because it had been treated with pesticides.

Gordon asked if the web site would say anything about international repatriation. Bill said it would probably be included in the policy under non-recognized tribes. Phil asked if the Smithsonian had a repatriation policy for non-Native American collections. Gillian explained that the Board of Regent's by-laws had a clause that said the SI will return collections that were acquired unethically². Phil asked if that had ever occurred. Gillian said rarely. Bill pointed out that some of the earliest repatriations were conducted under that policy, before there was repatriation legislation, for example the Zuni war gods and the Blackfoot remains. Phil asked if international governments had made request under that clause. Ruth said she was currently working on such a claim, but was not at liberty to disclose the details of the case. Ruth said that the Smithsonian is working on some language pertaining to Nazi stolen art, although the SI believes it does not have any. She suggested the Committee raise the issue with Lauryn. Gillian noted that the Committee had been given a copy of the new Smithsonian collections management policy (SD600).

Bill said the Smithsonian Secretary came for a tour of the RO. It was a very successful visit. He was interested to hear that tribes are doing reburials. He was also surprised to hear that the Virginia and Maryland tribes were not federally recognized, since they play such a prominent role at NMAI. He was very interested in the process of repatriation. He visited the physical lab. Phil asked what the Secretary's background was. Bill said the Secretary was a finance specialist and previously worked at Fannie Mae and Citicorp. Lynne asked what he was most interested in during the visit. Bill said he didn't think there was any one specific issue. He thought it was the first time a Secretary had ever visited the Repatriation Office. Lynne said that both Adams and Heyman had attended RRC meetings.

Bill also discussed a recent visit from aids from Congressman Neye's office. It wasn't clear why they asked for a meeting. One of his staffers had heard complaints about the delay in repatriation from a group of tribes that are part of the Western Apache Working Group (Prescott-Yavapai, Camp Verde Apache, and White Mountain Apache) from whom the RO was awaiting a response. Bill asked for specific information on what the concerns were. Bill assured the aids that the complaints were unfounded. He explained that the RO had had a lot of interactions with the Apache Working Group within the past few years. These tribes know they have been offered human remains for repatriation. Bill was not permitted to contact the aid directly, nor was the aid following the rules when he contacted Bill. Congressional requests for information are supposed to come to the Smithsonian's government affairs office.

Digital Imaging

Bill said the position descriptions for the two two-year term staff positions for the digital

² The document is titled "Smithsonian Institution Policy of Museum Acquisitions" and was adopted May 9, 1973. This policy has since been incorporated into the Smithsonian's Collections Management Policy (SD600).

imaging project, the photographer and the museum technician, were being reviewed by the Associate Director for Research and Collections Office. He expected to complete these hires within the next three to six months. Several tribes have already asked for images of their collections. He planned to begin with collections from Jemez and Zia pueblos, and Hooper Bay, AK. Bill said he will write to all the tribes before they begin the project to make sure there were no concerns or restrictions. Phil thought the images should be made available to the public. Bill said the Anthropology Department will have to do a much broader digital imaging project to digitize all the collections and will have to decide what and how to make these images available to the public through the website or catalog database. They will have to do extensive consultations with tribes. They will have to develop some criteria for what should not be made public. Hooper Bay has a claim in for human remains, but would like some archaeological objects photographed. As part of the consultation process on sacred objects and objects of cultural patrimony, the Zia and Jemez objects will be photographed. It's only then that the tribes will be able to identify what images should be restricted. Gillian asked if the storage and cataloging of the images had been worked out with Collections Management. Bill said the plan was that the images will be imported into Emu, but the photo module is not yet ready. No one has adequate electronic storage space at the moment. The images will be stored as 8" x 10" 300 BPI. The images will not be stored at that size in Emu. The images will be temporarily stored on CDs in the RO and not associated with any database. Lynne thought that was a serious problem. Lynne was skeptical that the links between the image and the catalog data will be error free. Bill said it should be fine because the images will not be batch loaded. They will have to be linked one at a time, by hand. Gillian said that currently the NAA is successfully linking their images to the database. Bill said Lynne might be correct because the standards are not ready yet, but he plans to move forward with the project. He's sure that the name will somehow be related to the catalog number. He isn't sure how they will handle multiple images. Gillian suggested that they ask Dave Rosenthal while on the tour about what conventions he is using. She explained that although Emu permits batch uploads, the NMNH did not pay for the upload module. The discussion continued.

Phil asked to see an organizational chart for the NMNH. Bill explained that the Museum was undergoing so much re-organization that a chart would soon be out of date. He noted that they could see the organizational structure by reviewing the report approval process.

The Committee asked Gillian to send them copies of the NMNH Science Report and the letters of condolence for Ronald Little³.

Ruth Selig arranged a tour of the new mammals hall for the Committee at 8:45 am the next morning. She asked them to meet her at the Constitution Ave, entrance.

Gillian explained that there were problems scheduling a tour of the new NMAI building. The Committee will tour the CRC, but Jim Pepper Henry had not committed to scheduling a tour of the new building. Lynne expressed her displeasure at being invited by the NMAI for a tour, scheduling a three day meeting to fit a tour in, and then having the tour cancelled.

³ Gillian sent the Committee all the requested information.

Gillian gave the Committee an update on the search for a replacement for Richard Dalton. Andrea wanted to begin a new search after the first of the year with a March 1st deadline for submissions. The Committee discussed who would be on the nomination committee. It was decided that Andrea, Roland, Cristián Samper, Rick West, and Bill Fitzhugh would sit on the Committee.

Roger also noted that the next round of nominations needs to be organized. There was some discussion about which organizations would be invited to submit nominations. Lynne and Roger agreed that the nominations should be for museum and anthropology professionals. Andrea said she would like to start the process soon. The Committee asked to be kept informed of the deadline. Roger agreed that nominations should be solicited from museum and anthropological professional organizations, but thought there should be some announcement that informed the public that the nominations are being solicited. There was discussion about what the NMAI Act meant when it stated that no one affiliated with the Smithsonian could be appointed to the Committee. Gillian said it meant that no board members, staff, contractors, etc. could be appointed.

The Committee selected tentative dates for the next Committee meeting. The first choice was May 20th and 21st. The second choice was May 17th and 18th. Bill Fitzhugh would not be available for a June meeting.

Roland asked if the Committee had any plans to participate in the NMAI opening week activities. Gillian said she has asked for the Committee to be invited, but has not heard anything back. She thought that the NMNH might discourage the whole Committee from attending. She thought it might not be considered appropriate business travel. Roger suggested that the Committee hold the September meeting to coincide with opening week and stay over for an additional day⁴. He thought it was important that the Committee have a presence considering how many tribal representatives would be attending. Bill thought that if the Committee held its meeting during opening week, Jim Pepper Henry would probably not be available to meet with them. Lynne pointed out that Jim is never available to meet with them. Gillian noted that the RRC had not received any reports from the NMAI in a long time. Andrea asked if Gillian would ask Jim what reports are available.

Roland and Gordon said they had already been invited through their tribes.

The meeting was adjourned.

On November 14th the Committee took a tour of the NMAI's Cultural Resources Center given by Terry Snowball and John Beaver.

⁴ This arrangement was approved by the NMNH Director's Office.

Actions List from November 12-14, 2003 RRC meeting

Action Required By:	Request	Action Taken
Bill Billeck	Provide organizational chart of the	Provided at November
	case review process	2003 meeting
Bill Billeck	Provide named individual status	Provided at November
	report	2003 meeting
Andrea Hunter	Memo to Bill Billeck regarding	Submitted by e-mail on
	upgrading the archaeology database	July 14, 2003
Andrea Hunter	Letter to Bill about the Committee's	Tabled
	recommendations for the digital imaging project	
Gillian Flynn	NMNH Science Report to the	Sent electronic copy for
	Committee	initial perusal May 5, 2004
Gillian Flynn and	Letter of condolence for Ronald	Sent to Committee
Andrea Hunter	Little Owl	
Gillian Flynn	Request for NMAI case reports and	Requested from Jim Pepper
	opening events invitations	Henry, February 2004,
		April 2004
Andrea Hunter	Letter to PMT regarding RRC	Sent
	decision on dispute hearing	June 15, 2004
Andrea Hunter	Letter to Isleta del Sur to encourage	Committee decided against
	inclusion of all culturally affiliated	action
	groups in their repatriation claim	
Andrea Hunter	Letter to Samper regarding	Sent January 16, 2004
	recommendations for housing	
	Native American human remains	
Andrea Hunter	Letter to Bill Billeck to allow case	Tabled
	officers to attend tribal conferences	
	and to do tribal outreach	
Andrea Hunter	In outreach effort contact tribes	Tabled
	during repatriation process	

Appendix D

Reports Reviewed by the RRC

REPATRIATION OFFICE CASE REPORTS REVIEWED

Balting and the				
October 2002	Addendum to the Repatriation Office Report Inventory and Assessment of Human			
	Remains and Associated Funerary Objects from the Post-Contact Period in Barrow,			
	Alaska in the National Museum of Natural History			
	Human Remains and Associated Funerary Objects, McDonald County, Missouri (at			
	the National Museum of the American Indian)			
February 2003	Inventory and Assessment of Human Remains and Funerary Objects Potentially			
	Affiliated to the Menominee Tribe in the National Museum of Natural History			
March 2003	Inventory and Assessment of Human Remains Potentially Affiliated to the Miami			
	Tribe in the National Museum of Natural History			
July 2003	Assessment of a Repatriation Request for a Cayuse Dress in the National Museum of			
	Natural History			
	Assessment of a Lineal Descent Request for the Repatriation of Human Remains from			
	the Big Hole Battle of the Nez Perce War at the National Museum of Natural History			
	Inventory and Assessment of Human Remains and Funerary Objects Potentially			
	Affiliated to the Menominee Tribe in the National Museum of Natural History			

Appendix E Travel Grant Awards

TRAVEL GRANT VISITS

0.2163		
10/21/02	SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS (MICHIGAN)	REPATRIATION
10/21/02	BAY MILLS INDIAN COMMUNITY (MICHIGAN)	REPATRIATION
8/4/03	CONFEDERATED TRIBES OF THE YAKAMA NATION (WASHINGTON)	REPATRIATION
8/4/03	CONFEDERATED TRIBE OF THE WARM SPRINGS RESERVATION (OREGON)	REPATRIATION
11/7/03	MENOMINEE TRIBE OF WISCONSIN	REPATRIATION
11/10/03	MIAMI TRIBE OF OKLAHOMA	REPATRIATION

The Smithsonian Institution's Native American Repatriation Review Committee Report for January to December 2004

The last twelve months saw several changes to the Smithsonian Institution's Native American Repatriation Review Committee (RRC). This report outlines and discusses these changes. It also provides updates on mandated and Committee-approved activities and delineates particular concerns of the Committee.

The RRC continued to conduct its mandated monitoring and review of repatriation at the Smithsonian Institution. Throughout the year the RRC monitored and reviewed the operations of the Repatriation Office (RO) at the National Museum of Natural History (NMNH), and responded to a variety of reports completed by the RO. We continued to address issues about repatriation activities at the NMNH.

A variety of other Committee activities were congruent with the Committee's stated policy to engage with Native American groups and communities.

Continuing and new concerns requiring consideration include issues related to the functioning of the RO at the NMNH.

Monitoring and Reviewing Activities

Our Congressional mandate, in part, states that the Committee will monitor and review the inventory, identification, and return of Native American human remains and associated Native American funerary objects in possession of the Smithsonian Institution. This was expanded by the 1996 NMAI Act amendment to include objects of cultural patrimony, sacred objects, and unassociated funerary objects at the Smithsonian. In keeping with this mandate, the Committee continued to monitor and review the repatriation activities of the Smithsonian Institution during the year.

We had two meetings held in Washington, DC -- May 17-18, and September 19-20, 2004. Our first meeting was on May 17-18 (see attached minutes in Appendix A). Committee members in

attendance were Roger Anyon, Lynne Goldstein, Andrea Hunter (Chair), John Johnson, Roland McCook (Vice-chair), Gordon Yellowman, and Phillip Walker. This was the first meeting for John Johnson, of the Chugach Alaska Corporation, the newest Repatriation Review Committee (RRC) member. Mr. Johnson replaces Richard Dalton, Sr. Bill Billeck, RO Program Manager, and RO Case Officers Risa Arbolino, Eric Hollinger, Dorothy Lippert, and Steve Ousley met with the Committee to give updates on RO progress. The Committee also met with Cristián Samper, Director, NMNH; Hans Sues, NMNH Associate Director for Research and Collections; and Bill Fitzhugh, Chair, Department of Anthropology. Gillian Flynn, Repatriation Review Committee Coordinator; Lauryn Grant, Smithsonian Assistant General Counsel; and Ruth Selig, Special Assistant to the Director also attended the meeting.

The second meeting of the Committee was on September 19-20 (see Appendix B for minutes). Roger Anyon, Lynne Goldstein, Andrea Hunter (Chair), John Johnson, Roland McCook (Vice-chair), Gordon Yellowman, and Phillip Walker attended this meeting. Bill Billeck, RO Program Manager, and RO Case Officers Risa Arbolino, Eric Hollinger, Dorothy Lippert, and Steve Ousley met with the Committee to give updates on RO progress. The Committee also met with Cristián Samper, Director, NMNH; Hans Sues, NMNH Associate Director for Research and Collections; and Bill Fitzhugh, Chair, Department of Anthropology. Gillian Flynn, Repatriation Review Committee Coordinator; Lauryn Grant, Smithsonian Assistant General Counsel; and Ruth Selig, Special Assistant to the Director also attended the meeting.

Bill Billeck and the RO case officers gave updates of the progress of the RO. Other topics included the independence of the RRC and RRC coordinator, re-organization of the Repatriation Review Committee Coordinator position, RRC member nomination process, storage of Native American human remains at NMNH, enhancement of tribal liaison/outreach activities, Legacy Report by Lynne Goldstein and Roger Anyon, funding a National Anthropological Archives staff person, and anticipated cuts to the 2005 budget.

Reports Considered

The Repatriation Review Committee formally considered five NMNH repatriation case reports during the reporting period: A Brass Patu Traded by Captain Cook in 1778 and an Anthropomorphic Stone Carving From Northeast Oregon in the National Museum of Natural History; Inventory and Assessment of Human Remains from St. Michael Island, Alaska, in the National Museum of Natural History; Inventory and Assessment of Human Remains and Funerary Objects from the Point Barrow Region, Alaska, in the National Museum of Natural History; Inventory and Assessment of Human Remains and Objects from Southeast Washington and Northeast Oregon in the National Museum of Natural History, and Inventory and Assessment of Human Remains from the Nulato Area of Alaska in the Collections of the National Museum of Natural History.

Grants Programs

Two grant programs were established by the Repatriation Review Committee to assist Native American groups in their repatriation activities, the Repatriation Grant Program and the Consultation Grant Program. This year there were six groups of Native American repatriation representatives who participated in the program. Groups assisted by the Grant Program include: the pueblos of Laguna, Jemez, Santa Clara, and Zia, the Skull Valley Band of Goshute Indians and the Coeur d'Alene tribe.

Additional Projects

The Repatriation Review Committee agreed to support the re-housing of Native American collections being taken off exhibit. These collections will be accessible to Native Americans for the first time in over forty years. The Committee also agreed to support an archives technician to permit the National Anthropological Archives to return to opening four days per week for Native American and repatriation-related visitors.

Concerns

Although the Repatriation Review Committee is to some extent satisfied that the NMNH Repatriation Office is making progress toward completing the repatriation process, we continue to be concerned about the length of time it is taking to complete some outstanding repatriation cases and the queue of repatriation requests. The Committee strongly encourages the Repatriation Office to address these claims in an expeditious manner.

A foremost concern of the RRC is the one year, one million dollar cut in the repatriation budget. Although not an enormous impact on repatriation this year, due to monies in the roll over account, if requested the following year, it will result in a debilitating problem. The repatriation workload has not decreased and will not do so in the immediate future. It is paramount that the RO and RRC have the appropriate funding to continue operations at the current level. The RRC urges the administration to make every effort to reinstate the original budget established in P.L. 101-185.

The RRC continues to be concerned about the independence of the RRC and of the RRC Coordinator. Over the past 14 years, there have been times when the RRC Coordinator has reported directly to the NMNH Director or Deputy Director. In our judgment, this strategy worked better to facilitate communication, information sharing, and independence. From Indian Country, just the perception of independence is critical, and we cannot stress this point enough. In 2004 the RRC recommended that the RRC Coordinator report directly to Dr. Hans Sues, the Associate Director of NMNH. Dr. Sues has extensive knowledge regarding anthropology museum collections management, and we believe he is perfectly suited to oversee the RRC Coordinator. We look forward to this transition occurring in the near future.

The RRC also submitted a recommendation concerning the reorganization of the RRC Coordinator's duties. We proposed that half of the Coordinator's duties be RRC funds management, organizing RRC meetings, taking and writing up meeting minutes, drafting policies and annual reports, preparing informational packets, handling communications between the RRC, RO, Anthropology, and

the Director's Office, and assisting with Native American consultation and repatriation visitors. The other half of the Coordinator's duties would be allocated to Collections Management and/or in the National Anthropological Archives as an assistant. In the Collections and Archives, the Coordinator's role would be focused primarily on Native American collections and archival materials. Due to the staffing shortages in these two departments, the RRC is happy to try to help alleviate some of this problem since it directly affects the repatriation process. We believe such a reorganization of the RRC Coordinator's duties would greatly benefit the RRC, RO, Department of Anthropology, Collections Management, and National Anthropological Archives.

The Committee recognizes that the NMNH Repatriation Office is actively consulting with those tribes that have filed repatriation claims and notes the increase in outreach efforts by the RO. The Committee encourages the RO Program Manager and staff to pursue all avenues of outreach available to them, including attendance at Native American-related conferences, workshops, and meetings.

Another concern relates to the unaffiliated North American archaeological collections that are of national significance, such as the collections from Spiro Mound, Chaco Canyon, Etowah, and the River Basin Surveys. We recommend that the Department of Anthropology begin assessing collections such as these and take proactive steps to insure that the Smithsonian, in consultation with other nationally recognized museums, takes the lead in determining the cultural affiliation of those collections before errors are made by less experienced regional museums.

Conclusions

The reporting period was, once again, an active one for the Repatriation Review Committee. We are satisfied that we responded appropriately to the challenges offered and we continued to bring issues of concern to appropriate offices at the Smithsonian as the Committee sought to fulfill its legal mandate. The Committee looks forward to 2005 as one of further challenges and accomplishments.

Appendix A

Minutes of the May 17-18, 2004 RRC Meeting

Appendix B

Minutes of the September 19-20, 2004 RRC Meeting

Appendix C

Reports Reviewed by the RRC

Appendix D

Travel Grant Awards

Appendix A

Minutes of the May 17-18, 2004 RRC Meeting

Final Repatriation Review Committee Meeting Minutes May 17-18, 2004 Prepared by Gillian Flynn, 11/1/04

Repatriation Review Committee Members attending:

Roger Anyon
Lynne Goldstein
Andrea Hunter (Chair)
John Johnson
Roland McCook (Vice-chair)
Gordon Yellowman
Phillip Walker

Smithsonian Staff attending:

Risa Arbolino, Case Officer, Repatriation Office, NMNH
Bill Billeck, Program Manager, Repatriation Office, NMNH
Bill Fitzhugh, Chair, Department of Anthropology, NMNH
Gillian Flynn, Repatriation Review Committee Coordinator
Lauryn Grant, Assistant General Counsel, SI
Eric Hollinger, Case Officer, Repatriation Office, NMNH
Dorothy Lippert, Case Officer, Repatriation Office, NMNH
Steve Ousley, Case Officer, Repatriation Office, NMNH
Cristián Samper, Director, NMNH
Ruth Selig, Special Assistant to the Director, NMNH
Hans Sues, Associate Director for Research and Collections, NMNH

May 17, 2004: 9:30 a.m.

Introduction

Andrea Hunter opened the meeting. Bill Billeck, Bill Fitzhugh, Gillian Flynn, Lauryn Grant, Cristián Samper, Ruth Selig, and Hans Sues attended this session. Andrea thanked everyone for attending. She welcomed John Johnson, of the Chugach Alaska Corporation, the newest Repatriation Review Committee (RRC) member. John gave an overview of his background. Andrea also welcomed Hans Sues, the new Associate Director for Research and Collections at NMNH, who came from the Royal Ontario Museum.

Meeting with the Director, NMNH

Cristián opened the discussion. He offered to return to the meeting the following day if he was needed. He discussed the 2005 budget. He explained that the budget the President had sent to Congress contained a one-time \$1 million budget cut to the repatriation program due to its roll-over surplus. He didn't know the outcome of the

budget process. He had advocated against the cut. He has been promised that it is a one-time cut. The 2006 budget request included full funding.

Cristián mentioned the agreement that had been reached on what organizations would be invited to submit nominations for the two upcoming Committee vacancies. He had discussed the issue with Andrea and they had agreed that national anthropological, museum, and Native American organizations would be contacted.

A discussion took place concerning the definition of "affiliation" in the National Museum of the American Indian (NMAI) Act. Gillian and Bill Fitzhugh had interpreted it to mean that no one with any current or prior affiliation, including contracts and fellowships, could be nominated to the Committee. Lynne said that constraint eliminated most of the best candidates and she thought the interpretation was too strict. Cristián agreed that the issue needed to be reviewed.

Cristián discussed the re-organization of the Repatriation Review Committee (RRC) Coordinator position. He thought that the position should be re-organized. He said both Bill Fitzhugh and Gillian agreed that the position needed to be re-organized. He wanted input from the Committee on how best to accomplish that. He wanted input on what the Committee needed. He pointed out that a decision did not have to be made imminently, but he wanted to begin the conversation. He wanted to assure the Committee that there would be no compromising of Committee functions. He would like the Committee's feed-back on the proposal that Bill Fitzhugh has made to combine the position with the Deputy Chair position. He thought that one positive aspect of doing that would be that the Committee would have a closer relationship with the Chair. He recognized that Bill Fitzhugh would need to ensure that the Committee's needs were still a priority and that the Committee continued to maintain its independence.

Cristián asked Gillian to give her input. She said that the duties of the coordinator as they were currently defined did not constitute full-time work. She believed that the clerical duties could be assigned to other staff which could allow the coordinator position to be merged with the Deputy Chair position. She felt that this re-organization would allow the Committee to have a closer relationship with the Chair. The Committee would continue to maintain its independence from the Repatriation Office.

Cristián went on to discuss the human remains storage issue and thanked the Committee for its previous input. He was happy to accept its recommendation that the remains be moved from the Anthropology Department hallways and the rotunda balcony to what is currently called the North attic. The Department of Anthropology has started the process but he wanted to see it accelerated.

Cristián said that overall the Museum is doing well. They have received funding for the oceans exhibit. There are searches underway for six new curators in botany, zoology, and mineral sciences. Discussions on building a new storage pod at the Museum Support Center for the alcohol collections are underway.

Bill Fitzhugh said he had been appointed as chair of the anthropology department for another year. The department needs to hire new curators. They need to strengthen their relationships with Native communities. There are some recent vacancies that will create hardships for the department. They have lost one position in the National Anthropological Archives already (NAA) and the two archivist positions are expected to become vacant within a few months. He is concerned about the collections program. The repatriation program is the only program in the department that has been able to consistently meet its mission and it's very important to the overall department. It has had a significant positive influence within the department by bringing in funds for consultations with Native Americans. He agreed that the RRC position needed to be discussed. He said he would be available to discuss this issue with the Committee. He would also like the Committee's advice on how the repatriation program can be improved. He felt that the Committee was important to the process and provided valuable input. He said he hoped that the department would have a closer relationship with the NMAI when its museum on the mall opened.

Andrea thanked Cristián, Hans, and Bill Fitzhugh for coming. She said the Committee members would be discussing the letter Cristián had sent to them concerning the issues that had just been raised.

Lynne noted the attic storage area was very good but thought that once the human remains were moved there the space needed to be re-named. Cristián agreed. He said he wanted to speed up the move. Andrea asked if the remains had been removed from the rotunda balcony. Bill Billeck said they had, only the shelving remained. He proposed renaming the North attic to the North wing storage.

Cristián invited the Committee to give him feed-back on the re-organization of the coordinator position.

Discussion turned to the nomination affiliation issue. Lauryn thought it was acceptable to permit the appointment of nominees who had prior affiliations with the Smithsonian. Hans thought they could institute a time-out period between an affiliation and appointment to the Committee like the National Science Foundation does. Roger Anyon thought only nominees with current affiliations should be restricted from being appointed. He felt that the wider the net was cast, the better. Lynne noted that some prior affiliations may not have any relationship to repatriation issues. Gillian asked how a case such as Jane Buikstra's should be handled. Roger thought decisions needed to be made on a case by case basis. Lynne pointed out that if at any time there was a potential conflict of interest the person would recuse himself or herself from a case, as is the current policy. Gillian said she could send out a new letter. Ruth thought many nominees would have multiple affiliations. Cristián thought that it was a decision that the selection committee could make.

Andrea raised the issue of who should sit on the selection committee. She said the most recent selection committee had been composed of the anthropology department chair, the NMNH director, the chair and vice-chair of the Review Committee, and the NMAI

director (Rick West). Lynne wondered if it was necessary to invite Rick this time around given that they weren't looking for tribal nominations. She didn't think he would have the time to participate due to the NMAI opening. Bill Fitzhugh thought they should invite him to participate again. Cristián agreed and thought Hans could be involved, if Rick wasn't available.

Cristián, Hans, Lauryn, Bill Fitzhugh, and Ruth left the meeting.

In Camera Session

The Committee met in camera. This section of the minutes is not circulated.

Update on Repatriation Office Activities

Bill Billeck and Bill Fitzhugh attended this session.

Bill Billeck reported that the RO staff had completed three case reports since the last RRC meeting. They had also conducted three repatriations to the Menominee, Miami, and Coeur D'Alene. They had received five new repatriation claims. Three of the claims are for named individuals and are a result of the most recent letters sent to tribes reminding them about the existence of these individuals. Additional tribes have said they intend to submit claims for named individuals.

Active cases for which Bill expected completed case reports within the next six months included: St. Michael, Nulato, Par-Tee, and Tlingit. The Tlingit case is difficult because the Tlingit-Haida Central Council has said responsibility for repatriation rests at the clan level, but that raises the question of whether or not certain objects can be claimed as cultural patrimony.

John Johnson explained the organization of the Native Alaskan corporations as they were established under the Native Alaska Claims Settlement Act. Phil asked if John could ever envision a conflict between the corporations and tribal governments. John said he thought that would never happen.

Bill said some Haida communities feel the Tlingit-Haida Central Council doesn't represent them.

Bill said the Arikara report was in curatorial review.

He is still waiting for one Sitting Bull claimant to present additional evidence of affiliation. The Sitting Bull collection is considered an old loan made by an Army surgeon to the Smithsonian. The Army does not want to claim the objects and the NMNH feels it can prove that the Army surgeon didn't have right of possession. The RO has searched unsuccessfully for heirs to the surgeon. There are two Native American claimants. One is a great grandson. The other is a descendent of a nephew who was also adopted as a son. The biological descendents contest the adopted status of the nephew. They say since the man was already a relative there would have been no reason for adoption. The nephew's descendents claim that adopted status held greater status than a biological affiliation in Sioux culture. Bill is looking into Sioux kinship categories and reviewing the historical records.

Gordon said the Cheyenne and Arapaho Tribe has members who may claim descent from Sitting Bull.

Bill Fitzhugh discussed an international repatriation claim the anthropology department had received. The Polish government is requesting the return of records on Polish citizens created by the Germans during World War II that are held by the NAA.

Lynne suggested that the Committee make a visit to the NAA during their next meeting.

Bill Fitzhugh thought that might be a good idea, but reminded the Committee of the limited service at the NAA.

Bill Billeck the repatriation cases involving named individuals; Chippewa, Goshute, and Nulato have been given priority and moved to the front of the queue. The other priority cases include Sullivans Island, Klamath, Tunica-Biloxi, and the Grand Ronde Par-Tee cases. He said the Tunica Arkansas case report was in progress. The Tunica Mississippi/Indiana report would take longer to complete. He expected ten to twelve cases to be in office review within the next six months. Roger asked how many individuals were affected by those cases. Bill listed the counts.

He said there was the possibility of three new repatriations taking place within the next six months to Barrow, Umatilla, and Yakama.

The RO had fourteen visits this reporting period. The RO is expecting some drop-in visitors this week because there is a NAGPRA training workshop in Washington, DC this week.

The RO had a number of congressional visits. Congressman Neye (Ohio) was interested in NMNH issues. Three other Congressmen also visited; Rick Renzi (Arizona), Steve Pearce (New Mexico), and Rick Pombo (California). Congresswoman Heather Wilson and her staff also came. Her office had distributed RRC consultation travel grant application packets to all the tribes in her district and the RO has received requests for visits from Laguna, Zia, Santa Clara, Jemez, and Pojaque, which was subsequently cancelled.

Bill Fitzhugh said the congressional representatives seemed pleased with the work the RO was doing. Exemption 5

Exemption 5

Bill Billeck thought the RO might get more visits after the NMAI opens. The NMAI repatriation office is more or less closed and they won't be taking any more visitors until after the opening.

Bill has hired three new people. Deloris Walker has replaced Rosalind Whitacker as secretary. Cheri Botic and Carrie Feldmen are new technicians who replaced Gayle Yiotis and Beth Eubanks. The hiring of the digital imaging project is still in progress. He has made a job offer on the technician position, but the photographer position is still being advertised.

He would like to purchase an x-ray fluorescence machine to aid in the identification of pesticides used on collections. He has been working with Ron Bishop of the Smithsonian

Center for Materials Research and Education on this project, but they still don't have any guidance on acceptable safety levels. Bill Fitzhugh thought the data would at least allow the Museum to warn claimants of the presence of pesticides.

Bill has awarded a contract for a new RO web design project. They plan to put report summaries on the web, but without site location information. He decided not to put full reports on the web. People could contact the RO if they wanted a copy of a report. He offered to incorporate a web re-design of the RRC's website into his contract. He wanted to include a "feature" article page on the RO site.

Ruth suggested that the Committee consider doing the same and thought past members should be included.

Bill Fitzhugh asked the Committee if they thought the RO case reports should be put on the web. Phil said he thought they were good technical reports and should be seen. Bill Billeck said he was concerned about sensitivity issues. He would like to publish some of the better ones.

Lynne said it could be an opportunity to address the affiliation of large collections problem by making the NMNH's cultural affiliation determinations public. The NAGPRA site doesn't make that information available and she thought it would be unfortunate if the RO did the same thing.

Bill Fitzhugh thought the sensitivity problem could be addressed by consulting with tribes before the reports were put on the web. Phil and John thought that would work.

Bill Billeck said that the early reports were not available electronically. The reports would also have to be edited. Lynne asked Bill what he was thinking he would publish. Bill said he would like to produce edited versions of the reports and put them in one volume. Phil thought they should all be put on the web. John thought that would work as long as any sensitive information was left out. Lynne asked Bill if any tribes had asked for reports and documentation research to be kept confidential. Bill said some tribes were concerned about what sacred information might be put in reports that could accidently get back to the community. This is mostly a concern about cultural objects. Gillian mentioned the Grand Ronde case as an example. Lynne thought that for current and future reports the Repatriation Office could get permission for web publication from the tribes and could at least put those up. The RO might be able to get permissions from some tribes for past reports and should try to. Phil thought it would be beneficial for many people. Bill Fitzhugh thought it would address the criticism from tribes that the Museum doesn't ever do anything with the data it collects.

Ruth asked if the report structure would have to change in order to make them public. Bill Billeck thought it would slow down writing as the case officers worried more about style. Lynne thought the RO had an obligation to get the information out to the public. Bill thought the question was how much of the case research should be made public. Lynne thought they should proceed and if it turns out that making reports public slows

down report writing then they could try something else. Andrea thought it was important that tribes be permitted to give their input into what should be made public. Perhaps the RO could offer an edited version. Phil felt it was important that all potentially affiliated parties be able to have access to the information. Roger thought that if the RO asked permission to publish, they would be denied. Gillian suggested that the RO could notify tribes that it planned to put the report on the web and ask the tribe if it preferred that some information not be made public. Roger thought that could generate a different response, but he also thought having the full case reports on the web could generate conflicts within a tribe. Putting just the executive summaries on the web allows interested parties to know the information is available upon request. He thought making people take that extra step to get the information could avoid unforeseen problems. He also thought making reports available that way would allow the case officers to produce the high quality reports that they have been producing. There won't be any pressure to exclude information and it won't slow the process down. Gillian thought Lauryn should be consulted because it's possible that once a request for permission is denied it sets a precedent for restricted access that should be avoided. The Smithsonian follows the Freedom of Information Act and does not like to restrict access to archival and research information. If permission is denied, it could preclude any opportunity to publish in any format. Roger agreed; he thought the RO shouldn't ask a question about restricting access when the Smithsonian can't really restrict it. Gillian mentioned the NMAI Jemez case in which the tribe had asked that the entire case and its report be restricted.

Lynne said she didn't disagree with what Roger said, but would still like to see the reports published. She didn't think Bill's plan to produce edited volumes could ever be finished given the amount of other work he had to do. Bill said his plan was to assign a volume to each case officer. Roger thought it would be a good project to do when the submission of repatriation claims began to taper off. He also thought the project could be a collaborative relationship with the Native communities from each region.

Lynne asked if Bill had flagged those case reports that tribes had raised concerns about. Bill said he hadn't done it in any formal way. Lynne thought it might be important to do that.

Ruth asked if the Committee thought they needed Cristián to return to the meeting the next day. Andrea said they did.

Gordon asked the case officers for their input. Dorothy said she wondered how tribes would feel about having this information on the web. Risa agreed. She preferred the current policy of having just the summaries on the web site. She pointed out that most museums won't give out copies of their reports at all. Eric noted that previous reports included all the correspondence and some reports contained sensitive information about sacred objects and objects of cultural patrimony.

Overview of Cases

Northwest and Southwest - Risa Arbolino

Risa gave an update on her cases from the Northwest and Southwest regions. She said she was still working on the Par-Tee case report. She was currently working on two other Grand Ronde claims. One was for unassociated funerary objects from islands identified in the records as "Mameluke" (probably memaloose). The other case was for seven human remains from the Lower Columbia River report. The Klamath Tribe had submitted a claim for human remains and funerary objects. She had repatriated one set of remains to the Coeur d'Alene Tribe. She'd had many consultations including visits from Laguna, Wanapum, Jemez, Taos, and Zia. Santa Clara and Pojaque pueblos have requested appointments. She'd been consulting with the Nez Perce and the Colville concerning remains that were previously offered jointly to both tribes.

Risa said she was also working on re-designing the RO web site.

Lynne asked Risa what her biggest concern was. Risa said that consultations were completing with the case reports she was currently working on.

Phil asked if the Wanapum were federally recognized. Risa said they weren't, but wanted to be involved in repatriation to the extent the federally recognized tribes would permit.

Roger asked if the Southwest tribes were interested in claiming sacred objects and objects of cultural patrimony. Risa said it varied from group to group. The Laguna were looking for sacred objects and objects of cultural patrimony in our collections, but didn't find anything that fell into those categories. They were interested in the archaeological collections from Chaco Canyon and Mesa Verde, but she didn't think they planned to put in a claim for those collections. There were two historic remains listed as Laguna, but they were not ready to talk about them.

Jemez is interested in human remains. There are 200+ sets of Jemez remains. The Tribe is also interested in the ethnological collections and plans to submit a claim soon.

Great Lakes, Great Basin, California, Alaska, Northern Plains - Eric Hollinger

Eric said he had completed the Barrow, AK II report which encompassed 142 sets of remains and 136 funerary objects. He had recommended repatriation of 57 individuals and five funerary objects. Eighty-five human remains and 127 funerary objects had been listed as culturally unidentified. They may be affiliated with non-U.S. native groups. This was the last report to come out of the North Slope claim. He planned to coordinate this repatriation with one planned by the American Museum of Natural History. Lynne asked if Eric expected the community to dispute the findings on the culturally unidentified. Eric said he didn't think it would immediately. The tribal archaeologist

was not happy. The community feels it has an affiliation with the Birnirk site and may dispute the findings for the Birnirk material. The community now owns and manages that site. They are interested in acquiring as much research material about the site as they can and may be interested in collaborating with us in researching the site.

He has completed the repatriation of one set of remains from Indiana to the Miami Tribe and two sets of human remains from Wisconsin to the Menominee.

He has a new claim from the Turtle Mountain Band of Chippewa Indians for three named individuals from North Dakota. This claim is in response to the letter the RO sent out to all tribes requesting assistance in identifying lineal descendents. Turtle Mountain has also claimed all the Chippewa remains from North Dakota.

The Western Apache Working Group submitted a claim for three funerary objects and six sacred objects/objects of cultural patrimony. They informed Eric that they had submitted all the evidence they intended to submit and that he should look at other dispute hearings for any other information he might need. They had invited the RO out to consult but then changed their minds. They thought that if RO staff went out there they would begin asking questions. There is a lot of information available from their earlier disputes that he can use.

Santa Rosa Rancheria has submitted a claim for 400 Yokut human remains and 2,038 funerary objects from nine counties in California. He has consulted with the representatives and they understand that not all the human remains from those counties will be Yokut and not all the objects will be funerary objects. He will begin by looking at the material listed as Kern County because that material is most likely to be Yokut.

The Tlingit-Haida Central Council and Kootznoowoo Cultural and Educational Foundation have filed six claims for a total of eleven objects. He is currently in the process of writing the case report. It is a very complex case.

Eric said he doesn't believe the letter of interest written by the Hoopa was intended to be a repatriation claim.

The Skull Valley Band of Goshute has claimed two named individuals. There are also other unnamed remains. They don't want to disclose the names of the descendents and want to proceed without identifying them. Eric thought that could be a problem for the RO because the RO interprets the law to require consultation with lineal descendents about named individuals. He will be speaking with the Goshute representative, Melvin Brewster, about this when they meet next week. He may proceed with the case as if it is a tribal repatriation.

He referred the Committee to his list of visitors provided earlier by Bill Billeck. He hosted visits from the three Canadian Chippewa groups, the Sault Ste. Marie Tribe of Chippewa, Menominee Tribe of Wisconsin, and the Miami Tribe of Oklahoma. The NMNH has Chippewa remains from Ontario. The Canadian groups might work with

U.S. Chippewa to file a claim for those remains. The remains would probably be found to be affiliated with the Sault Ste. Marie Tribe and Bay Mills Band. Those tribes can transfer the remains to the Canadian groups.

Alaska and Southeast - Dorothy Lippert

Dorothy gave an overview of her current active cases. She said the St. Michael, AK report was in the Undersecretary's office. She was working on the Tunica-Biloxi Southeast Arkansas case. She has given priority to the Nulato (Doyon, AK region) claim for a named individual. The report is in office review. The individual's name isn't an Athapaskan name, but could be Russian. There are also two additional sets of human remains from the Nulato area. The Shishmareff case is still in progress.

She'd participated in a teleconference with the Aleutian-Pribiloff Association to discuss the physical documentation of the Aleut mummies which had been on hold since the community asked for the research to stop. The representatives had a lot of questions about the documentation protocol, but they reached no conclusion. Their archaeologist planned to set up another teleconference, but was currently on personal leave.

A Canadian Haida group has made a repatriation request, but the RO has determined that the closest affiliated tribe is an Alaskan Haida group.

Roger asked if any other villages had made claims for Doyon material. Dorothy said no one had contacted the RO. The RO had contacted Nulato because of the named individual. The remains may actually be affiliated with a village farther North of Nulato on the Yukon River. Roger asked if the native village claims from the Doyon region would be given top priority considering how old the Doyon claim is. Dorothy said that was a good point, noting that there were over 200 sets of remains in the Doyon claim. Bill thought Native village claims from the Doyon region should be pushed up because the Doyon claim was so early, 1990s

Dorothy went on to discuss her Southeast cases. She explained that the Tunica-Biloxi report has been split into two, one for all of Arkansas and another which would include Mississippi, Alabama, and Louisiana. She met with Carrie Wilson of the Quawpaw and Ken Carlton of the Mississippi Choctaw whose tribes may also have an interest in the same region as the Tunica-Biloxi. There are Choctaw named individuals, but the tribes don't know who the descendents are. Lynne asked if the Choctaw and Quawpaw had submitted claims. Dorothy said no.

Andrea asked if visitors ever requested appointments for the National Anthropological Archives. The case officers said they did, but it was very difficult to schedule appointments due to the NAA's limited hours.

John offered to help with the repatriation of remains to Alaska through the Alaska Federation of Natives.

Phil asked why people from the NAGPRA office had come to the Smithsonian to consult with the Canadian Haida. Bill said it was to explain why NAGPRA doesn't apply to Canadian First Nations.

Update on the Physical Documentation Protocol - Steve Ousley

Steve said the lab had completed the documentation on the Arikara remains. They had re-analyzed the Par-Tee Seaside remains. All that remained to do for the Par-Tee case report was to assign catalog numbers and re-calculate the estimated number of individuals. They had completed documentation on all remains from New Mexico, Oregon, Arkansas, South Dakota, and Colorado. All the Alaskan remains had been documented with the exception of the fifty Aleut mummies.

The lab was updating the labeling of physical storage drawers. There were six osteologists currently working in the lab. There were no interns in this six month period. They had one new volunteer, Amanda Hartle.

Roger asked if they were going to wait to re-label drawers until after the remains had been moved into new storage. Bill said they needed to work with the collections management division to work up an agreement.

Andrea inquired about the osteology contracts. Steve said most of the contractors had just begun the second year of a two-year contract. She asked if he anticipated renewing those contracts. Steve said he hoped that would be possible.

Andrea asked if the fact that the Par-Tee remains had to be re-analyzed meant that other remains documented by the lab during the same time period needed to be re-analyzed. Steve said that in the Par-Tee case Javier Urcid had done all the analyses with very little collaboration with the other physical anthropologists which could have helped catch errors. Steve pointed out that the Par-Tee site was unusual because there was very little contextual data to corroborate the physical data. There was also a lot of fragmentation. Javier had united bones from different burial units and reconstructed individuals in the lab that had come from bone lots put together in the field. Steve felt that some of the reconstructions couldn't really be substantiated. He would rather err on the conservative side. Lynne said the site was complex on many levels. Steve said originally the RO wasn't going to affiliate the remains with the Grand Ronde because there was no evidence of cranial deformation even though that practice is evident in later historic periods.

John asked if the lab ever found misplaced remains. Steve said yes. Bill discussed the Yakama mandible case.

Phil noted that there could also be human remains co-mingled with the faunal collections. Steve said they had found Seaside human remains co-mingled with the site's faunal

material. Risa said she had found additional remains in drawers holding uncataloged collections.

John asked how long it took to complete a report. Dorothy said it depended upon the complexity of the case, and the number of sites, human remains, and counties involved. John asked if there was currently a backlog. The case officers said there was. John asked if more personnel would help. Eric said it depended; it could take a lot of time to supervise and train people. They needed to strike a balance. He didn't know if more staff would help reduce the backlog. Bill said it took over a year to train someone. Risa said some cases have been delayed because of personnel changes.

Gordon asked about the Dull Knife remains that came from the Bureau of Indian Affairs. He said the federal notice had been published. Bill said no one had contacted the Repatriation Office. Bill explained that these were Army Medical Museum remains that had shown up in the mail at the BIA Oklahoma office. The remains appeared to be Cheyenne and were possibly from the Cheyenne breakout at Fort Robinson in 1879. The remains had been removed from the AMM, but had never been transferred to the Smithsonian. The RO worked with the BIA to help identify the remains. The cranium was one of the few AMM specimens that didn't have a number on it, but it did have a specimen card. Steve did a cranio-metric analysis on the remains which matched the earlier analysis done by the Army Medical Museum. The remains had the name Dull Knife written on the back of the skull.

Lynne asked which major collections were left to be cataloged. Steve said there were 1,500 sets of human remains left from New Mexico, California, Arizona, and Florida. Bill said there were still extensive collections from Virginia and Maryland. Risa said the major Southwest collection was Chaco Canyon. Phil said the majority of the California collections are crania. Steve said they would begin work on the Southwest remains next.

In Camera Session

This section of the minutes is not circulated.

Discussion Continued

Bill Fitzhugh, Bill Billeck, and Cristian Samper attended the rest of the session.

Andrea explained that the Committee had been discussing the fact that year after year the Committee kept coming to the conclusion that the RO needed to do more tribal outreach. The Committee felt more could be done than just the current practice of holding individual tribal consultations. They offered to fund the hiring of a liaison person for the Repatriation Office.

Bill Billeck said he felt strongly that outreach was a responsibility of the case officers and the program manager. They are the people who know the cases. Having a liaison would create a filter between the case officers and their tribes. That would mean the case officers would be less effective.

Lynne said she was concerned that the RO didn't have a presence at conferences, but understood that the case officers didn't have time to go to conferences and keep up with casework. The creation of a liaison position would alleviate some of the pressure. The RO needs someone to represent it.

Phil thought the liaison person would be working at a different level than the case officers. The liaison would pave the way for the case officers.

Bill Billeck said if more outreach meant representing the RO at conferences, he should be the one to do it.

Andrea thought the liaison needed to be a Native American.

Bill said there wasn't enough of that kind of work to justify hiring another person. That person would either be on the road all the time generating so many claims that the RO would have a massive backlog and begin to look non-responsive or that person would be intricately involved with casework.

Roger said it wasn't just about pre-casework contact,. The Committee felt that there was a need for more outreach to the Native American community. Roger thought problems could be avoided if the position was structured in the correct way.

Bill Billeck said he already saw a problem developing in the RO because most tribal representatives wanted to deal only with Dorothy Lippert, the only Native American case officer.

Bill Fitzhugh said that, every time they hired a Native American education person for Arctic Studies Program in Anchorage (with funding from the NMAI), they ran into a problem because the person ended up allied very closely with the NMAI. He asked what level of interaction the Committee thought was needed. He said he had asked Dorothy to do more outreach, but perhaps the RO could do more.

Lynne said the RRC had seen a decrease over the last few years in the visibility of the RO. The office wasn't being represented at Native meetings. Roland had noticed that the RO wasn't at the meetings he attended. The Committee just wanted to facilitate more outreach.

Bill Billeck said he was willing to commit to being more publicly active.

Phil thought the RO needed to do more outreach to tribes to inform them about the significance of some of the more important collections.

Bill Fitzhugh also thought that the Anthropology Department needed to do more.

Cristián agreed that the RO's public presence needed to be strengthened, but he felt that could be done with the current staff. He asked the Committee to submit a written recommendation encouraging the RO to do more tribal outreach and include their offer to fund a liaison position in case the RO determined that that was the best way to improve outreach. He thought improvements in outreach could be easily measured by Bill reporting the number of conferences and workshops that the RO staff had attended. Lynne said that the Committee had discussed the possibility of creating an exhibit on repatriation that could be displayed at meetings.

Roland said the work was part public relations and part outreach. He didn't think a case officer was needed to do that. People needed more exposure to repatriation. He wanted to know what the RO and the RRC were doing for the NMAI opening to let people know about the repatriation program. He thought everyone needed to be at the NMAI opening.

Phil thought the RO needed to go to local tribal meetings, not just national professional meetings.

Cristián thanked the Committee for their offer to fund a liaison position. He thought it was very important that if the position was created the person should be under the Repatriation Office.

Bill Fitzhugh raised the issue of the staffing problem at the National Anthropological Archives. He thought the NAA could use more support as well.

Andrea raised the subject of the re-organization of the Review Committee coordinator position.

Cristian asked Bill Billeck and Gillian Flynn to leave the meeting so he could discuss the re-organization of the coordinator position with Bill Fitzhugh and the Committee.

In Camera Session

This portion of the minutes is not circulated.

The Committee discussed the re-organization of the coordinator position with Cristián and Bill Fitzhugh.

Discussion continued

When Gillian and Bill Billeck returned to the meeting, Bill said the RO was anticipating many up-coming consultations. The Committee discussed the dates for the next meeting. Bill said he wanted to be sure that the meeting dates didn't overlap with the opening because he wanted RO staff to conduct outreach at as many of the NMAI opening events as possible.

The meeting dates were set for September 22nd and 23rd. Bill Fitzhugh said he was available to meet then¹.

The Committee discussed who would attend the next NAGPRA meeting. Gordon and Roland said they wanted to attend, but both later said they were unable to make the Sept. 17-18th NAGPRA meeting. Instead, Lynne, Andrea, Roger, and Phil said they would attend.

The Committee asked for additional copies of the National Anthropological Archives resource guides.

There was a brief discussion about re-vamping the RRC web site.

The Committee decided to change the reporting dates of the next annual report to coincide with the calendar year.

The Committee decided to table their decision to have Andrea contact tribes. Andrea asked if the Committee wanted to begin discussions about re-introducing workshops. Roger thought they should wait to see what happened after the discussion that had taken place that morning with Bill Billeck and Bill Fitzhugh to see how they coordinated outreach. The Committee agreed to table that discussion.

Andrea agreed to pull all the recommendations together in a draft letter to Cristián. She said she would also discuss the Native American workshop survey at the next meeting.

The Committee discussed Lauryn's comments on the RRC's letter to the Piro-Manso-Tewa. Gillian said she would send Lauryn's P-M-T letter comments to the Committee. Roger said he was concerned about the statement which RO had made about state recognition. He didn't want to give the impression the NMNH was following NAGPRA. He wanted to make sure the difference between NAGPRA and the NMAI Act was clear. He noted that repatriation case reports also included a reference to NAGPRA. The

¹ The dates were later changed to Sept. 19th and 20th to work around the NAGPRA hearings and the NMAI opening events.

Committee decided that it needed to send Bill Billeck a letter concerning this issue.

Gillian said she would send out revised nomination letters clarifying the affiliation status issue.

Gordon asked what had happened to the article he had sent. Gillian said she had sent it to the RO staff.

The meeting adjourned.

Appendix B

Minutes of the September 19-20, 2004 RRC Meeting

Final Repatriation Review Committee (RRC) Meeting Minutes September 19-20, 2004 Prepared by Gillian Flynn, 3/28/2005

Repatriation Review Committee Members attending:

Roger Anyon
Lynne Goldstein
Andrea Hunter (Chair)
John Johnson
Roland McCook (Vice-chair)
Gordon Yellowman
Phillip Walker

Smithsonian Staff attending:

Risa Arbolino, Case Officer, Repatriation Office (RO), NMNH
Bill Billeck, Program Manager, Repatriation Office, NMNH
Bill Fitzhugh, Chair, Department of Anthropology, NMNH
Gillian Flynn, Repatriation Review Committee Coordinator, NMNH
Lauryn Grant, Assistant General Counsel, SI
Eric Hollinger, Case Officer, Repatriation Office, NMNH
Dorothy Lippert, Case Officer, Repatriation Office, NMNH
Steve Ousley, Case Officer, Repatriation Office, NMNH
Cristián Samper, Director, NMNH
Ruth Selig, Special Assistant to the Director, NMNH
Hans Sues, Associate Director for Research and Collections, NMNH

September 19, 2004, 1:00 p.m.

In Camera Session

The Committee met in camera. This section of the minutes is not circulated.

September 20, 2004, 9:30 am

Meeting with the Director, NMNH

The Committee met with Cristián Samper, NMNH Director. Hans Sues, Ruth Selig, Lauryn Grant, Bill Fitzhugh, Bill Billeck, and Roland McCook attended. Gordon Yellowman was absent during the morning session consulting with the National Museum of the American Indian.

Cristián opened the discussion. He thanked the Committee for their work. He said that this week was important for the Smithsonian because of the NMAI opening. He said that because all attention and resources have been directed to the NMAI opening, the NMNH has had to delay the opening of new exhibit halls. The NMNH has had to close some anthropology halls in order to accommodate construction for the new Oceans exhibit. He invited the Committee to tour the new Hawaiian exhibit.

He said he thought there had been increased attention to repatriation matters, but there was still plenty of work to be done. He said he was pleased with the work that had been accomplished to date.

He was happy to report that significant progress had been made in moving the human remains out of the 4th floor hallways to their new storage. Anthropology had already moved about 6,000 sets of remains. They were focusing on moving the Native American collections. They planned to eventually move all of the physical collections. He said he appreciated the advice he had received from the Committee on the new storage area. He said he appreciated the RO's assistance in undertaking the move.

He discussed the 2005 budget. He explained that the budget the President had sent to Congress contained a one-time \$1 million budget cut to the repatriation program due to its roll-over surplus. The 2006 budget requested that full funding be restored.

Cristián discussed the re-organization of the Repatriation Review Committee (RRC) coordinator position. He said he wanted to leave the reporting structure as it was until Gillian left. He wanted input from the Committee on what the Committee needed. He felt some of the administrative duties could be given to the RO. He saw both a need for independence for the Committee, but also a connection to the Anthropology Department. He felt that for the foreseeable future Gillian should remain in Anthropology, but he wanted to ensure more independence. Cristián thanked the Committee for their annual report. He said it was very informative. He thought the transition of the Committee with the turnover of Committee members would create some challenges, and he invited old Committee members to continue to give advice. He said he was very pleased with the selection of the two new members.

Cristian said he had recently had a good meeting with Rick West. He wanted the NMNH to keep a low profile during the NMAI opening events. He didn't want an adversarial relationship with the NMAI. He would be presenting a gift to the NMAI, one of the

original printer's proofs of the map of North American Indian languages from the National Anthropological Archives collection.

The Committee discussed names for the new human remains storage area, but no name was selected.

Andrea asked for more information on the 2006 budget. She asked if the budget included the full amount originally allocated to the Committee. Cristián said the budget included the full amount. He said he would let the Committee know if there was a change in the amount.

Andrea raised the issue of the re-organization of the coordinator position. She said the Committee felt that it was crucial that there be both actual independence for the Committee as well as a perception of independence. She believed that could only be accomplished if the coordinator position was moved outside of the Anthropology Department. She said the Committee felt strongly that the RRC and the RO should not be under the same organizational unit.

Cristián said he could understand their concern if the RRC were under the RO. That would be a clear conflict of interest, but he wasn't sure that necessarily had to be the case if the RRC was under the Anthropology Department.

Lynne said people saw the collections as belonging to the Anthropology Department, not the Repatriation Office. Tribes didn't see a difference between the RO and the Anthropology Department. Tribes would not believe that while the RRC is under the Anthropology Department it could remain neutral in a dispute.

Phil said it was the same problem as the NAGPRA Committee being supervised within the NAGPRA Office.

Roger said that when tribes brought a dispute to the Committee they would see a problem unless the Committee was outside the Anthropology Department. The Committee didn't want it to look like the RRC is trying to protect collections for the Department. He thinks disputes with tribes may increase and become highly visible in the future and it was for that reason that a re-organization needed to take place.

Phil agreed. He thought the number of disputes could increase over disagreements about the culturally unidentified collections. There could be new legislation to deal with the unidentified. Lynne agreed. She felt that there could be some serious disputes over significant pre-historic collections for which the cultural affiliation is complicated.

Lynne said that she had been surprised at the Pawnee's perception of what was happening within the Anthropology Department during the Steed-Kisker dispute hearing.

Cristián asked Bill Fitzhugh what the advantages were to keeping the RRC within the Anthropology Department.

Bill Fitzhugh said that it was necessary in order to keep communication open. He didn't see any other way to manage the repatriation process. He thought that once Gillian left, the administrative functions of the RRC would be managed within the Anthropology Department anyway. He said he was concerned about the Department's loss of resources, such as Gillian's assistance in collections management and the use of financial resources. He mentioned the funding grab that had occurred when the RRC and the RO were under the Director's Office. He said he felt that things were working fairly well and he wasn't concerned about an increase in disputes. He didn't think changing the supervisory level would change public perception.

Cristián said he wasn't sure what would be best to do.

Hans spoke about his repatriation experience. He assured the RRC that his office could offer good oversight, but he did see a need for a connection between the RRC and the Anthropology Department.

Cristián said he had consulted with Lauryn about this issue and she had said (b) (5)

(b) (5)

He asked Lauryn if she had any other insights. Lauryn wondered (b) (5)

Lynne said there is an actual belief within the tribal community that there is a problem and people do get upset when they come to understand that both Gillian and the RRC report to the Anthropology Department.

Bill Fitzhugh asked if Congress could move the Committee. Lauryn said there would have to be legislation, but she didn't think that would happen. She thinks that the RO and the Anthropology Department needed to do a better job of getting their message of success out to tribes.

Phil said he thought that no matter how much outreach was done, when a dispute occurred the perceived lack of RRC independence would quickly become a problem.

Cristián said he thought communication needed to be improved at all levels. He understood that there were currently no serious problems, but he was concerned about the Committee's perceived lack of independence, externally. He wanted to make sure that the RO was very well integrated into the Anthropology Department. He wanted Hans to become more involved in repatriation. He said he would consult with Hans and Bill Fitzhugh about the matter and get back to the Committee.

He encouraged the Committee to discuss any projects they felt they could assist with that would speed up the repatriation process and improve tribal access to the Anthropology Department and its collections. One project he specifically mentioned was funding a position for the National Anthropological Archives. He mentioned how helpful the RO funding of the physical collections move had been in speeding up the move of the collections.

Andrea said that the Committee had discussed funding a position for the NAA at the previous day's meeting and was very supportive of the idea. Cristián thanked the Committee for their support.

Lynne discussed the legacy report. She said she and Roger were going through the RRC minutes from the last fifteen years and were pulling together all the recommendations that the Committee had made that had not been acted on. They planned to write a history of those recommendations. For example, the Review Committee suggested that the Anthropology Department identify collections that were of such significant that the Museum might want to negotiate with tribes for their retention. Lynne said there were about ten recurring themes the Committee has raised over the years that they wanted to document. She and Roger will present their findings to the rest of the Committee at the next Review Committee meeting.

Cristián said he would be interested in looking at their report. He said the science council he is on is doing the same thing for the past five years. He reminded the Committee that they should also address the positive recommendations as well as criticisms, because the document could become public.

Lynne said their intention wasn't to make it public, but Cristián's point was well taken..

Ruth asked the Committee who their audience was when they gave advice. Lynne said the Committee sent comments to the Director, the Anthropology Department Chairman, and the RO.

Cristián said he wanted the report to take the right tone. He thought it would be very helpful if, at the end of a set of meeting minutes, there was a summary of the major recommendations that the Committee had made at the meeting and to whom the recommendations were directed.

Bill Fitzhugh said there were examples of times when they couldn't fully implement an RRC recommendation. One such example is the move of the collections from the fourth floor. The Virginian collections cannot be moved because the collection is too large to fit into the new storage area.

Phil asked about the new storage area. He wanted to know if there would be space for researchers to work. Cristián said he hoped there would be. He also mentioned that the SI was going to be building Pod 5 at the Museum Support Center in Suitland. That pod would house the invertebrate zoology wet collections, but it would free up space at the NMNH for other departments.

Cristián mentioned that the South American Indians Hall was being dismantled to make way for the new oceans exhibit. The anthropology exhibit area would be moved to the second floor. Some anthropology will be incorporated into the oceans exhibit. They were discussing the possibility of a new exhibit on science and human culture.

Phil said that somewhere within the anthropology exhibits there still needed to be a section on the history of the western hemisphere.

Bill Fitzhugh agreed and said he wanted to make sure that it was done at the NMNH, but the NMAI may respond to criticism that they should do such an exhibit over there.

Cristián said NMNH will be doing an exhibit on human origins and we need to think about how to best do that.

Bill Fitzhugh said he worried about getting visitors to go up to the second floor. Cristián didn't think that would be a problem, pointing out that the gems and minerals and insects exhibits attracted visitors and they are on the second floor.

Cristián asked the RRC if they had any advice about repatriation and the NMAI or if they had heard anything. He would like to know.

Bill Fitzhugh said he thought that relations with the NMAI were good, but he didn't know how things would be now that their museum was open. He's concerned because two of Anthropology's staff members, JoAllyn Archambault and Bill Sturtevant, have not had good relations with the NMAI. There will be significant competition for resources. The Anthropology Department has significant staffing shortages, particularly in the collections and archives division and he anticipated a hiring freeze. Anthropology will be a central theme in all NMNH exhibits and he hoped there could be an exhibit on repatriation. The Smithsonian Press has been dismantled and split up. Much of it will be going under Smithsonian Business Ventures and will no longer be publishing scientific volumes. That function of the SI Press may come to the science bureaus and there may be some money transferred also.

Bill discussed an international repatriation request for human remains from the Queen Charlotte Island Haida community. The request was problematic because the collection is not Canadian, but affiliated with U.S. Haida, so the claim has since been rescinded. The NMNH had received many letters from other U.S. museums and the U.S. Consulate in support of the claim, which we thought was inappropriate. Bill Billeck noted that the U.S. Haida have since been notified of the existence of the remains.

Bill reminded the Committee that he would be vacating the Chair's position in June. There are currently three to four candidates being considered. The Anthropology Department will be consulting widely to find a replacement. He invited the Committee to comment on the list of finalists.

Bill thanked the Committee again for their assistance and said he thought the RRC's legacy report would show many achievements. The Committee agreed.

Update on Repatriation Office Progress - Bill Billeck

Bill Billeck gave a repatriation progress report to the Committee. The RO is currently working on fourteen cases. There are approximately twenty-five active claims, total. He said he had identified some old claims that had been left off the active case list. Some of them had been embedded in other cases and the RO case officers were following up on them.

Bill said Risa was re-investigating the Par-Tee site case. It does not look like the burials are part of a habitation component and may be more recent. Risa is also responsible for updating the web site. Eric is focusing on the Tlingit-Haida case. There are eleven objects and he's trying to determine how they fit the within the repatriation categories. Dorothy Lippert's Nulato, AK case report was in curator review. Dorothy expected the Tunica case report to be in RO review soon. Bill's Arikara report is in curator review. The cranio-metrics on one section will have to be re-done. He has also identified more Arikara objects.

John asked if any lost remains had been identified when the RO did the fourth floor physical collection move. Bill said yes, they had found missing and misplaced remains.

Lynne asked if other institutions had large Arikara collections. Bill said the University of Tennessee did and had offered them for return, but had not received a claim from the tribe. There are a few other small collections. Lynne asked if they were documented. Bill said they weren't systematically documented. He has looked at all of them.

Bill went on to discuss RO outreach. He said case officers had been attending a number of meetings. They sent representatives to the Native American Tribal Historic Preservation Officer and the Environmental Protection Agency meetings to give presentations recently. All the case officers attended the NAGPRA teleconferencing meeting. The meetings went very well and he thought they would continue to sent people to those.

Bill briefly discussed the recent NAGPRA meeting where Sherry Hutt's appointment was announced. None of the NAGPRA staff knew that this appointment was going to happen. Eric Hollinger went to the eleventh annual Potawatomi meeting. Risa Arbolino visited Santa Clara Pueblo. A number of consultation meetings occurred at the Smithsonian. Zia, Taos, Jemez, and Santa Clara Pueblos all met with Risa Arbolino. The Skull Valley Band of Goshute Indians and the Northwestern Band of Shoshone met with Eric Hollinger. The Confederated Bands of the Colville Reservation met with Risa. The Caddo Tribe of Oklahoma met with Dorothy Lippert. The Osage descendents of Albert Penn met with Bill. They were here to visit their grandfather's bust. The Department is making a copy of the bust for the Osage cultural center.

Bill discussed the Native American bust collection intern project. John asked if there were any busts from Alaska. Bill Fitzhugh said there were. John was interested in how they were made. Bill Billeck said they put straws up the person's nose so they could breathe and then coated the face with plaster. Bill Fitzhugh said he had had it done, but using latex. Bill Billeck said most of what our records describe as busts are really just the

facial casts.

John asked what the status of the Aleut mummy case was. Bill Billeck said the RO was still in consultation with the Aleutian-Pribilof Island Association about documenting the remains. He explained that the Anthropology Department had been scanning the mummies until they were asked to stop by the Aleutian-Pribilof Island Association.

Phil asked if the Anthropology Department had a special documentation protocol for mummies. Bill said there wasn't a special protocol for mummies. Bill Fitzhugh said Bruno Frohlich was CT scanning the mummies. It was a good way to do non-destructive analysis. John asked if it was the Association that had objected or individual villages. Bill said it was both. Phil asked how the RO decided who to listen to. Bill said Alison Young, the NAGPRA representative of the Aleutian-Pribilof Island Association, was assisting the communities in making a decision on whether or not to allow us to proceed. Phil asked if the Department had an archiving protocol for CT scanning data. Bill Fitzhugh said Bruno is doing that. He is backing up the data. Phil said he's concerned about a loss of data because of equipment obsolescence. Bill Fitzhugh said the Department was working closely with the Siemens Corporation which had provided the CT scan.

Phil asked if tribes have raised concerns about the collecting of radiology data. Bill Billeck said tribes have not been that concerned. The Arikara expressed some concern at some point about "painted" remains. But we were not doing that. Phil said he was working on a project where they were doing laser scanning of burials as they were being excavated without the "color" channel. You get a 3-D image and that seems to satisfy the tribes, because it isn't a photograph.

Bill Billeck said he has submitted a proposal for a session on repatriation at the SAAs and also the AAM annual meetings. He's going to Montana to the Northwest Tribes Association meetings where approximately twenty to thirty tribes meet to discuss repatriation. He'll be meeting with Plains tribes and Risa will be speaking with Northwest tribes.

He mentioned that the RO brochure was being updated and he handed out a draft. It would be made available at the visitor's desk at the Museum. The website is being updated and the designers have offered to create a postcard that can be mailed to interested parties announcing the new website.

John asked if Bill would be sending anyone up to the Alaska Federation of Natives meetings in October. Bill said he had asked Dorothy to go.

Roger asked how much time case officers were devoting to tribal consultations. He also asked if tribes had continued to request to speak to Dorothy in lieu of other case officers, because she is Native American. Bill Billeck said that didn't happen that often. Roger asked about the time spent on consultations. Bill explained that there was two types of outreach. There were regular consultations which take a lot of time to prepare for and

conduct and then there were outreach meetings which do not take as much time.

Lynne referred to a note in the last minutes about consultations interrupting report writing. Bill said that if certain case officers continued to find that to be troublesome, he would shift the work load around.

Bill went on to discuss the budget. He explained that the RO is not receiving an allocation for FY 2005. He still planned on recruiting for two new positions to undertake the digital imaging project. He planned to purchase another camera. He believed, if current spending continued, he would eliminate the roll-over surplus by the end of 2005. By 2006 he expected to have to reduce staffing levels. Current salary expenses are \$1.2 million, not counting contracts.

Phil asked if the workload would be reduced. Bill said he didn't think so.

Roger asked if Bill expected to reduce the roll-over to an adequate level this year to prevent this from happening again. Bill said he would be monitoring the budget all year to ensure that it was spent down.

Discussion continued concerning funding for special projects.

John asked if the RO had an internship program. Bill said they did, but they weren't usually paid internship. We usually get our interns, particularly our Native American interns, through the SI central internship program. They are paid internships, but ever since the NMAI opened most of the Native American interns want to work over there. John thought the RO should spend some of the surplus on hiring more interns, particularly Native American interns. He asked for information on the internship program. Bill and Andrea pointed John to the SI's website.

Bill handed out the list of skeletal remains by region that have been repatriated, assessed for repatriation, about to be assessed, destroyed, are missing, or have been transferred. The report also shows what hasn't been claimed.

Phil asked if the "under claim" category included those remains claimed by non-federally recognized groups. Bill said it didn't. Phil asked what tribes were making claims in California. Bill said the Yurok had a claimed a wide geographic area, but Phil would have to ask Eric Hollinger for the details. John asked if the claims from Alaska were broken out by region. Bill said the case officers could answer questions about specific regions of the country during their afternoon presentations. John asked if the RO had a list like this for the objects.

Andrea asked what the total number of catalog numbers was. Bill said it was approximately 19,000. The RO has been cataloging remains that had never been cataloged, which is why the total number of Native American remains has actually gone up from 18,000. There are Arikara remains and remains from the Par-Tee site that had never been cataloged.

Ruth asked if remains that had been returned were listed under the "report or repat. column." Bill said the list included remains that have been returned, offered for return, or found to be culturally unaffiliated. Roger thought it would be useful for the next meeting if they could get the list broken out by what's been returned, what's been offered, and what's considered unaffiliated.

Phil asked what proportion of the remains were unaffiliated. Bill said he thought it was about 1 % of what has been evaluated which is only 1/3 of the remains in the collection. Only 5% of the remains are historic. The RO will have to spend a lot of time trying to affiliate the pre-historic remains. John asked if the RO has done this kind of analysis for the objects. Bill said they hadn't. John thought it might be useful to do that with some of the roll-over funds.

Phil asked Bill how much of the collection he expected to be culturally unaffiliated.

Bill said the East had the largest number of remains that will probably be determined to be unaffiliated because there are states that have no federally recognized tribes to make claims, such as Maryland. In the Mid-West there are large prehistoric sites that have not been affiliated. Phil asked if the RO expected their rates for the unaffiliated to be similar to the NAGPRA rates. Bill said the NAGPRA lists show about 20% of the remains to be affiliated, but we have already affiliated about 30% of our remains and he expected that percentage to increase. We haven't assessed remains from the Aleutians or the Southwest yet, and he thought a lot of the unaffiliated remains could be affiliated with some work. They will be able to affiliate many of the remains from Alaska, Arizona, and New Mexico, but there are very few claims for human remains from those areas.

John asked if the collections could be brought closer to the people for study, particularly in places like Alaska. Bill said that because most of the records are here at the NMNH the work needs to be done at the NMNH, but the records could be made available to communities if they are interested.

John asked about the digital imaging project. He wanted to know how long it was going to take to digitize the object collections. Bill said it took the American Museum of Natural History fifteen years and it took the National Museum of the American Indian five years and the NMNH has larger collections than both of those museums. John recommended focusing the project on those collections which generate the most interest. Bill said that was a possibility. He would also decide priorities based on which tribes were supportive of the project.

Phil asked what the museum policy was concerning requests to view collections. Bill Fitzhugh said they would accept any request. People don't have to be academic scholars to visit the collections.

Phil asked how many tribes have not sought repatriation of the affiliated remains. Bill said he couldn't say. The RO is working on the backlog of claimed collections.

Bill Fitzhugh discussed an upcoming Chicago Art Institute exhibition which will have a number of funerary objects in it. The NMNH has 25 to 30 pieces in the exhibit, many from the Archaic and Mississippian period funerary contexts. We consulted widely with the NMAI and tribes.

Lynne asked Bill what was happening with the digital imaging photographer position. Bill said it was in the hiring process.

Bill clarified that the RRC wanted a map showing what's been returned and offered for return by state and what's unclaimed by state. John said his first priority would be to see what's unclaimed by region. Bill said he wasn't sure how accurate a map of the unclaimed would be. He said he would look into how it could be done for Alaska. John said that would be OK. John asked what the map was Bill had seen at the NAGPRA meeting. Bill said it was a map showing the total number of unaffiliated remains by state. The NAGPRA web site has a search engine that makes it possible to search by state to see what is listed as unaffiliated. Phil thought that as soon as the Park Service made that map available to the public people were going to want to know why the Smithsonian hasn't produced one. Lynne said it would be useful to see a map, or multiple maps, that show what has been unclaimed and what has been repatriated. Bill thought it would be better to also show what has been offered for repatriation. The Committee agreed that would be useful.

Gordon raised an issue. He said he had been the artist for the brochure for the "Return to the Earth" project that was announced at the most recent NAGPRA hearings. People had approached him and asked him if he endorsed the project. He explained that he didn't know very much about the project, but had contributed his art skills as a personal favor. He was surprised to see credit given to him in the brochure.

Overview of Cases

Alaska and Southeast – Dorothy Lippert

Dorothy gave an overview of her current active cases. She said the St. Michael, AK report been sent to the villages. She had not heard back. The Nulato report is in curator review. The report included one named individual, the son of Willy Sattux, affiliated with Nulato. There are also two additional sets of human remains from the Nulato area and another set of remains affiliated with Koyukuk. Phil asked if there were living known descendants of the son of Willy Sattux and was the identification correct. Dorothy said no, the records are very confusing, with conflicting age determinations. She has not been able to identify any living descendants.

She said the Tunica-Biloxi Southeast report is in progress. There is also a second Tunica-Biloxi report that covers Alabama, Mississippi, and Louisiana. That one is also in progress.

She is following up on the St. Lawrence funerary object case report. The report has been in draft form since the previous Alaskan case officer, Karen Mudar, left. It was never sent to the communities and there has never been any follow-up with them. She has sent a letter to the communities. The villages have also never asked about this report. There is also an old case report with remains associated with the Native Village of Wales. They had originally given permission to the Bering Straits Foundation to conduct repatriation on their behalf, but there was no follow-up. She has sent them a follow-up letter to see how they wanted to proceed.

Dorothy attended the EPA Regional Tribal operations committee meetings for Region 6 which includes Texas, Louisiana, and New Mexico. She was invited to give a report on repatriation at the NMNH. She also attended the Native American Tribal Historic Preservation Officer meetings and met with various tribes from the Southeast. She attended the NAGPRA teleconference meeting. She also met with four Athabaskan communities visiting the NMNH through the Arctic Studies Center. She also met with the Caddo tribal repatriation representatives who were in town to meet with the NMAI staff.

She went on to discuss her Southeast cases. She said the Caddo have submitted a claim for the Spiro Mound material. The Wichita are aware of the claim. The Tunica-Biloxi have expressed an interest in Spiro but have not made a formal claim. Lynne thought Dorothy should contact other museums to find out what claims they have received for their Spiro Mound material. She also thought the NMNH should try to coordinate repatriation efforts with the NMAI. Lynne suggested Dorothy contact Jim Brown to see if he has heard of any other claims. Bill said Dan Rogers is the Spiro expert at the NMNH and he is unaware of any other claims for the material.

Lynne gave the new RRC members an overview of the Spiro site. She said it dated to the Mississippian period but is unusual because it is located in Oklahoma, quite far west for a Mississippian site. Its date, A.D. 1200, is later than most other Mississippian sites. It has spectacular artifacts, but has been heavily looted. It has some relationship to other large Mississippian centers, such as Cahokia, Moundville, and Etowah. There are large collections at other museums and also in private collections. The engraved shells from Spiro are particularly important because they depict ceremonies, warriors, costumes, and legends.

Dorothy discussed other repatriation-related meetings and seminars she had attended.

She discussed the Kasaan (Haida), AK claim, which she now believes is not an official claim. The person who sent the letter wasn't the official Kasaan representative. The RO has not received an official letter from the village.

She has sent a letter to the Native Village of Shishmaref acknowledging their claim letter and letting them know the RO will be addressing their claim in turn.

She has sent a new letter to the Aleutian-Pribilof Island Association asking for permission to re-start the documentation of the mummies. John asked if all the villages had given permission to the Association to represent them in repatriation matters. Dorothy said yes.

The Native Village of Hooper Bay has just submitted a claim.

Five sets of remains, missing prior to the last St. Lawrence Island repatriation, have been found. Dorothy has notified St. Lawrence about their existence. She is waiting to hear back from the representatives.

Dorothy presented a draft of the new RO brochure.

Northwest and Southwest - Risa Arbolino

Risa gave an update on her cases from the Northwest and Southwest regions. She said the Par-Tee case report was in RO review. She explained the history of the claim. It had originally been assessed in 1996 and found to be culturally unaffiliated. The Grand Ronde Tribe said they'd like to present additional evidence. There was a consultation that the Review Committee attended. The RO agreed to do a re-evaluation. There are two other sites, Palmrose and Avenue Q, right next to the Par-Tee site. There is one skeleton that is from the Palmrose site. There are also remains from the Avenue Q site. She found some old radiocarbon dates for one of the burials that date it to A.D. 1000-1250, but the Par-Tee site dates to A.D. 200, which suggest the remains may be from a much later occupation or post occupation period.

The Grand Ronde have filed a claim for unassociated funerary objects from islands identified in the records as "Mameluke", which probably means memaloose (burial) islands. The Warm Springs have also claimed these objects.

The Klamath Tribe has submitted a claim for human remains and funerary objects, some are from the Snake, Modoc, and one other war, as well as other remains. She is actively working on the report. The case also includes some archaeological material from cremation mounds on the Klamath reservation.

Jemez is interested in 200+ sets of remains from two archaeological sites. They have said they want to focus on the human remains, not the funerary objects.

Risa attended the Native American Tribe Historic Preservation Officer meeting. She thought the meetings were very productive. She consulted with the representatives of the Confederated Tribes of the Colville Reservation.

She also went to New Mexico to consult with Santa Clara pueblo. She visited Puye, from which the NMNH has a large collection. Santa Clara has not made a claim for them. None of our archaeological collections from the Southwest have site numbers, so while

she was there, she visited the central site repository in Santa Fe to identify them. Also, the Jemez claim involves a collection shared with the Museum of New Mexico and they have all the archival material connected with the site. We have most of the remains and they have most of the objects. Roger asked what the Museum of New Mexico's cultural affiliation determinations were. Risa said they haven't done their affiliation assessments for most of their material. They've done the inventory. They have been responding to claims and have a claim from Jemez. We won't be coordinating our repatriation to the Jemez with the New Mexico Museum's because the Tribe has expressly asked us not to try to associate the funerary objects so they can move forward more quickly with the repatriation of the human remains.

Risa had consultation meetings in Washington with Zia, Taos, and Jemez Pueblos.

The Grand Ronde have asked for a reconsideration of the assessments for seven sets of Oregon and Washington remains from the Lower Columbia report and the Northwest Oregon report. As there wasn't any new evidence, she didn't expect any changes in the affiliation assessments to be possible.

She discussed the Salinas case. She has received a letter from the Pueblo of Sandia authorizing Ysleta del Sur to act on their behalf. She has not heard from Ysleta del Sur. Roger asked if she had ever heard anything from the Piro-Manso-Tiwa. Risa said she hadn't.

Phil asked if the Hopi dispute over Salinas affected the NMNH. Risa said the RO didn't have any claims for Mesa Verde or Chaco, so it wasn't a direct issue for the RO, yet. Bill said that the RO would affiliate the remains by site, not by the entire park area to all claimants like the Park Service tried to do.

Roger said he was surprised the RO hadn't received any claims for Chaco Canyon and Mesa Verde. Risa said she didn't think the museum will get claims from communities affiliated with those areas unless the RO was proactive.

Risa handed out a draft of the RO website re-design. The Committee had a positive reaction. Phil suggested getting a link to the NAGPRA website. Risa said the website should be up within three months.

Great Lakes, Great Basin, California, Alaska, Northern Plains - Eric Hollinger

Eric is working on the six claims from the Tlingit-Haida and Kootznoowoo for eleven objects. He's close to completing a draft of the case report.

The report is in progress for the Northwestern Shoshone named individuals case. This case also includes some un-named individuals. The Shoshone don't want the names disclosed.

Eric discussed the Skull Valley Goshute claim for two named individuals. This case also includes five additional un-named individuals. There is one individual that is also claimed by the Northwestern Shoshone. He said the tribe doesn't want to identify the lineal descendents of the named individuals. He is looking into ways to work around the issue. The collection includes remains that have the names of prominent chiefs and 360 + other individuals (men, women, and children) from a massacre. Some of the individuals named as chiefs are probably not really the remains of those chiefs.

He discussed the claim from the Turtle Mountain Band of Chippewa Indians for three named individuals from North Dakota. He may not be able to affiliate the remains to the direct lineal descendents, but can identify the closest living relatives.

He attended the Native American Tribe Historic Preservation Officer meetings. He attended the Eleventh Annual Potawatomi Gathering of Nations. He met with representatives from the various Potawatomi communities to discuss the repatriation of Potawatomi remains, but the communities do not wish to proceed at this time. The Citizen Potawatomi Nation are building a new cultural center and are interested in borrowing collections; however, we only have two Potawatomi objects in our collection. They Potawatomi are in the process of scanning all the Bureau of Indian Affairs volumes.

He also met with the Stockbridge-Munsee who are interested in claiming Delaware remains that we have in our collection. They are working with two other Delaware tribes on joint repatriation claims. The three tribes are interested in coming to the NMNH to consult. We have Delaware human remains for which there are funerary objects at the NMAI.

He met with the Mashantucket-Pequot regarding their conflicting claim against the Mohegan for a pendant that is still pending. The two tribes have asked to be given time to work out the dispute between themselves. The Mashantucket-Pequot asked Eric to send them all the previous correspondence on the case and they were going to follow-up with the Mohegan.

He discussed a claim from three Ontario Chippewa tribes that are actively consulting with the Bay Mills Chippewa and Sault Ste. Marie Chippewa. They have asked the U.S. tribes to file a claim for the Ontario Chippewa remains on their behalf.

He is following-up on a Shawnee claim for an individual named Black Loon.

He mentioned the Hoopa letter of interest which was originally thought to be a claim. He planned to write one more letter to the Hoopa asking for clarification before filing the case as inactive. He pointed out that the Hoopa had sent similar letters to other museums and those museums have not considered the letters to be claim letters.

Bill asked the Committee if they wanted to continue to see inactive cases reported on the activities report. Roger thought it was useful. John suggested that the report include the date a claim was first made.

Santa Rosa Rancheria has filed a claim for 400 Yokut human remains and 2,038 funerary objects. They filed a broad claim and realize that not all the material they have claimed will be affiliated with their rancheria or be qualified as claimable objects. He doesn't believe all the material claimed will be affiliated. This case has just begun, but the physical protocol has been completed. He will divide the case into two reports, one for 116 Kearn County remains and another for remains whose county locale is "unknown."

Eric mentioned the Western Apache Working Group's disputes with the Denver Art Museum and the Field Museum. Both of these museums have claimed their right of possession to the collections in question, but are willing to return the objects outside of NAGPRA. The Western Apache Working Group objects to that determination and wants the objects returned under NAGPRA. He has begun a case report on three funerary objects and six sacred objects/objects of cultural patrimony that the Western Apache Working Group have claimed. Some of the objects are cradle boards. They are probably unassociated funerary objects. The Apache are not willing to consult about the case probably because of their experiences with those other museums, and have referred Eric to their briefs to the Denver Art Museum and the Field Museum.

Roger asked if the NMNH will also claim right of possession. Eric said he didn't know yet.

Eric has submitted a draft notification of the intent to repatriate an additional fifty-seven individuals and five objects to Barrow. He has received no response from the community. They might be distracted by a planned repatriation from the American Museum of Natural History, which has a deadline because it is being conducted under a NAGPRA grant.

He has sent follow-up letters to the Paiute groups and the Chippewa reminding them that we have offered collections for repatriation but has not heard back from any of the groups.

The Winnebago/Ho-Chunk joint repatriation of two sets of remains may take place in the new fiscal year. The Winnebago have asked us to publish an "intent to repatriate" notice.

The Apache groups have asked us to wait while they decide how they want to pursue repatriation.

John asked what the Smithsonian's policy was regarding claims from Canadian tribes. Bill said the NMNH policy only deals with U.S. tribes. Canadian groups have to go through their U.S. counterparts. The NMAI does have a policy of conducting international repatriations.

Update on the Physical Documentation Protocol - Steve Ousley

Steve handed out a report on the progress of the physical lab. They have analyzed craniometric data for the Arikara report. They have re-examined the remains for the Par Tee claim. They have documented 120 sets of human remains from the Hawikku site and are documenting 200 sets of human remains from Jemez Pueblo. They have documented about 50% of the Jemez remains.

Roger said he thought the NMNH's Hawikku remains were associated with the funerary objects from the NMAI. Steve said he wasn't sure about that, but many of the remains are complete so he wouldn't be surprised if associated funerary objects had been collected.

Roger discussed the Bow Priest remains from Hawikku (a desiccated brain) transferred from the NMAI to the NMNH at the request of Zuni.

Steve discussed the osteological database. He has added sternal rib end morphology and macromorphoscopics to the osteological protocol. This data has been very useful for identification, particularly for fragmentary material.

Phil asked if the lab took impressions of cut marks on remains. Steve said they have not yet done that, but Erica Jones has been trained to do it.

Steve discussed the move of the physical collections to the fourth floor. During the move, the RO found two to three catalog numbers of previously missing remains. The move affected about 5,000 sets of remains; 3,000 of which were also re-housed.

He reviewed staffing in the osteology lab.

There was some discussion of the shortcomings of the new Emu collections database.

Meeting with the Director (continued)

Bill Fitzhugh and Cristián Samper attended the next session. Bill Billeck left the meeting.

The Committee said their discussions with the RO staff were very productive. The Committee thought the RO outreach effort had improved greatly. The osteology lab work is also going very well. They were pleased that the RO had undertaken an inventory of the physical collections.

Andrea said Bill Billeck had given the Committee an update on the budget. The Committee would be assisting with funding an archivist for the NAA and for a re-housing technician for the Hall 9 de-installation.

The Committee said they were disappointed to hear about the short-comings of EMu. Cristián said some departments complain bitterly about it, but other departments did like

it. The problem is that there are many different databases that are being merged into EMu. He has re-organized the Museum's information technology division. He suggested Bill Fitzhugh propose the development of a discrete project to assist with repatriation data capture for EMu.¹

John raised the issue of using rollover funds for Native American internships in the RO. Cristián was supportive of the idea.

Cristian discussed the re-organization of the RRC position. He said he would like more time to look into the matter and weigh the options. He said he would respond to the Committee in a letter.

Ruth suggested that the Committee follow-up RRC meetings with a letter to the Director outlining their concerns. The Committee said there wasn't anything that came up at this meeting that they thought needed to be brought to his attention.

The meeting adjourned.

¹ This has not been followed-up on.

Appendix C

Reports Reviewed by the RRC

REPATRIATION OFFICE CASE REPORTS REVIEWED

	Case Report Files Terral Resident Control of the Co				
March 2004	A Brass Patu Traded by Captain Cook in 1778 and an Anthropomorphic Stone				
	Carving From Northeast Oregon in the National Museum of Natural History				
	Inventory and Assessment of Human Remains from St. Michael Island, Alaska, in the				
	National Museum of Natural History				
}	Inventory and Assessment of Human Remains and Funerary Objects from the Point				
	Barrow Region, Alaska, in the National Museum of Natural History				
	Inventory and Assessment of Human Remains and Objects from Southeast				
	Washington and Northeast Oregon in the National Museum of Natural History				
September 2004	Inventory and Assessment of Human Remains from the Nulato Area of Alaska in the				
L	Collections of the National Museum of Natural History				

Appendix D Travel Grant Awards

TRAVEL GRANT VISITS

in production designation. The Control of the Contr	Travel Group 2 2	Legipe of Visit
3/24	LAGUNA PUEBLO	CONSULTATION
4/27	COEUR D'ALENE	REPATRIATION
5/19	ZIA PUEBLO	CONSULTATION
5/24	SKULL VALLEY GOSHUTE	CONSULTATION
5/26	JEMEZ PUEBLO	CONSULTATION
6/21	SANTA CLARA PUEBLO	CONSULTATION

The Smithsonian Institution's Native American Repatriation Review Committee Annual Report for January 1st to December 31st, 2005

The year 2005 was productive and reflective for the Smithsonian Institution's (SI) Native American Repatriation Review Committee (RRC) with several changes occurring. This report outlines these changes and the Committees' review of accomplishments, suggestions, and recommendations over the past 15 years. It also provides updates on mandated and Committee-approved activities and delineates concerns of the Committee.

The RRC continued to conduct its mandated monitoring and review of repatriation at the Smithsonian Institution. Throughout the year the RRC monitored and reviewed the operations of the Repatriation Office (RO) at the National Museum of Natural History (NMNH), and responded to a variety of reports completed by the RO. We continued to address issues about repatriation activities at the NMNH.

Other Committee activities were congruent with the Committee's stated policy to engage with Native American groups and communities. This included Committee members' attendance at repatriation meetings. Committee members, along with RRC Coordinator Gillian Flynn, attended meetings of the Native American Graves Protection and Repatriation Act (NAGPRA) Review Committee.

Continuing and new concerns requiring consideration included issues related to the structuring of the RRC and RRC Coordinator at the NMNH, vacancy of the RRC Coordinator position, NMAI relations, Native American outreach efforts by the RRC and RO, and assessment of North American archaeological collections of national significance.

RRC activities involved meetings and trips, as summarized in Table 1.

Table 1. Summary of Meetings and Trips

Date	Meeting/Trip	Participants	
3/3-4/05	RRC Meeting (Washington D.C.)	Full Committee (plus previous RRC members Goldstein & Anyon)	
3/13-15/05	NAGPRA Meeting (Honolulu, HI)	Ferguson & Flynn	
4/1/05	Soc. for American Archaeology Meeting (Salt Lake City, UT)	Hunter	
9/8-9/05	RRC Meeting (Washington D.C.)	Full Committee	
11/16-17/05	NAGPRA Meeting (Albuquerque, NM)	Johnson & McCook	

Monitoring and Reviewing Activities

Our Congressional mandate, in part, states that the Committee will monitor and review the inventory, identification, and return of Native American human remains and associated Native American funerary objects in possession of the Smithsonian Institution. This was expanded by the 1996 Amendment to the NMAI Act to include summaries of sacred objects, objects of cultural patrimony, and unassociated funerary objects at the Smithsonian. In keeping with this mandate, the Committee continued to monitor and review the repatriation activities of the Smithsonian Institution during the year.

The Committee convened two meetings held in Washington, DC- March 3-4, and September 8-9, 2005. Typically the minutes of each meeting are attached in an appendix. Due to the resignation of the RRC Coordinator mid-year 2005, the March meeting minutes have not been transcribed and, therefore, are not available. Committee members in attendance at the March meeting were Jane Buikstra, T.J. Ferguson, Andrea Hunter (Chair), John Johnson, Roland McCook (Vice-chair), Gordon Yellowman, and Phillip Walker. This was the first meeting for

Jane Buikstra, and T.J. Ferguson, the newest Repatriation Review Committee members nominated by the scientific community. Drs. Buikstra and Ferguson replaced Lynne Goldstein and Roger Anyon. Bill Billeck, RO Program Manager, and RO Case Officers Risa Arbolino, Eric Hollinger, Dorothy Lippert, and Steve Ousley met with the Committee. The Committee also met with Cristián Samper, Director, NMNH; Hans Sues, NMNH Associate Director for Research and Collections; Bill Fitzhugh, Chair, Department of Anthropology, and Dan Rogers, Chair-elect, Department of Anthropology. Gillian Flynn, Repatriation Review Committee Coordinator and Ruth Selig, Special Assistant to the Director attended the meeting (not known at the time, this was the last RRC meeting for Gillian Flynn, RRC Coordinator). In addition, Lynne Goldstein and Roger Anyon, former RRC members, were invited to present their final report to the Committee.

The March meeting primarily focused on the comprehensive presentation of the Legacy Report by Lynne Goldstein and Roger Anyon. This report highlighted the accomplishments, recommendations, and concerns of the RRC and observations on progress made in repatriation by the RO at the Smithsonian Institution over the past 15 years. The RRC began discussion on prioritizing the 19 issues summarized in the Legacy Report for follow-up and new action. Topics discussed by the RRC included the 1) independence of the RRC and RRC Coordinator, 2) reorganization of the RRC Coordinator position, 3) making the RO case reports available to the public, 4) RO commendation for job well done, 5) SI collections of national significance, 6) RO communications with other museums, 7) communications between RRC and RO, NMNH, NMAI, and SI, 8) communications between RO and tribes, 9) outreach to tribes by RRC and RO, 10) public relations of RO, 11) speed of repatriation process, 12) oversight of NMAI repatriation process, 13) RRC interactions with other SI museums, 14) making archaeological and physical

anthropological databases merge-able, and 15) standardizing protocol for all data collection. The Committee also received updates on the progress of the RO since the previous RRC meeting by Bill Billeck and the RO Case Officers. A portion of the meeting was devoted to reviewing the history and procedures of the RRC for the new Committee members.

The second meeting of the Committee was on September 8-9, 2005. In absence of an RRC Coordinator, minutes are not available for this meeting. Jane Buikstra, T.J. Ferguson, Andrea Hunter (Chair), John Johnson, Roland McCook (Vice-chair), Gordon Yellowman, and Phillip Walker attended this meeting. Bill Billeck, RO Program Manager, and RO Case Officers Risa Arbolino, Eric Hollinger, Dorothy Lippert, and Steve Ousley met with the Committee to give updates on RO progress. The Committee also met with Cristián Samper, Director, NMNH; Hans Sues, NMNH Associate Director for Research and Collections; and Dan Rogers, Chair, Department of Anthropology. Amy Putnam assisted the RRC as meeting recorder.

In addition to being provided with an update on the progress of the NMNH RO by Bill Billeck and the Case Officers, the Committee met with NMNH Director, Cristián Samper, NMNH Associate Director for Research and Collections, Hans Sues, and Chair of the Department of Anthropology, Dan Rogers. The administration updated the RRC on 1) the hiring status of the RRC Coordinator, 2) their perspective on the RRC Coordinator position reorganization, supervisory office, and duties, 3) lack of communication with the National Museum of the American Indian's repatriation office, and 4) the 2006 budget. Bruce Bernstein was unable to attend the meeting to give the Committee an update on the progress of the NMAI repatriation program. Dan Rogers discussed the topic of cultural affiliation assessment for North American archaeology collections of national significance. Bill Billeck discussed the RO handling the RRC Coordinator duties while the position is vacant, RO staffing, RO Native

American outreach efforts, and RRC member's invitation to monitor repatriations/consultations. Other topics discussed by the RRC included the independence of the RRC and RRC coordinator, re-organization and rewriting the Repatriation Review Committee Coordinator position description, 2006 budget, RRC tribal outreach efforts, tribal exit interviews, and RRC website. Reports by Committee members included the RO Monitoring report by John Johnson and T.J. Ferguson and the March NAGPRA meeting report by T.J. Ferguson and Gillian Flynn.

Reports Considered

The Repatriation Review Committee formally considered four NMNH repatriation case reports during the reporting period: Assessment of Tlingit Objects Requested for Repatriation as Objects of Cultural Patrimony and Sacred Objects, in the National Museum of Natural History, Smithsonian Institution, Reassessment of Human Remains and Funerary Objects from Seaside, Oregon at the National Museum of Natural History, Smithsonian Institution, Inventory and Assessment of Human Remains Potentially Affiliated with the Northwestern Band of Shoshone in the National Museum of Natural History, Smithsonian Institution, and Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Arikara in the National Museum of Natural History, Smithsonian Institution (Appendix A).

Grants Programs

Two grant programs were established by the Repatriation Review Committee to assist Native American groups in their repatriation activities, the Consultation Grant Program and the Repatriation Grant Program. This year there were eight groups of Native American repatriation representatives who participated in the program. The three groups assisted by the Consultation Grant Program include: the Caddo, Muckleshoot, and Tlingit from the Community of Angoon.

The five groups assisted by the Repatriation Grant Program include: the Yakima, Colville, Wanapum, Nez Perce, Umatilla (as one repatriation), Nulato, Native Village of Barrow and Ukpeagvik Iñupiat Corporation, Halfmoon family of the Nez Perce, and the Nez Perce Tribe (Appendix B).

Additional Projects

The Repatriation Review Committee supported several additional projects during 2005 to facilitate the Smithsonian Institution's repatriation process. The RRC funded a one-year archives technician to permit the National Anthropological Archives to return to opening four days per week for Native American and repatriation-related visitors. The RRC funded a half-year collections management technician to re-house Native American collections being taken off exhibit. These collections will be accessible to Native Americans for the first time in over forty years. The Committee supported a one-year museum technician for the digital imaging project. The digital imaging project will allow tribal members access to recorded images of their objects under consideration for repatriation by viewing them via the internet or in hard copy sent directly to them. In addition, the RRC continues to fully fund the RRC Coordinator position and one Case Officer. In an effort to continue to provide tribes and the general public with current Committee information, the RRC website was updated as well.

RO Monitoring by Committee Members

As a function of the RRC's Congressional mandate, annually two Committee members monitor the RO by scheduling a one-day visit in conjunction with an RRC meeting. The Committee members schedule a meeting with each of the Case Officers to discuss any issues

regarding cases management, types of assistance they may need, and any related issues they may want to discuss. The time is also spent reviewing tribal case correspondence files, the RO archaeological and physical databases, and Native American archaeological and physical collections. Committee members may also request meetings with NMNH Director, Cristián Samper, NMNH Associate Director for Research and Collections, Hans Sues, Chair of the Department of Anthropology, Dan Rogers, or any of the Anthropology Department curators regarding RO activities.

Prior to the fall RRC meeting on September 7, 2005, T.J. Ferguson and John Johnson performed the annual RO monitoring duties (Appendix C). During the RRC meeting, Ferguson and Johnson reported on issues identified and the Committee discussed these with Bill Billeck.

Outreach Efforts

In keeping with the Committee's long-standing decision to interact more fully with Native American communities and relevant organizations, the Committee engaged in outreach efforts during the year 2005.

NAGPRA Review Committee Meetings

T.J. Ferguson and Gillian Flynn represented the RRC at the NAGPRA Review Committee meeting in Honolulu, Hawaii on March 13-15, 2005 (Appendix D). John Johnson and Roland McCook represented the Committee at the NAGPRA Review Committee meeting in Albuquerque, New Mexico on November 16-17, 2005 (Appendix E).

Annual Meeting of the Society for American Archaeology

Staff members of the RO presented a symposium at the annual meeting of the Society for American Archaeology, April 2005, entitled *Fifteen Years of Repatriation at the National*

Museum of Natural History, Smithsonian Institution. RO staff members presenting papers included Bill Billeck, Risa Arbolino, Eric Hollinger, Steve Ousley, and Betsy Bruemmer. Bill Billeck invited Andrea Hunter, RRC Chair, to be the discussant for the symposium. Hunter's discussant paper is included here (Appendix F) as it presents a good overview of the Committee's perspective on the job performance of the RO and, in brief, compares their activities to nation-wide trends.

Concerns

The Repatriation Review Committee is somewhat satisfied that the NMNH Repatriation Office is making progress toward completing repatriation requests. However, we continue to be concerned about the length of time it is taking to complete some outstanding repatriation cases and the queue of repatriation requests. The Committee strongly encourages the Repatriation Office to address these claims in an expeditious manner and suggests that the ratio of repatriation requests to case officer and museum technician staff be closely reviewed and adjusted to ensure satisfactory progress.

The RRC's overarching concerns during 2005 centered on the organizational and administrative structure of the RRC and the RRC Coordinator. These are not new concerns. The following reiterates these critical issues and the development by year's end.

As in the previous year, the RRC continues to be greatly concerned about the independence of the RRC and of the RRC Coordinator. Over the past decade and a half, there have been years when both the RRC and the RRC Coordinator reported directly to the NMNH Director or Deputy Director. In our judgment, this strategy worked extremely well to facilitate communication, information sharing, and most importantly, independence. Again, we will stress

this point- as viewed from Indian Country, just the perception of independence of the RRC and the RRC Coordinator is critical. In 2004 and in 2005 the RRC recommended that the RRC and the RRC Coordinator report directly to Dr. Hans Sues, the Associate Director of NMNH. Dr. Sues has extensive knowledge regarding anthropology museum collections management, and we continue to believe he is perfectly suited to oversee both the RRC and the RRC Coordinator.

In early Fall, 2005, the SI decided to reposition the RRC under the administration of the Director's Office. The Committee reports directly to Dr. Sues, with Dr. Samper providing final approval on decisions. At this same time, the decision was made not to move the RRC Coordinator from under the administration of the Anthropology Department. The RRC Coordinator reports directly to the Chair of the Anthropology Department, and secondly to Dr. Sues. The RRC will continue to assess the repositioning to the RRC Coordinator in 2006.

In opposition to reorganizing and converting the RRC Coordinator position to a half-time position, the RRC resubmitted a recommendation for the RRC Coordinator's duties. We proposed that the primary duties of the Coordinator would be 1) assisting the RRC in its repatriation monitoring role, 2) RRC funds management, 3) organizing RRC meetings, 4) taking and writing up meeting minutes, 5) drafting policies, letters, and annual reports, 6) preparing informational packets, 7) handling communications between the RRC, RO, Anthropology, and the Director's Office, 8) assisting with Native American consultation and repatriation visitors, and 9) performing tribal liaison duties. As time permits, other Coordinator duties would be allocated to Collections Management and/or in the National Anthropological Archives as an assistant. In the Collections and Archives, the Coordinator's role would be focused primarily on Native American collections and archival materials. Due to staffing shortages in these two departments, the RRC is pleased to help lessen some of the problems since it directly affects the

repatriation process. We believe such a reorganization of the RRC Coordinator's duties would greatly benefit the RRC, RO, Department of Anthropology, Collections Management, and National Anthropological Archives and absolutely requires a full-time position.

The SI decided to keep the position of the RRC Coordinator as full-time and accepted the RRC's recommendations, minus the tribal liaison duties and assistance in the National Anthropological Archives in the position description. The RRC will continue to closely monitor tribal outreach activities by the RO and consider funding an assistant for the National Anthropological Archives as we see both roles extremely beneficial to the repatriation process.

The RRC has one other concern regarding the RRC Coordinator and that is the time it is taking to fill the position. The position was originally posted and closed in July, 2005 without input from the Committee. At the September meeting the RRC expressed the need for input in the position description and asked for the process to be halted. The SI agreed, and the RRC submitted a new draft of the position description in October, 2005. At the end of the year, the new announcement for the position had not been posted. The lack of an RRC Coordinator has put undue hardship on the Committee, particularly the Chair. The Coordinator is crucial to the function of the Committee. In particular, difficulties have occurred in communication of RRC and RO information between the Chair and the various SI offices and among RRC members. This has affected the operations of the Committee. In addition, pertinent repatriation monitoring and assessment information has not been available to the Committee due to all of 2005 meeting minutes not being transcribed. It is of the utmost importance that the RRC Coordinator position be filled immediately. At the close of 2005, there are six months of accumulated work that needs to be completed. The SI made the decision to not begin the process of filling this position until

after Gillian Flynn, former RRC Coordinator, vacated the office. This decision is causing a great deal of hardship for the Committee and is limiting its ability to fulfill its Congressional mandate.

While we understand there is a difference of opinion in the interpretation of the law, the RRC has always maintained that the legislation mandates a single review panel for monitoring repatriation activities at all museums and units of the Smithsonian Institution. We note that in 2005 there was no activity by the Committee in monitoring repatriation at the NMAI. We look forward to the year 2006 as the RRC continues to develop a more cooperative relationship with the NMAI.

The Committee recognizes that the NMNH Repatriation Office is actively consulting with the tribes that have filed repatriation claims and notes the much-needed increase in tribal outreach efforts by the RO. The Committee encourages the RO Program Manager and Case Officers to continue to pursue all avenues of outreach available to them, including attendance at Native American-related conferences, workshops, and meetings. Venues that would be particularly useful to attend are the Native American Graves Protection and Repatriation Act Review Committee meetings, National Association of Tribal Historic Preservation Officers, National Congress of American Indians, Keepers of the Treasures, Alaskan Federation of Natives Annual Conference, and the Sovereignty Conference.

The RRC has long expressed the concern for the Committee to engage in tribal outreach efforts in addition to the latest efforts by the RO. Over the past few years the RRC has experienced limited support to participate in such activities. The Committee encourages the administration to reconsider the tremendous benefit gained in public relations by the SI from the RRC actively participating in tribal conferences, workshops, and meetings. SI-tribal relations

will only be enhanced with a strong positive image for repatriation by having both RO staff and RRC members participating in tribal gatherings.

One other concern of the RRC relates to the cultural affiliation of North American archaeological collections that are of national significance, such as the collections from Spiro Mound, Chaco Canyon, Etowah, and the River Basin Surveys. We recommend that the Department of Anthropology continue to formally identify and document collections that may be of such importance in order to begin negotiations with tribes on disposition. In addition, we recommend that proactive steps be taken to insure that the Smithsonian, in consultation with other nationally recognized museums, take the lead in determining the cultural affiliation of those collections before errors are made by less experienced regional museums.

Conclusions

The year 2005 was a very active and significant year for the Repatriation Review Committee. We are satisfied that we responded appropriately to the challenges offered and we continued to forcefully bring issues of concern to appropriate offices at the Smithsonian as the Committee sought to fulfill its legal mandate. These challenges particularly arose from the structuring of the RRC and RRC Coordinator at the NMNH, vacancy of the RRC Coordinator position, and NMAI relations.

The RRC especially welcomed our two new members- Jane Buikstra and T.J. Ferguson. It was difficult, however, to witness Lynne Goldstein and Roger Anyon step down after 15 years of hard, dedicated work. In addition, it was just as difficult to see Gillian Flynn, our dutiful Coordinator, leave her position. The three of them will be missed, but the newly formed Committee looks forward to 2006 as one of further challenges and accomplishments.

Appendix A

Reports Reviewed by the RRC

Appendix B

Travel Grant Awards

Appendix C

Monitoring of the Repatriation Office on September 7, 2005

Appendix D

Report on NAGPRA Review Committee Meeting in Honolulu, Hawaii

March 13-15, 2005

Appendix E

Reports on NAGPRA Review Committee Meeting in Albuquerque, New Mexico

November 16-17, 2005

Appendix F

Discussant: Fifteen Years of Repatriation at the Smithsonian's

National Museum of Natural History

Appendix A

Reports Reviewed by the RRC

REPATRIATION OFFICE CASE REPORTS REVIEWED

Dates	Case Report			
February 2005	Assessment of Tlingit Objects Requested for Repatriation as Objects of Cultural			
2003	Patrimony and Sacred Objects, in the National Museum of Natural History. Authors: R. Eric Hollinger, Betsy Bruemmer, and Anne-Marie Victor-Howe			
August	Reassessment of Human Remains and Funerary Objects from Seaside, Oregon at the			
2005	National Museum of Natural History, Smithsonian Institution.			
	Authors: Risa Diamond, Stephen Ousley, and Erica Jones			
	Inventory and Assessment of Human Remains Potentially Affiliated with the			
	Northwestern Band of Shoshone in the National Museum of Natural History,			
]	Smithsonian Institution.			
	Authors: R. Eric Hollinger, Cheri Botic, and Stephen Ousley			
	Inventory and Assessment of Human Remains and Funerary Objects Potentially			
	Affiliated with the Arikara in the National Museum of Natural History, Smithsonian			
	Institution.			
	Authors: William T. Billeck, Elizabeth Eubanks, Angela Lockard, and Philip Cash Cash			

Appendix B

Travel Grant Awards

TRAVEL GRANT VISITS

Dates	Travel Group	Type of Visit
5/6-11	Yakima, Colville, Wanapum, Nez Perce, Umatilla	Repatriation
5/24-27	Nulato	Repatriation
8/16-18	Caddo	Consultation
9/7	Native Village of Barrow & Ukpeagvik Iñupiat Corp.	Repatriation
9/29-30	Muckleshoot .	Consultation
12/5-8	Tlingit from the Community of Angoon	Consultation
12/19	Halfmoon family, Nez Perce	Repatriation
12/20-21	Nez Perce	Repatriation

Appendix C

Monitoring of the Repatriation Office on September 7, 2005

Monitoring of the Repatriation Office on September 7, 2005 National Museum of Natural History Smithsonian Institution

Report Prepared by
T. J. Ferguson and John F. C. Johnson
Repatriation Review Committee
Smithsonian Institution

September 20, 2005

Introduction

This report summarizes the activities and findings related to monitoring the Repatriation Office at the National Museum of Natural History, Smithsonian Institution, on September 7, 2005.

Initial Meeting with William Billeck

John F. C. Johnson and T. J. Ferguson arrived at NMNH at 8:45. We met Dr. William Billeck as he was assisting Anne Jenson, a representative of the Barrow native community, with obtaining a building pass. After escorting Anne Jenson to the Repatriation Office (RO) and making sure she made contact with case officer Eric Hollinger, Dr. Billeck met with us for a few minutes in his office to review the schedule and ask if we had any changes in the day's agenda. At this time, Dr. Billeck briefly discussed the databases used by the RO, bringing up themes that would be repeated by many of the people we met with throughout the day: (1) the problems the RO is encountering in making the transition to the EMU software, and (2) the interim use of several outmoded databases that continue to provide useful information.

Repatriation with Barrow Native Community

At 9:00 a.m., Dr. Billeck invited us to observe part of the repatriation activities of human remains and grave goods to the Barrow community. We joined Dr. Hollinger in the RO, where the representative of the Barrow community was offered coffee and a tray of pastries and fruit. During a period of informal discussion, it was noted that two other representatives of Barrow were unable to travel to Washington at the last moment. One woman was being treated for a broken leg, while the other was not able to fly because her photo identification was not valid. At the last minute, the RO arranged for written authorizations from the Barrow community to be faxed to Washington allowing Anne Jenson to sign the repatriation documents on behalf of the community.

The group then moved to the Ceremonial Conference Room, where the human remains and funerary objects being repatriated were assembled in their packing boxes. Twenty-two packing boxes, 2 x 2 x 2 ft. in size, were all left open so the Barrow representative could inspect them and approve how they were packed. Dr. Hollinger discussed how the RO could make changes in how the material was packed but none were needed. There was a final inspection of

the funerary objects and, at the request of the community representative, a knife was digitally photographed and scanned by Cheri Botic, the museum specialist assisting Dr. Hollinger. This was done to insure that the maker's mark and owner's marking on the knife were adequately documented. Cloth bags were offered for inclusion in the boxes in case the Barrow people wanted to use them in lieu of the plastic bags the funerary objects were in. Each box was clearly labeled with the accession number of its contents. Dr. Hollinger explained that the human remains and funerary objects were being shipped via gold service so they were scheduled to arrive in Barrow within a day of being shipped from Washington.

Dr. Cristián Samper, the Director of the NMNH, then came to the RRC Office to sign the repatriation documents on behalf of the museum. He welcomed the Barrow representative and explained that repatriation was an important element of museum activities.

After the documents were executed, the group returned to the Ceremonial Conference Room where there was more discussion about packing and labeling. We learned that Dr. Hollinger was scheduled to take the Barrow representative to the Museum Service Center that afternoon to examine other collections with research interest.

Review of Databases

For an hour before lunch, Dr. Billeck showed us the object database and discussed the transition that is being made to EMU. The original Paradox object database has been "abandoned" and is no longer supported by the NMNH. However, the RO retained a legacy copy of this database and wrote an interface for it referred to as YODA (Your Own Database Access). This database is still useful for the RO because it can be used to generate the reports needed to conduct research and provide information to claimant communities. There are about 20 fields and 8,000 records in this database. The objects are primarily funerary objects rather than sacred objects or cultural patrimony.

The context database, with 2,600 records, was also demonstrated. This database is useful because it provides information about provenience, dating, and the affiliation and status of objects defined in RO reports. There is information about some human remains in this database, but this was attributed to an accounting problem.

Dr. Billeck explained that the RO needs an effective means to put information into EMU and extract data from EMU. Using EMU requires specialized training and a staff position dedicated to this purpose.

John F. C. Johnson asked Dr. Billeck if museums around the country had linked databases that would make it possible for tribes and native communities to find out about similar collections in different institutions. Dr. Billeck explained this type of linked database does not exist. Each museum has their own information storage system, and not all of these are computerized.

John also asked if the object and context databases contained digital images of artifacts and documents. Dr. Billeck explained the legacy databases do not have this feature but that digital images can be added to EMU.

We then had a demonstration of EMU by Kim Neutzling. She explained that EMU is not a complex database but it is not relational. She made the point that it is hard to input data into EMU, and that its reporting capabilities are difficult to use and limited. EMU is a very powerful database, and is good for tracking changes in documentation and the physical location of artifacts. A fundamental limitation of EMU for the RO is that it is not possible to batch data changes; each record needs to be individually changed. So if a collection is moved from one location to another, that change needs to be entered individually for each artifact. To do a batch change on the records for the entire collection requires a special contract with the company that owns EMU and this is too expensive for the everyday tracking of collections undertaken by the RO engages.

Review of Correspondence Files and Tracking Database

After lunch, T. J. Ferguson reviewed the correspondence files and tracking database. Dr. Billeck showed him how the system worked, and then left him alone so he could select files to review. A sample of correspondence files were examined, including those for the Hopi and Zuni tribes. These were then compared to the tracking database, which includes information about the date, form and content of communication between the RO and tribes. The correspondence with additional tribes was then examined using the tracking database, including the Navajo and Tohono O'odham tribes. The tracking database is very useful for gaining an understanding of the history of contact with tribes but the detailed content to understand any one particular piece of correspondence is not consistently entered. For instance, a letter from Zuni is listed as discussing the collection of human remains from Hawikku but exactly what was being specifically communicated was not described. To gain that understanding, it is necessary to examine the physical document.

While access to the correspondence files was entirely open to the RRC during the monitoring day, time was limited and it was not possible for T. J. Ferguson to gain more than an understanding of how the files are organized. For monitoring purposes, it would be easier to track the correspondence files if the RRC Coordinator would scan all the correspondence and make it available in a computerized database. This database would also presumably benefit the RO. This information should also be available so that the review committee can access it from our remote offices.

While T. J. Ferguson was reviewing the correspondence files, John F. C. Johnson examined Aleut mummies from Alaska with the collections staff.

Discussions with Case Officers

In the mid-afternoon, we talked with Dorothy Lippert and Risa Arbolino in their office cubicles. We explained that we wanted to talk with them to find out if there is anything the RRC can do to make their work easier or more effective. These interviews provided a useful way for

RRC members and Case Officers to informally visit and get to know one another better. In future monitoring, we recommend these interviews be conducted in the RRC office in order to provide for additional privacy.

The Case Officers discussed the importance of the Museum Specialists who assist them with the collections work related to repatriation. One of these Museum Specialists recently left her job and the Case Officers explained it was important for the RO to replace this position. All of the current Museum Specialists are females, and one Case Officer suggested it would be useful to have a male staff member to assist them when this is culturally appropriate for the tribes they work with.

One Case Officer expressed some frustration with museum culture and how this sometimes creates dissonance with tribal values. For instance, the bantering and loud talk of collections staff are occasionally out of place when tribal delegations are working in the same area on sensitive human remains or sacred artifacts. The collections staff does not intentionally do anything to offend people but some Case Officers are uncomfortable when tribal members are exposed to this experience.

Another Case Officer expressed frustration with cases where repatriation is offered to several tribes but the tribes cannot agree among themselves about disposition. We noted the RRC is available to help resolve this type of situation.

The Case Officers explained that outreach and consultation with tribes and native communities are viewed as important and gratifying elements of their job. Peer review of reports within the RO is good, and the Case Officers are effective in helping each other with the technical elements of report writing.

In general, our discussion indicates the Case Officers are being supplied with the resources and general office setting they need to do a good job, including the travel funds needed to participate in professional conferences and meet with tribes and native communities to discuss repatriation issues.

Review of Repatriation Osteology Laboratory

We ended the monitoring of the RO by visiting Steve Ousley and his staff in the Repatriation Osteology Laboratory. Dr. Ousley had Marilyn London and Erica Jones demonstrate the database used to record osteological observations. This database is a well-designed and effective way to implement data collection using the appropriate professional standards. Dr. Ousley then showed us the collections in his laboratory, and discussed the types of knowledge that can be learned from osteological study. Dr. Ousley demonstrated the three-dimensional digitizing tablet that the RRC paid for. Among other uses, this tablet makes it possible to quickly collect standardized measurements of 400 points on human crania. The osteology lab is well-organized and productive, and it provides a model for other museums for how osteology can contribute information useful for repatriation studies.

Informal Discussion with Barrow Community Representative

At the end of the day, we walked back to the hotel with Anne Jenson, the representative from Barrow. This gave us an opportunity to informally interview her about her experience in dealing with the RO. We asked her to discuss the best and worst aspects of her experience. She said the best thing was the quality and quantity of the information that the RO shared with the community. The worst thing was that the RO did not agree with the entire claim made by the community; part of the collection that was claimed was determined by the RO to be associated with another community (Greenland). Our discussion indicated that the Barrow community knew that it could provide a rebuttal report to present additional information that the RO should consider. The detailed information and arguments in the RO report make it clear exactly what issues are still in dispute, and Anne Jenson sketched the general argument the community will make in further negotiations with the RO. In general, she thinks biology has been privileged over culture, and that the Barrow community can mount a strong argument that the RO will need to consider. Anne Jenson ended the conversation by reiterating that the RO and the RCC are doing important work which should be continued. Although there was disagreement over the interpretation of some facts, the overall interaction between the RO and the community was cordial, and the Barrow community appreciates how the material being repatriated is being handled.

Appendix D

Report on NAGPRA Review Committee Meeting in Honolulu, Hawaii

March 13-15, 2005

Report on NAGPRA Review Committee Meeting in Honolulu, Hawaii March 13-15, 2005

Prepared by T. J. Ferguson
Smithsonian Institution Repatriation Review Committee

March 23, 2005

Introduction

I attended a two and a half day long meeting of the NAGPRA Review Committee (NRC) in Honolulu, Hawaii, as a representative of the Smithsonian Institution's Repatriation Review Committee. Five members of the NRC were present, providing the quorum they need to conduct business (Vin Steponaitis, Vera Metcalf, Dan Monroe, Rosita Worl, and Garrick Bailey). Most of the NRC meeting was taken up by hearing three new disputes between the Bishop Museum, the Hawaii Volcanoes National Park, and various native Hawaiian organizations. In addition, the NRC reconsidered an earlier decision made in St. Paul concerning the Bishop Museum and competing claims made by several Hawaiian organizations. This report focuses on my observations about issues with relevance for the Smithsonian Institution's Repatriation Review Committee rather than on the details of the disputes heard at the meeting. Gillian Flynn attended all sessions of the meeting and will provide the committee with her notes that provide a more detailed summary of the meeting than that provided in this report. In addition, the transcript of the meeting will be posted on the National NAGPRA website when it is completed in the coming months.

Observations about Process and Conduct of the Meeting

This was the first NRC meeting I have attended and I was struck by the challenges the NRC faces related to the fact that all work of the committee has to be conducted before the public. This requires a very formal form of discourse, with each member of the committee who wants to speak being recognized and granted permission to speak by the NRC chair, Rosita Worl, or by the members designated to act as the chair for various disputes. This formal style of interaction stands in great contrast with the work of the Smithsonian Institution's Repatriation Review Committee, which can meet in private and discuss business more freely. While I appreciate the legal context that requires the NRC to operate totally in public, I think our own procedures for meeting in camera are more effective for the needs of the Smithsonian Institution.

I was also struck by the focus of the NRC on hearing disputes and undertaking administrative tasks. This stands in contrast to our own meeting this year, where we spent a significant amount of time reviewing the repatriation studies conducted by the Repatriation Office of the National Museum of Natural History. In my opinion, providing guidance to the NMNH Repatriation Office and monitoring their activities is an effective and proactive way to reduce the number of repatriation issues that will rise to the level of formal disputes. Our review of repatriation activities in advance of disputes thus benefits both Native Americans and the Smithsonian Institution.

Hearing of New Disputes

Most of the NRC meeting focused on hearing three new disputes and reconsideration of one decision previously reached by the committee. All of these disputes were complicated by competing claims between various native Hawaiian organizations. The social and political context of repatriation in Hawaii is very complex. At the risk of oversimplification, this context seems to center on disputes between Hui Malama I Na Kapuna and the Office of Hawaiian Affairs (both named in NAGPRA as official representatives of the Hawaiian people) and a number of other native Hawaiian organizations formed by ohana (family groups) and the lineal descendants of the Ali'i, the traditional chiefly rulers or royal families. The lack of a unified governmental organization similar to Indian tribes or native Alaskan communities makes repatriation a challenging process in Hawaii, and this is further complicated by what appears to be a substantial amount of historical and cultural revision that is currently occurring in contemporary Hawaiian society. For instance, one of the issues at dispute was whether the Ali'i owned the land and resources in the past or whether they were simply stewards, i.e., did the Ali'i have the right to alienate objects of cultural patrimony. The historical record seems to support the claim of the Ali'i that they personally owned all land and resources, while Hui Malama and OHA disagree with this based on contemporary values. These are difficult issues to resolve.

The first session on Sunday afternoon was taken up hearing the new disputes, with an hour allocated for each. Twenty minutes were provided to each of the parties to the disputes, and the NRC then took the final twenty minutes to ask questions. Public comment by other interested Hawaiian individuals and groups, and discussion among the members of the NRC took up most of Monday, again with an hour allocated for each dispute. The ability of the NRC to keep the presentations and discussion to the time allocated was impressive. This was probably only possible because the NRC had received a substantial number of written reports and documents for review in advance of the public meeting.

All of the disputes involved either the classification of items under NAGPRA (i.e., are items correctly classified as funerary objects or objects of cultural patrimony) or the right of possession. As these issues became clear during the meeting, I reflected on the attention that the NMNH Repatriation Office pays to these issues in the reports we reviewed in our meeting this year. Documenting these issues is essential in repatriation reports.

In a nutshell, the NRC decided each dispute in favor of one or more Hawaiian claimants. One dispute involved three objects found on the island of Molokai, including a cowry shell, a rock oyster pendant and wood image. Although the Bishop Museum did not think the three items from Molokai were funerary objects it decided to treat these items as if they were such. Thus the categorization of items was discussed but it was not really an issue in the dispute. The Committee found that the Bishop Museum did not meet the requirements for proving a right of possession so repatriation of the items should proceed.

Another dispute involved stone slabs containing images of footprints from Molokai that had been removed from the island to protect them from cattle trampling and given to the Bishop Museum. These stones figure prominently in a Hawaiian legend. The Bishop Museum claims a right of possession stemming from the ownership of the island by King Kamehameha, an Ali'i who transferred ownership of the ranch where the stones were found to a relative, who later sold

the ranch to the people who gave the stones to the Bishop Museum. The Bishop Museum transferred the stones back to the island of Molokai outside of NAGPRA, retaining the right to remove the stones in the future if they were not protected and cared for. The Museum also claimed that if they were forced to repatriate the stones, they have a legal opinion that this would be Fifth Amendment taking. This issue has important legal ramifications because it could be used to argue that NAGPRA is unconstitutional. The Fifth Amendment taking issue was outside the purview of the NAGPRA Review Committee, however, and not considered further at the meeting. Hui Malama and other organizations disputed the museum's right of possession, claiming that they stones should be repatriated under NAGPRA. Hui Malama made an interesting argument that no one had title to the stones and there is thus no right of possession, followed by a somewhat contradictory conclusion that title should be therefore be transferred to them. In making its recommendation on this dispute, the NRC essentially side-stepped the issue of right of possession, and advised the Bishop Museum to modify their agreement with the people of Molokai to include a provision that that the stones will not be removed without the permission of the people of Molokai. Although this does not directly address the claim made by Hui Malama that the stones should be subject to NAGPRA and repatriated, this recommendation may resolve the dispute and satisfy the people of Molokai.

A third dispute involved five items from a cave at Kawaihai on the Island of Hawaii in the collections of the Hawaii Volcanoes National Park. The dispute here was that Hui Malama was recognized by the NPS as being culturally affiliated with the items, and that repatriation had not proceeded within 90 days of Hui Malama's claiming the artifacts in 1999. The NPS argued that they are still working to determine what other Hawaiian groups are legitimate claimants. The NPS noted there may be twelve or more other claimants in addition to Hui Malama, and that repatriation cannot proceed until all claimants are identified and consulted. The NRC found that there was no provision absolutely requiring repatriation within 90 days of a claim but it stated that taking six years to identify claimants and consider competing claims was too long a period for the NAGPRA process. The NRC therefore recommended that repatriation of the items proceed and, at the same time, that the claims of all claimants receive adequate consideration.

Reconsideration of the NRC Decision made in St. Paul

The NRC heard a dispute in 2003 concerning 83 artifacts from the cave at Kawaihai on the island of Hawaii. This dispute centers of the fact that the Bishop Museum loaned these artifacts to Hui Malama while the process of repatriation was being completed. Hui Malama then reburied the items in the cave. After this, a number of competing claims were made by other Hawaiian groups, which brought a dispute to the NRC that repatriation was not complete and that under NAGPRA they have a right to view the artifacts as a part of making a claim. In 2003, the NRC made a split decision with the majority of members deciding that the repatriation process was flawed, and the Bishop museum was still responsible to proceed with repatriation considering the claims of all competing Hawaiian groups. The Chair of the NRC offered a minority opinion to the contrary.

At the 2005 Honolulu meeting, the representatives of Hui Malama said they never intended to honor the loan agreement, which stipulated the artifacts be returned to the Bishop museum within a year or at the request of the museum. The Office of Hawaiian Affairs, on whose land the cave is located, said that they will not grant permission for anyone to visit the cave to view the

artifacts unless they are ordered to do so by a court. Both organizations argued that these legal issues are beyond the purview of the NRC, and they should therefore be litigated in court. Thus, while the NRC unanimously reaffirmed the decision made in 2003 (i.e., the repatriation process was flawed and all claimants have a right to view the artifacts as the Bishop Museum completes the NAGPRA process), this issue seems headed for litigation in District Court.

Decision about Culturally Unidentifiable Human Remains at Fort Douglas, Utah

The United States Army at Fort Douglas, Utah, requested permission from the NRC to implement a disposition of culturally unidentifiable human remains to a coalition of 30 federally recognized tribes in the Great Basin. This request was approved by the committee after it was determined that the remains had been documented. The Army needs approval from the Committee because the regulations governing the disposition of CUHR have not yet been promulgated.

Other Issues

Several other issues were discussed. NRC member Vincas Steponaitis asked if the National NAGPRA Program of the NPS had a conflict of interest when there is a dispute involving a National Park. The National NAGPRA staff and the Department of Interior Solicitor said that there was no conflict of interest because there was a separation of functions between National NAGPRA Office and the National Park. This issue has relevance for our own discussions about where the Repatriation Review Committee belongs within the organizational structure of the Smithsonian Institution.

Vincas Steponaitis also asked for clarification of the roles of the National NAGPRA Program and DOI Solicitor in providing legal advice to the NRC. This is an issue because the Dr. Sherry Hutt, the manager for the National NAGPRA Program, is an attorney and former Judge. The DOI Solicitor made it clear that legal advice should be obtained from the Solicitor's Office and not the National NAGPRA Program staff.

I was somewhat flabbergasted by the discussion of some NRC members about whether the NRC needs to abide by the law. NRC member Garrick Bailey suggested the NRC was not a legal body and that the purpose of the Committee was to enact the "spirit" of the law using their personal judgment. In response, Vincas Steponaitis spoke to the need for the NRC to be mindful of what NAGPRA states as law, and that the role of the NRC was suggest resolutions to disputes based on a determination of the factual matters involved in a dispute as they pertain to categories defined in the law. The DOI Solicitor and National NAGPRA staff supported the statements of Dr. Steponaitus, and Dr. Bailey finally admitted the NRC does need to follow to the law.

There was some discussion about whether NAGPRA works in Hawaii because there is no unified governing body similar to a tribe. Garrick Bailey claimed NAGPRA doesn't work in Hawaii, and added that he thought that NAGPRA is a "disaster" on the East Coast. These statements were somewhat ironic because the very meeting of the NRC in Hawaii to hear NAGPRA disputes is evidence that NAGPRA works in Hawaii.

In critically reviewing the NRC meeting, I though there was a lack of focus on issues the NRC is charged with, i.e., the factual matters of categorization of NAGPRA items and the right

of possession. Although the National NAGPRA staff started the meeting by pointing out that procedural issues were not under the purview of the NRC, there was a considerable amount of time spent on discussion of procedural matters. This situation was further complicated by some Hawaiian claimants and public commentators making moral arguments rather than an argument based in the legal framework of NAGPRA. At times, I thought the issues relating to NAGPRA were obfuscated and not adequately considered.

NAGPRA Review Committee's Annual Report to Congress

The members of the NRC made several editorial revisions to their annual report during the meeting. Some of the revisions concerned requests for an additional \$862,000 dollars of funding for the NRC. However, no one on the NRC or National NAGPRA staff could provide a rationale for this figure so this language was removed. Certain provisions of the annual report concerning civil penalties were also edited to remove the implication that the NRC wants to assess civil penalties on museums for not complying with NAGPRA in order to provide a source of funds for the implementation of NAGPRA.

Nomination of NAGPRA Review Committee's Seventh Member

The members of the NRC stated what qualifications they were seeking in forwarding names for nomination of committee's seventh member. These variously included a native Hawaiian, a Native American from the Mississippi River drainage (where the greatest number of culturally unidentifiable human remains are found), and a physical anthropologist. The NRC is sending eleven names to the Secretary of the Interior as nominations for the seventh member, including Native Americans, Hawaiians, and anthropologists (including Lynne Goldstein, who recently stepped down from the SI Repatriation Review Committee). It seems likely that a Native American will be chosen for the slot that Vera Metcalf, who is Yupik, is vacating.

Representation of Smithsonian Institution Repatriation Review Committee

During the meeting, I spoke with several members of the NAGPRA Review Committee and the National NAGPRA Office, as well as with anthropologists employed as repatriation specialists by the Smithsonian Institution, the American Museum of Natural History, and the Field Museum. In addition, I briefly conferred with representatives of the Society for American Archaeology and the National Park Service. Gillian Flynn and I had a series of discussions with a Hawaiian man from the Big Island, who was not previously aware that that the Smithsonian Institution had separate authorizing legislation for repatriation and a separate Repatriation Review Committee. Interaction with professionals and the public during the three day meeting provided an opportunity to publicize the mission and activities of the Smithsonian Institution's Repatriation Review Committee, and demonstrate the commitment of our Committee to stay informed about national repatriation issues that affect the Smithsonian Institution.

Next Meeting of NRC

The next meeting of the NRC was set for Albuquerque, New Mexico, in the fall. There will be a telephonic meeting of the NRC to deal with administrative matters before then.

Appendix E

Reports on NAGPRA Review Committee Meeting in Albuquerque, New Mexico

November 16-17, 2005

Memorandum

To: Smithsonian NAGPRA Review Committee

From: John F. C. Johnson

Date: March 1, 2006

Subject: NPS NAGPRA Meeting

Greetings:

Roland, Bill, Risa and I attended the NPS NAGPRA meeting in New Mexico this winter.

There was some heated discussion on the Hawaiian case. The committee reaffirmed its decision in Saint Paul that the Bishop Museum was to blame. The artifacts have not been removed from caves, <u>arbitration was recommended</u>.

There was a question: If a party owns artifact and remains but do not claim them, do they still have a right to them? Answer: Yes, they are still pending and can consult further.

The next NAGPRA meeting will be in Juneau, Alaska at the end of May.

Comments on unclaimed remains:

Comments were requested for the 43 CFR 10.7 which pertain to unassociated human remains. They had a tribal historic preservation meeting prior to our meeting where there was a lot of discussion on this subject. I wish we would have known of this meeting so that we could attend. In the future we should participate.

The bottom line is that:

Tribes wanted more regional consultation in the villages, the criteria must be flexible, and it should be a tribal matter. Other said they should get other local and state organization to help other tribes. (Like in Alaska, the Alaska Federation of Natives can help to get the word out-JJ's note)

There were recommendations that they do training with tribes in areas that are under represented.

One committee member wanted all remains tested, affiliation is needed, other said no.

There was also discussion on State recognized tribes.

For remains on state and private lands, they should send comments to the Advisory Council on Historic Preservation.

NAGPRA REVIEW COMMITTEE MEETING NOVEMBER 16 AND 17, 2005 ALBUQUERQUE NEW MEXICO

I arrived on November 15th and attended the meetings on the 16th and 17th departing on the 18th. This meeting was well planed providing for detailed discussion and interaction between the public and the Committee.

Introductions were made after the opening prayer and call to order by the Chair-Person Rosita Worl.

Highlights of the meeting; Discussion on the past disputes and the comments brought forth by the delegation from Hawaii on their dissatisfaction of the recommendations made by the Committee in regard to their issues. Tim Mckeown reviewed the Committee's recommendations to Congress on the 2005 report.

It was brought to our attention that there were 118,259 human remains inventoried and work being done to identify as many as possible with the 25 million dollar Budget. Clarification was made as to remains status as Unidentified as opposed to unidentifiable.

The delegation from Hawaii requested that the Committee clarify the statements made at the last meeting in Hawaii, which the Committee considered for quite some time and finally agreed that they had made a recommendation and this could not be taken as a decision.

Requests for disposition of unidentifiable human remains from South Dakota and California were presented and will be taken under advisement.

Thursday, November 17

This day was set aside for the Committee members to discuss the recommendations on the disposition of cultural items, the morning was given to the delegation from Hawaii to clarify the Committees statements.

Public comments centered on the committee member who were absent and the need for information to tribes on the identification and return of human remains.

In summary, I felt that the meetings were informational, however much of the material and issues are ongoing and attending one periodically does not give one the continuity that one needs to fully understand the issues at hand. I also felt that one should attend the training that is provided before the NAGPRA sessions to stay currant.

I appreciate and thank the Smithsonian Institution for sending me to the NAGPRA meeting.

Roland McCook Sr.

Appendix F

Discussant: Fifteen Years of Repatriation at the Smithsonian's

National Museum of Natural History

Discussant: Fifteen Years of Repatriation at the Smithsonian's National Museum of Natural History

Andrea A. Hunter (Northern Arizona University), symposium discussant, presented at the 70th Annual Meeting of the Society for American Archaeology, Salt Lake City, Utah, 2005.

As one of the original five members of the Smithsonian's Native American Repatriation Review Committee, I have been involved in the process since the inception of the Repatriation Office at the National Museum of Natural History. During my fifteen year tenure, I have witness several changes in personnel, from the case officers, to Repatriation Office managers, to Review Committee members, to museum administrators. In total, I have worked with 14 case officers, 2 Repatriation Office managers, 12 Review Committee members, 5 Department of Anthropology chairs, 5 Natural History directors, and 3 Smithsonian Secretaries, all within fifteen years.

There's not a single soul in any of these positions that was there when I began my work with the Review Committee. I'm the last standing soldier, so to speak, but one with a whole lot of institutional memory in regards to repatriation at the museum.

The reason I mention this is because the papers presented today represent a culmination of efforts, including all the folks that preceded them in their positions as Repatriation Office managers and case officers. Repatriation is a process, a process that for the Smithsonian began and has been evolving even before the passage of the NMAI Act. The procedures designed by the Repatriation Office for 1) repatriation requests, 2) for documentation and determination of cultural affiliation, 3) for consultation, and 4) for the actual return of ancestral remains and objects represents repatriation at its finest. And I can say this because I have witnessed to this process for a decade and a half and I have monitored their actions and as a member of the Review Committee have offered helpful suggestions from time to time. There is no other institution in the country that can claim the amount of time, effort, sincere consideration for

tribal concerns, and productivity as the Repatriation Office at NMNH. The Repatriation Office has set the standards for the rest of the country, and what was presented today is only a glimpse of the outstanding work that is being generated at the National Museum of Natural History.

With that said, I would like to make a few comments about each of the papers, I always seem to have some comments.

Bill Billeck presented a succinct, and thorough overview of repatriation at the National Museum of Natural History. The numbers Billeck provided of completed cultural affiliation determinations and repatriation claims by the Repatriation Office testifies to their commitment in accomplishing their repatriation objectives and the productivity of the office. With 3,300 ancestral remains, 80,000 funerary objects, 28 sacred objects or objects of cultural patrimony and 1,800 more ancestral remains waiting in the que, plus 400 face-to-face meetings with tribal representatives, the Repatriation Office is certainly advancing the process.

And by offering this symposium and presenting papers on their work and giving an update of their progress, the Repatriation Office continues to promote an atmosphere of openness regarding their work and a desire to continue to inform the public of their repatriation efforts and accomplishments. I haven't look over the entire conference program so I could be wrong, but I don't believe there are any other institutions in the country presenting papers on their repatriation efforts and providing updates on exact numbers of repatriations and consultations.

I think the most telling aspect of the good faith effort that the Repatriation Office has put forth is the fact that tribal members are returning to NMNH to do research and collaborative projects with repatriation staff. If the staff were simply just "doing their job" this would not be occurring. You have to be making a special effort to create an environment that is comfortable, friendly, and inviting to have tribal members initiate and want to come back to a museum and

work with the staff on projects. This is a great accomplishment and I highly commend the Repatriation Office for their success in this regard.

Teaching in a strong applied anthropology program, I was very pleased to see Hollinger's paper on how and why repatriation is considered applied anthropology. In my own undergraduate classes I frequently have students that are surprised when I speak of repatriation as applied work. Hollinger has done an excellent job in describing how each of the sub-disciplines contribute to the repatriation process and why we consider this applied anthropology. Even though the deadlines for the inventories and summaries stipulated in the NMAI Act and NAGPRA have passed, repatriation is not over, as some archaeologists contend. The process of documenting and returning Native American ancestral remains, sacred objects, funerary objects, and objects of cultural patrimony will continue for many decades to come. It is paramount for the anthropology community to fully understand the extent of the applied work repatriation entails and to impart this to our young scholars entering the field. Repatriation is a critical component of cultural resource management that all anthropology sub-disciplines contribute to and should now be considered as a special field of interest. Hollinger clearly outlines this holistic approach of the repatriation process and this paper could be used as an excellent introductory resource for those studying or considering work in repatriation.

Risa Arbolino has also chosen an excellent topic to present that informs the public and attempts to clarify the Natural History museum's process. The repatriation mandates outlined in the National Museum of the American Indian Act and NAGPRA, even after fifteens, are still misunderstood by many in the scientific and tribal communities. Two questions that continue to be asked of NMNH concerns the speed of the repatriation process and what that rate is compared to NAGPRA institutions. In response to this, Arbolino discusses a very important difference in

the two laws, that final cultural affiliation determinations and repatriation is claim-driven at the Smithsonian. The statistical comparisons made between the NMNH and NAGPRA institutions clearly indicate that the Smithsonian is completing final cultural affiliation determinations and repatriations at rates similar to and in most instances better than other museums. And this is significant because it is a different, claim driven process that is occurring at NMNH.

Another important difference that Arbolino points out between the two laws is the mandate in the NMAI Act to use the best available scientific and historical documentation in determining cultural affiliation. The RO could have minimally addressed this and done just what was necessary and claimed they were using the best evidence available. But, the RO manage and staff have chosen to take this mandate earnestly and do the absolute best work and the statistics on positive cultural affiliation determinations prove this, especially when compared to NAGPRA institutions. You don't have such high percentages by doing minimal cultural affiliation research, you attain that by exhausting every line of evidence available and that is just what the RO is doing. This paper clearly outlines the extra effort by the RO to provide tribes with the most accurate affiliation results possible.

Plus, Arbolino rightfully points out that it is important for the scientific community to recognize the enormous amount of cultural information that is being generated by their repatriation reports. The RO cultural affiliation reports can provide well-documented data that have the potential to contribute to many of the research questions being addressed today.

A critical component in the documentation process of repatriation is the biological anthropology assessment of cultural affiliation. Steve Ousley presented excellent examples of how key a role the Repatriation Osteology Laboratory plays in this process. As indicated in his presentation, all possible lines of biological data are being carefully scrutinized in their

evaluations of ancestral remains. Steve Ousley and his staff are offered a unique opportunity at the Smithsonian, in that they have one of the best equipped labs to conduct cultural affiliation evaluations and they are utilizing that opportunity to its fullest. The use of the 3-D digitizer to capture coordinate data on over 100 cranial landmarks is a good example. With the volume of ancestral remains at the Smithsonian, expedient data capture is one means to facilitate the process, especially one that tribes want accelerated. The comprehensive biological data collection procedures Ousely summarizes clearly have served in the best interest of repatriation by providing crucial information in making affiliation determinations. Again, I would have to say that one would be hard pressed to find another institution in the country performing such extensive analysis and providing standards for biological analysis and data capture as that conducted at the Smithsonian's Repatriation Osteology Laboratory. It is absolutely apparent from the types of analytical procedures designed and employed and from the case examples provided by Ousley that the biological documentation process has a significant role in assessment of affiliation.

The paper by Betsy Bruemmer, Bill Billeck, and Deborah Hull-Walski on traditional care is another example of the Smithsonian setting the standards in state-of-the-art procedures. As mentioned, one of the intents of the repatriation laws was to foster consultation and collaboration among the scientific, museum, and Native American communities. This, along with the recent museum incentives to conduct outreach with indigenous communities, has created a favorable atmosphere for open communication amongst all parties. The opportunity for tribes to express their wishes regarding the safekeeping of sensitive objects in museums is essential to securing respectful, trustful relationships with Native American communities. As outlined in Bruemmer et al.'s paper, the National Museum of Natural History has listened carefully to tribal concerns and

has gone beyond the basics in accommodating tribal traditional care requests. The NMNH and the Repatriation Office are in a special position in being able to allocate funds to insure as many traditional care requests are fulfilled as possible. However, having the available funds is only one aspect, albeit a huge one, but having the personnel that is willing to take the time to listen carefully and respectfully and commit the time and energy to ensure the requests are carried out is a vital aspect. I commend the Repatriation Office staff and Collections Management staff for their sincere concern for these sensitive objects and the continued support they provide for tribal members visiting the collections. Although there is a national movement encouraging museums to do indigenous outreach, it doesn't necessarily mean all museums are participating. The work summarized by Bruemmer et al. certainly demonstrates the tremendous effort put forth by individuals that are committed to the intent of the repatriation laws.

As chair of the Smithsonian's Repatriation Review Committee, I can't help but be honored to play a small part in the repatriation process at the National Museum of Natural History. The work of the Repatriation Office is exemplary and the papers presented today demonstrate the highly commendable work being performed. Thank you all for your contributions.

The Smithsonian Institution's Native American Repatriation Review Committee

Annual Report for January 1 through December 31, 2006

During 2006, the Smithsonian Institution's Repatriation Review Committee (RRC) continued to monitor and review the inventory, identification, and return of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony pursuant to the NMAI Act (P. L. 101-185). The Committee is charged with ensuring a fair and objective consideration and assessment of all relevant information, reviewing the findings relating to the origin and return of remains and objects, and facilitating the resolution of disputes that arise between Indian tribes and the Smithsonian Institution with respect to the return of remains or objects. We are pleased to report that no disputes were bought before the Repatriation Review Committee during 2006, so the work of the committee focused on its monitoring and review functions.

This report summarizes the work of the RRC in 2006, including monitoring activities, review of repatriation case reports, grants made to support consultation with Indian tribes, and other activities. The report includes an assessment of the work of the Repatriation Office (RO) at the National Museum of Natural History (NMNH), and documents the concerns of the committee regarding repatriation activities of the Smithsonian Institution.

Monitoring Activities

One of the principal means by which the RRC monitors repatriation activities at the Smithsonian Institution is by conducting two meetings every year in Washington, D.C. At these meetings, the committee meets with the staff of the Repatriation Office and Department of Anthropology, and with other officials at the Smithsonian Institution, to review repatriation

activities and assess the progress being in relation to the specific circumstances in individual repatriation cases. These meetings enable the committee to discuss the challenges faced by the Repatriation Office with the employees directly involved in its work.

The RRC convened two meetings in 2006. A three day meeting was held during March 29-31, and a two day meeting was held on October 5-6. Appendices A and B provide abridged notes documenting these meetings. It was not possible for the RRC to prepare formal minutes for meetings in 2006 because it operated without a Coordinator to assist with administrative tasks. Although the position of the Committee Coordinator was filled in 2007, time constraints precluded transcription of minutes from the preceding year.

RRC members participating in the March meeting included Andrea Hunter (Chair), Roland McCook (Vice-chair), Jane Buikstra, T. J. Ferguson, John Johnson, Phillip Walker, and Gordon Yellowman. The committee met with Bill Billeck, RO Program Manager, and RO Case Officers Risa Arbolino, Eric Hollinger, Dorothy Lippert, and Steve Ousley, to discuss progress made on repatriation cases by the RO. Their oral and written reports were helpful in understanding the work load of the RO and the problems Case Officers face in their research and consultation. The results of the RRC monitoring of the RO in 2005 were discussed with the Program Manager.

The Committee also met with Cristián Samper, NMNH Director; Hans Sues, NMNH Associate Director for Research and Collections; Daniel Rogers, Chair, Department of Anthropology; and Laurie Burgess, Associate Chair, Department of Anthropology. A number of issues relating to repatriation activities were discussed with these officials, including the restructuring of NMAI's Repatriation Office, budget cuts affecting the operation of the NMNH, the maintenance of computerized databases used in repatriation activities, and procedures for

hiring staff, including a new Coordinator for the RRC. Without a Coordinator, administrative tasks for supporting the work of the RRC fell to Bill Billeck, the RO Program Manager, Dr. Billeck did a commendable job in assisting the RRC but this work took away from his primary responsibilities, and the RRC thus expressed concern that a Coordinator be hired as quickly as possible. The RRC provided advice on the job description for the Coordinator position. Daniel Rogers provided a progress report on the assessment of the national significance of the NMNH North American archaeology collections, with proactive consideration given to potential repatriation claims. This assessment of North American archaeology collections was a task initiated at the request of the RRC in 2005.

During the March meeting, the RRC developed a rotation schedule for replacing committee members so that there would always be a balance between experienced and new members. Andrea Hunter and Roland McCook were elected by the committee to continue in their positions of Chair and Vice-Chair. The committee discussed initiating a follow-up interview with tribal representatives after repatriations were completed in order to solicit feedback on the performance of the Smithsonian Institution and suggestions for improving the repatriation process. One of the committee members was tasked with developing a draft interview schedule for review by the RRC at a later date. The RRC continued an on-going discussion of what needs to be done pursuant to the Legacy Report discussed in our 2005 Annual Report. Issues raised during the NAGPRA Review Committee meeting held in Hawaii in 2005 were also discussed.

During the March meeting, a lunch was graciously hosted the Department of

Anthropology to allow its staff to informally interact with RRC members. Jim Pepper Henry and

John Beaver from the National Museum of the American Indian (NMAI) also attended this

lunch, and they invited the RRC to tour the NMAI Cultural Resources Center and discuss repatriation at the NMAI at the next RRC meeting.

The second meeting of the Committee was convened on October 5-6. Andrea Hunter (Chair), Roland McCook (Vice-chair), Jane Buikstra, T. J. Ferguson, John Johnson, Gordon Yellowman, and Phillip Walker attended this meeting. Bill Billeck, RO Program Manager, and RO Case Officers Risa Arbolino, Eric Hollinger, Dorothy Lippert, and Steve Ousley met with the Committee to present progress reports on RO cases. A number of issues regarding internal review of RO reports were discussed, including how differences in opinion between staff officers are resolved by the RO Program Officer and the length of time it takes for review of reports by Curators. These factors lead to an increase the amount of time between the preparation of a draft report and its final editorial review and completion. Bill Billeck reported that he had restructured the report review process to try and improve this situation.

The RRC learned that Steve Ousley had announced his intention to resign from his position of Director of the Osteology Lab in 2007 to take an academic teaching position. The RRC thinks very highly of Dr. Ousley's work at the Smithsonian Institution, and it recognizes that the Director of the Osteology Lab plays a key role in the operation of the RO. The RRC expressed concern that advertising for an appropriate replacement be started as soon as possible. Other staffing issues of the RO were discussed as they relate to the productivity of the office.

In October, the RRC met with Cristián Samper, Director, NMNH; Hans Sues, NMNH Associate Director for Research and Collections; and Daniel Rogers, Chair, Department of Anthropology. The retirement and replacement of four curators within the Department of Anthropology were discussed because one or more of the replacement curators will have responsibilities for collections that potentially contain objects subject to repatriation. Other

issues discussed included exhibitions at the NMNH, the project to assess sites of national significance, and migration of databases used by the RO between different computer programs.

The RRC also discussed the May NAGPRA Review Committee meeting in terms of its implications for repatriation activities at the Smithsonian Institution. There was also further discussion of what needs to be done pursuant to the Legacy Report discussed in the 2005 Annual Report of the RRC.

One of the highlights of the October meeting was meeting Jai Alterman, the newly hired Coordinator for the RRC. The work of the RRC in 2006 was hampered by the lack of a Coordinator to provide administrative assistance, so we are pleased that Ms. Alterman has taken this position. Half of Ms. Alterman's time will be dedicated to RRC activities, with the remainder spent assisting the National Anthropological Archives (NAA). The NAA is essential in the repatriation research conducted by tribes making claims and the staff of RO, so dedicating half of Ms. Alterman's time to the NAA is good for the repatriation program of the Smithsonian Institution.

During the October meeting, the RRC traveled to the National Museum of the American Indian's Cultural Resource Center (CRC) where they met with Jim Pepper Henry, Terry Snowball, John Beaver, and Justin Giles. Jim Pepper Henry summarized the repatriation procedures and standards at NMAI, and highlighted a number of successful repatriation efforts within and outside of the United States. He noted that NMAI and NMNH often share the travel costs incurred in tribal consultation, making it possible for a tribe to visit both museums in one trip. This discussion was followed by a tour of the collections facilities at CRC. The visit to CRC provided an opportunity for the RRC and NMAI staff to productively exchange information about repatriation activities at the Smithsonian Institution.

Review of Repatriation Office Reports to Ensure Fair and Objective Consideration and Assessment of All Relevant Information

One of the important functions of the Repatriation Review Committee is the review of reports prepared by the Repatriation Office of the National Museum of Natural History. This review provides an independent appraisal of whether these reports provide a fair and objective consideration and assessment of all relevant information. During this review, the Repatriation Review Committee scrutinizes the methodology used in research, the information presented in the report, and the conclusions that are reached by the Repatriation Office. If needed, the Repatriation Review Committee offers editorial suggestions for the clarification or improvement of reports.

During 2006, the Repatriation Review Committee reviewed four repatriation case reports:

- Inventory and Assessment of Human Remains Potentially Affiliated with the Goshute in the National Museum of Natural History, Smithsonian Institution, by R. Eric Hollinger, Cheri Botic, and Stephen Ousley.
- Assessment of Unassociated Funerary Objects from the Memaloose Islands, Washington and Oregon, at the National Museum of Natural History, Smithsonian Institution, by Risa Diemond Arbolino and Betsy Bruemmer.
- Inventory and Assessment of Human Remains Potentially Affiliated with the Pembina Chippewa in the Collections of the National Museum of Natural History, Smithsonian Institution, by R. Eric Hollinger and Stephen Ousley.
- Assessment of the Cultural Affiliation of Human Remains Potentially Affiliated with the Pueblo of Jemez at the National Museum of Natural History, Smithsonian Institution, by Risa Diemond Arbolino and Carrie Feldman

The Repatriation Review Committee found that all of these reports met high professional standards and they fairly and objectively assessed the relevant information available at the time the reports were prepared. The staff of the Repatriation Office is commended for continuing to produce outstanding and useful repatriation reports.

Grants Programs

Two grant programs were established by the Repatriation Review Committee to assist Native American groups in their repatriation activities: the Consultation Grant Program and the Repatriation Grant Program. In 2006, grants were made to two tribes to enable them to consult with the RO on repatriation matters (Appendix C). This includes grants to the Menominee Tribe and the Chippewa-Cree Indians of the Rocky Boy's Reservation (Montana).

Other Activities of the RRC

The other activities of the RRC in 2006 are summarized in Table 1. Representatives of the RRC attended two NAGPRA Review Committee Meetings in Juneau, Alaska, and Denver, Colorado, in order to keep abreast of developments in the National NAGPRA program that affect repatriation activities of the Smithsonian Institution (Appendix D).

Table 1. Summary of Other Activities of the RRC

Date	Meeting/Trip	Participants	
5/30-31/06	NAGPRA Meeting	Hunter & Johnson	
5/15/20/0	(Juneau, AK) NATHPO Meeting		
7/17-20/06	(Santa Fe, NM)	Hunter & McCook	
11/3-4/06	NAGPRA Meeting (Denver, CO)	Alterman & Johnson	
12-06-2006	Orientation of new RRC Coordinator (NMNH, Washington, D.C.)	Hunter & McCook	

In July of 2006, the RRC collaborated with the RO on a presentation at the National Association of Tribal Historic Preservation Officers in Santa Fe, New Mexico. This joint presentation was designed to provide information about the repatriation program of the NMNH. The presentation was deemed to be a success and the RRC would like to assist the RO with more educational programs in future years.

In December of 2006, Andrea Hunter and Roland McCook traveled to Washington, D.C., to provide an orientation for the new RRC Coordinator. This orientation focused on helping the Coordinator understand her roles and responsibilities in furthering the work of the RRC.

Assessment of Repatriation at the Smithsonian Institution

Our assessment of repatriation at the Smithsonian Institution focuses on the activities of the Repatriation Office at the National Museum of Natural History. Our assessment in 2006 reiterates what we reported in 2005. The RRC finds that the Repatriation Office at the NMNH is making progress towards processing repatriation claims. The repatriation case reports that are completed are exemplary but we have two concerns. The first concern is that there is a queue of nine repatriation claims that have been made but which have not yet become active cases. The second concern is that once cases become active it takes a long time for case reports to be completed and repatriation decisions made. At the end of 2006 there were fourteen active repatriation cases, seven of which have been active for a decade or more. After a repatriation claim is made, it should not take a decade to produce a report and move the process to completed, and where human remains and objects have been offered for repatriation, with the NMNH waiting for a response from the tribes on how to proceed.

In 2006, only four repatriation reports were provided to the RRC for review. Given the size of the staff of the Repatriation Office, we expected more reports to be ready for review. In 2006, the NMNH completed two repatriations of human remains and objects, including the repatriation of a stone pendant to the Mohegan Tribe and the repatriation of six sets of human remains to the Turtle Mountain Band of Chippewa Indians, the Chippewa-Cree of the Rocky

Boy's Reservation, the Red Lake Band of Chippewa Indians, and the White Earth Band of Chippewa Indians.

We recognize that the tribal consultation and research involved in repatriation cases often encounters time consuming and unanticipated delays, and that productivity, as measured by the number of case reports that are produced and the number of repatriation transactions that are completed, will vary from year to year. Nonetheless, we expect the Repatriation Office to prepare more than four case reports a year, and to address all claims in an expeditious manner. The Repatriation Review Committee will continue to monitor this situation in 2007.

The RRC is also concerned that repatriation reports be shared between the NMNH and the NMAI. We think it is essential for the staff at both museums to have access to and understand the evidentiary basis for the repatriation decisions made by their respective institutions. Some significant sharing of information takes place informally when individual staff members confer during tribal consultations that take place at both museums, and the RRC would like to see this informal exchange of information continue. To supplement this informal sharing of information, however, the RRC recommends that the NMNH and NMAI provide each other with copies of all the repatriation reports they have completed to date so these can be placed on file and used in the impending research conducted by both institutions. In the future, the RRC recommends repatriation reports should be shared between the NMNH and NMAI on a regular basis as they are completed.

Appendix A

Notes Documenting Repatriation Review Committee Meeting March 29-31, 2006

Appendix B

Notes Documenting Repatriation Review Committee Meeting October 5-6, 2006

Appendix C

Travel Grant Awards

Appendix D

Report on NAGPRA Review Committee Meeting in Juneau, Alaska May 30-31, 2006

Appendix A

Notes Documenting Repatriation Review Committee Meeting March 29-31, 2006

Prepared by Jai Alterman, June 20, 2007

Repatriation Review Committee Members attending:

Jane Buikstra
T.J. Ferguson
Andrea Hunter (Chair)
John Johnson
Roland McCook (Vice-chair)
Phillip Walker
Gordon Yellowman

NMNH Staff attending:

Bill Billeck, Program Manager, Repatriation Office, NMNH
Laurie Burgess, Associate Chair, Department of Anthropology, NMNH
Eric Hollinger, Case Officer, Repatriation Office, NMNH
Dorothy Lippert, Case Officer, Repatriation Office, NMNH
Steve Ousley, Case Officer, Repatriation Office, NMNH
Daniel Rogers, Chair, Department of Anthropology, NMNH
Hans Sues, Associate Director for Research and Collections, NMNH

Meeting with the Associate Director for Research and Collections and the Chair and Associate Chair of the Department of Anthropology

- Discussion of hiring process for new RRC coordinator
 - o extended the application to reach out to Native Americans
 - o agreed that RRC chair and vice-chair would provide orientation to the new coordinator
- Discussion of RRC new member nomination process
 - o January form committee
 - o March send letters to tribes and professional organizations
 - o July receive nominations
 - o October make decision
 - o December send acceptance letter to individual
 - o January officially begin term
- Discussion of NMAI
 - o Bruce Bernstein detailed to NMNH for 18 months
 - o Most effective method of communication is for RRC chair to contact NMAI/Pepper Henry for participation in RRC meetings
 - o Repatriation office at NMAI is now under the Office of Cultural Protocols
 - Jackie Swift is Director
 - Terry Snowball is Interim Head of Repatriation
 - John Beaver and Justin Giles work in Repatriation
 - o Difficulty in communicating with NMAI

- > they have been resistant to share information in the past
- Gordon described NMAI's positive outreach efforts at the Denver POWWOW and Red Earth
- Discussion of 2006 budget
 - o Permanent 10% cut across the board
- Discussion of McCain Amendment
- Discussion with Dan Rogers, Bill Billeck, & Laurie Burgess
 - Filling funds manager position
- Discussion of term positions
 - o (b) (6) out on maternity leave
 - o Discussion of her 4 year term which was recently renewed
- · All future NMNH positions will most likely be term positions
- Repatriation positions are going to be term positions from now on
 - terms allow flexibility and benefit the RO by creating balance between term and permanent positions
- Dan's presentation on archaeology collections of national significance circulated a list
 - o collections have been divided up according to geographical region
 - o represents discussions between curators and case officers
 - o additional details pending
 - o museum is on the edge of launching into a broad based collections planning phase
- Dan's discussion of Anthropology Department's collecting plan
- Laurie Burgess' discussion of coordinator applications received by Office of Human Resources

Update on Repatriation Office Activities by Bill Billeck

- Cases
 - o 3 reports complete and 2 in administrative review
 - o 1 report in curator review, 3 in repatriation office review, and 7 in progress
 - Sitting Bull report near completion
 - o Dorothy's Tiller and Fish Hatchery reports are in Repatriation Office review
 - Risa has one report that is in RO review
 - 4 repatriations
 - ➤ Barrow -184 remains and 34 objects
 - Nez Perce 4 remains and 4 separate repatriations
 - New claim joint Blackfeet and Blood objects from Canada
 - o New claim Chickasaw funerary objects and human remains from Mississippi
 - Consultations
 - 33 separate face-to-face interactions
- Discussion of web being effective outreach tool for RO
- · Discussion of non-federally recognized tribes making claims
 - o Should affiliate with federally-recognized groups
- · Discussion of RRC members being present at consultations and repatriations
- Discussion of RO Monitoring
 - o Feedback was generally positive
 - o Concern expressed over some collections staff talking loudly during tribal visits
 - o Concern expressed over replacement of museum specialists not occurring

- Frustration experienced by RO staff when items are offered for repatriation to several tribes but tribes cannot agree among themselves over disposition
- Discussion of informal follow up interview with Ann Jenson concerning Barrow repatriation
 that occurred, and the ensuing controversy over the fact that some materials were not
 repatriated. The Barrow Community offered to provide additional information but that has
 yet to be submitted to the RO.

Case Officer Reports

- Eric Hollinger
 - Discussed Barrow repatriation
 - > Successful overall
 - Consulted with many representatives from different tribes
 - Quinault Indian Nation, Absentee Shawnee, Blood representative, Tlingit representative, Menominee, Turtle Mountain Chippewa
 - Discussed Santa Rosa Rancheria claim
 - complex case request for many items
 - o Goshute claim is in administrative review
 - Discussed edits to Turtle Mountain Chippewa case
 - o Discussed Western Apache claim
 - o Requests submitted for three named individuals
 - Northwestern Shoshone case was sent to tribes
- Osteology Lab report Steve Ousley
 - o Discussed statistical analysis of remains of Goshute, Paiute, and Chippewa
 - o Reviewed context of some of the craniometric data for Klamath case
 - o Documented remains from California
 - o Documented remains from Pueblo Bonito
 - Discussed data migration
 - o Mentioned his attempts at getting permission to digitize crania from Aleutian Islands
 - Discussed consultations, presentations, papers, etc.
- Dorothy Lippert
 - o Recently received claim from the Chickasaw Nation for human remains
 - Attended NAGPRA, Alaska Federation of Natives annual meeting in Fairbanks, AAA meeting, World Archaeological Conference, gave lectures at various universities
 - Discussed claim for funerary objects from Native Village of Cooper Bay, St. Lawrence Island
 - > This is an old claim for funerary objects that has recently been discovered
 - Claim from Native Village of Wales request for human remains
 - > This is an old claim for human remains that has recently been discovered and has never been completed
 - > Letter has been sent but no response received as of yet
 - Working on edits to reports that have gone through RO review Tunica Biloxi Caddo, Natchitoches fish hatchery
- Bill Billeck reported for (b) (6) (on maternity leave)
 - o Memaloose Island case in RO review
 - o Klamath named individual (Curly Head Jack) case in progress
 - o Grande Ronde requested reconsideration of affiliation

o Worked with Nez Perce, Colville, and Umatilla on repatriations

Other Business

- Discussion of travel grants
 - o RRC approves them
 - o No one has ever been turned down
 - o RO will fund them if need be
- Discussion of NMAI's storage of human remains at MSC
 - o they still retain control over them
- Discussion of Zuni remains
 - Remains were initially at NMAI but when NMAI stated that it might rebury them in New York, Zunis requested them to be transferred to the NMNH until they were spiritually ready to receive them
 - o Present situation is that human remains are in the collection NMNH and all associated grave goods are in NMAI
 - o There is no claim at present but this is still a significant issue
- Discussion of edits to Risa Arbolino's report
- Discussion of pesticide contamination of museum collections
 - o RO is in communication with NMAI and EPA through Eric who is taking lead for RO
 - o 3 critical questions: 1- is something contaminated? 2- how badly is it contaminated? (How does that affect its potential use?) 3- can you clean it up to make it safer?
 - o RO is presently at stage of determining whether or not something is contaminated
- Discussion of pesticides working group
 - o anything being repatriated will be tested part of object documentation protocol
- Demonstration of Niton (portable XRF instrument)
- Discussion of potential methods of pesticide mitigation

Discussion of Administrative Matters with Bill Billeck

 Discussion of methods by which RRC members receive payments for services, 1099 forms, and other administrative matters..

In-Camera Session

Meeting with Dan Rogers

- Discussed elections that occurred within RRC
 - o all positions remain same
 - o Andrea was granted another 4 year term
- Discussed future rotation schedule (work in progress)
 - o Goal is to have one person rotate off committee at a time
 - o If committee member leaves committee, new member will finish out the term before beginning new term
 - o Committee will remain as it is until 2010
- Discussion of sites of significance
 - O Dan will be working on this issue and is charged with drafting a departmental collections plan and will incorporate nationally significant sites into the overall plan
- Discussion of databases

o EMU cannot upload batches at present but many museums are using the same company and will most likely request that company develop system capability to upload batches of data

In-Camera Session

Meeting was adjourned.

Appendix B

Notes Documenting Repatriation Review Committee Meeting October 5-6, 2006

Prepared by Jai Alterman, June 20, 2007

Repatriation Review Committee Members attending:

Jane Buikstra
T.J. Ferguson
Andrea Hunter (Chair)
John Johnson
Roland McCook (Vice-chair)
Phillip Walker

Smithsonian Staff attending:

Risa Arbolino, Case Officer, Repatriation Office, NMNH
Bill Billeck, Program Manager, Repatriation Office, NMNH
Eric Hollinger, Case Officer, Repatriation Office, NMNH
Dorothy Lippert, Case Officer, Repatriation Office, NMNH
Steve Ousley, Case Officer, Repatriation Office, NMNH
Daniel Rogers, Chair, Department of Anthropology, NMNH
Hans Sues, Associate Director for Research and Collections, NMNH

Meeting with the Associate Director for Research and Collections and the Chair of the Department of Anthropology

- Hans Sues provided update on NMNH
 - o 4 curators have announced their retirements
 - o Handbook Office due to close by end of fiscal year 2007
 - o Smithsonian On Demand deal has been made
- Bill Billeck discussed staffing
 - o Hiring of Funds Manager Letitia Rorie and Museum Specialist Patrick Williams
 - o Resignation of Museum Specialist Carrie Feldman
 - o Pending Resignation of Steve Ousley
 - > Bill stated hiring process could not begin until Steve's departure
 - o Discussion over NMNH's hiring procedures
- Discussion of Report Review Process
 - o Bill discussed the procedures for internal review of reports within RO office
 - o Curator Review can take a long time
- Discussion of budget
- New coordinator introduction
- Discussion of getting meeting tapes transcribed when coordinator comes on board
- Andrea and Roland will travel to DC for coordinator's orientation
- Discussion of travel grants
 - o update travel grant documents to reflect decreased restrictions on tribes receiving grants more than once

Discussion of the funds needed in case a dispute arises

In-Camera Session

Update on Repatriation Office Activities

- Cases
 - o Jemez report is in departmental review
 - o Eric is working on Western Apache case
 - o Risa's report on funerary objects from Columbian River is in internal review
 - o Eric is working on Santa Rosa Rancheria claim
 - Bill is working on Sitting Bull
 - o New Cheyenne claim has been received by Bill
- Discussion of NATHPO presentation by RO and RRC
 - o Many positive responses received
 - o timeslot was not optimal and more time for speaking was needed
- Discussion of Arikara case
- Discussion of NMAI's mandate to return all human remains
- Discussion of digital imaging

Case Officer Reports

- Steve Ousley's report
 - o Discussion of information sharing with Doug Owsley

Discussion with Dan Rogers

- Discussed future of exhibitions at NMNH
- Discussion of Bill, Laurie, and Dennis Stanford's work on sites of national significance
 - o need for site identifications
- Discussion of migrating YODA into EMU
 - o Difficult to upload data batches
 - o Discussion of migrating Doug Owsley's database with RO databases

In-camera Session

Discussion with Dan Rogers

- Discussion of coordinator's roles
 - o Dan expressed his feeling that coordinator should facilitate information, not be involved in policy decisions
 - o wants to communicate directly with Andrea whenever possible
- Discussion over budget
 - o 10% cut in funds for repatriation
 - o department had anticipated being able to have money for contractors to work on priority sites but did not happen yet
 - o Funds for RO and RRC are in the overall SI budget as one line item
 - funds should fundamentally support expediting case work, i.e. hiring an additional case officer rather than holding an RRC meeting in an expensive location

• issue of contractors vs. employees – easier for museum to have contractors but even that is getting more difficult over time due to restrictive federal regulations

In-camera Session

Meeting was adjourned.

Appendix C

Travel Grant Awards

Dates	Travel Group	Type of Visit
2/15/2006	Menominee	Consultation
3/7/2006	Chippewa-Cree Indians of the Rocky Boy's Reservation (Montana)	Consultation

Appendix D

Report on NAGPRA Review Committee Meeting in Juneau, Alaska May 30-31, 2006

Prepared by Andrea A. Hunter and John Johnson

NAGPRA Review Committee:

Rosita Worl, Chair

Willie Jones Colin Kippen Vin Steponaitis Dan Monroe

Absent:

Garrick Bailey

One seat vacant

RRC Committee members present:

Andrea A. Hunter, Chair

John Johnson

RO staff members present:

Bill Billeck, RO Manager

Eric Hollinger Dorothy Lippert

Report on Implementation of NAGPRA for the first half of FY 2006

Sherry Hutt discussed the current NAGPRA grants. Michelle Wilkinson has taken on the grants work. The 2006 grant recipient list is on its way to the Secretary for signing. They are making progress on reducing the backlog of notices. In general, there are a greater number of new notices and they are more lengthy. The civil penalties resolution is proceeding to the Secretary as well. The outcome of this process, civil penalties, is that it is encouraging museums to comply. Those not in compliance are now asking what they need to do.

Comments from the Associate Director, Cultural Resources

Janet Matthews reviewed last couple of years, everything seems fine.

Discussion regarding the Review Committee's 2005 report to Congress

Primary discussion was on Review Committee's recommendations to Congress. First point focused on was the grants. There is a discrepancy between the money requested by museums and tribes and money in the grant fund. Also, in the past and still some grant money used for administration purposes. There was 2 million available for awards this year. The original allocation, however, was 2.4 million. The tribes and museums requested 3.7 million; this is up 25 percent from previous year. The grants being requested are larger. Vin recommended an increase in grant funds.

Vin also questioned the issue of compliance by federal agencies. [This issue has been questioned over and over by previous review committees, but none of the current members have the detailed knowledge of it.] Sherry Hutt stated that the Interior's investigation and compliance personnel attended the last meeting, but these folks are only investigating museums not the federal agencies (the investigators are contacting museums not in compliance and that is why the notices are up in number). There is no official/legal taskforce to investigate or penalize federal agencies for non-compliance. The review committee can only ask the federal agencies to come and report to them on their compliance with NAGPRA, and that is all. The Secretary of the Interior cannot assess compliance by federal agencies; Congress is the only entity that can put pressure on the feds. In other words, there is no formal statutory means.

They are getting a better handle on where the problems with compliance are as they work through the notices. They currently have 1,000 notices submitted, so going through these will help.

Hutt commented there is one federal case in dispute; this is between the BLM and Fallon Paiute in Nevada over Spirit Cave Man.

Rosita suggested including a recommendation to Congress on federal compliance, specifically a Congressional oversight hearing. Colin discussed how there is no way to measure federal compliance since Interior can only investigate museums. There needs to be a means to track data on federal agencies. Rosita suggested going back through previous minutes when Armand Minthorn was Chair; he was particularly focused on this issue. Tim McKeown will pull the 2001 Report to Congress and the attached federal compliance report.

Tim noted that the culturally unidentifiable rule has been drafted and is ready for publication to solicit public comments. This will be out October 1, 2006.

Colin discussed protocol for reporting to Congress on issues concerning administration. He is particularly concerned about the amount of time it has taken to get approval for the culturally unidentifiable rule. Rosita had to explain previous committee work on this and how tribes wanted more meaningful consultation involved in the process. They discussed how more money for consultation is definitely needed.

Colin also stated he wanted the "or was" in the definition of Native Americans in the law put in the report to Congress.

Vin brought up the concern for how cultural affiliation was being assessed, that museums and tribes needed training in how to determine cultural affiliation. Willie Jones stated that the need for communication and consultation needed to be clear. Rosita suggested that they do more audits of inventories and summaries to review the procedures museums and tribes are using. She also suggested doing more training for tribes, since they only did a couple last year.

Dan asked the question of who reads their Report to Congress. Tim said it is sent to the House Resources Committee and the Senate's Indian Affairs Committee. Can wants the report sent to specific Congressmen, those involved in the issue and key promoters.

The Review Committee's FY06 mid year Report to Congress was accepted and will go online.

The Review Committee's FY05 Report to Congress recommendations are:

- -increase funds for grants
- -allocate funds to alleviate culturally unidentifiable database
- -administrative rules need to be published, i.e. regulations, there are two of them:
 - 43CFR10.11 Disposition of Cultural Unidentifiable Human Remains (proposed rule going out for public comment soon)
 - 43CFR10.13 Future Applicability (in department review)
- -federal agency compliance problem expressed by tribes, recommend Congress hold hearings to establish compliance
- -money specifically for tribal consultations and money to train agencies on how to do consultations
- -amend definition of Native American in law to include "or was."

[Committee decided location of next meeting- Chicago]

Review of documentation submitted as part of a possible dispute between the White Mountain Apache and the Field Museum

Original issues debated: 1) object of cultural patrimony, 2) right of possession, and 3) receipt agreement (right of reversion). Field Museum (FM) wants to give back the objects, White Mountain Apache does not want them returned as simply in good faith, but as objects legally defined by law for repatriation. The FM states they have right of possession and objects have not been established as cultural patrimony. The FM stated it has a fiduciary responsibility to their trustees; they are willing to return the objects with conditions.

The Committee discussed lack of information from both parties to make a determination to accept the case as a dispute. The Committee needs to institute a new step, before they accept a case as a formal dispute they need a full fact finding process. Before the Committee accepts a case, the tribe first sends information to establish case. Second, NAGPRA requests information from the museum. Each Committee member has individual opportunity to request more information. Teleconference called for Committee to discuss materials and need for more information. After review of all information, the Committee decides to take the case or not. Then, the Committee brings both parties in for dispute resolution in public meeting.

The new process- the pre-decision information is more specific.

Statements accepted by White Mountain Apache attorney, Alexander Richie, San Carlos Apache attorney, Steve Titler, and Field Museum counsel Joe Brenner. Dispute currently is over receipt agreement, the FM want to reserve a right of reversion. Brenner stated the FM wants to work with everyone so that all benefit. In all NAGPRA cases the FM has put provisions on repatriations. Dan takes them to task on this, does not understand why the FM thinks it can make such conditions and why the people of Illinois think they have a fiduciary responsibility that no other museum has. He asks how many other repatriations the FM has completed with conditions. Brenner not sure, but thinks they all had some type of conditions attached. The reason he's not

sure, he has only been with FM 6 months. Brenner then removed the right of reversion, stated it is off the table as of today.

Ramon Riley, White Mountain Apache repatriation officer and Steve Pitman, San Carlos Apache make statements regarding the case, not happy with proceedings, want the case resolved.

Committee leaves it to the parties to resolve, given new terms presented.

Request for recommendation regarding disposition of culturally unidentifiable human remains from Iowa

Iowa archaeologists and affiliated tribes have come together with a proposal to rebury all culturally unidentifiable human remains from the state of Iowa. Presenters included Shirley Schermer, Office of the Iowa State Archaeologist, Don Wanatee and Howard Crow Eagle, Iowa Office of the State Archaeologist, Indian Advisory Counsel, Patt Murphy, Iowa Tribe of Kansas and Nebraska, Henrietta Mansey and Sandra Manse, Sac and Fox, and several signatures on telephone.

There are 21 federally recognized tribes and 1 unrecognized tribe that have interest in Iowa remains. Of those, 14 federally recognized tribes and 1 unrecognized tribe has signed the proposal. They are in the process of getting all other signatures, they have agreed.

Dan suggested accepting the proposal. This is fully in line with the intent of the law, that is bringing together so many different tribes, state, and federal agencies to accomplish repatriation and reburial. Vin had concerns about how and by whom cultural affiliation would be determined and if adequate physical anthropological studies would be done.

Proposal approved by Committee

The Secretary of the Interior will retain option to review any decisions. When 43CFR 10.11 is finalized the Committee will notify them if agreement needs to be adjusted, if any conflict between the Iowa agreement and final rule occurs.

If there are any objections when the Iowa group publishes a notice, the objecting party will notify the Secretary of Interior since they cannot go to the Review Committee.

Colin asked the question if, as written, must all remaining seven tribes/signatures of the total 21 sign before they go forward with the agreement. Shirley Schermer stated the Iowa proposal was intended to go forward with only the tribes signed to date, they did not need the other seven to start the agreement. Colin stated they needed to re-write the proposal to state that. However, Rosita wants the other seven to sign the agreement first.

Proposal approved by Committee as written, they will need the other seven tribes' signatures before they go forward, or they re-write the agreement to go forward without all signatures and bring it back to the Committee for approval.

Public comment

Various comments on recent repatriations: Cindy Orlando on Hawaii Volcanoes National Park, Southwest with Mesa Verde reburial and how Hopi would like Chaco to go as smoothly as Mesa Verde did.

Sandra Dong from Peabody Museum reported on repatriations, to date 3,000 human remains and 10,000 objects.

Greg Johnson, University of Colorado-Boulder, asked Committee to consider not having next meeting in Chicago due to potential dispute between the Field Museum and the White Mountain Apache. He asked they consider the perception from the tribal communities.

Helen Robbins from the Field Museum reported on additional repatriations, David Tsick, Tlingit commented on their experiences with FM they rejected their conditional repatriation offer, Sherry White, Tribal Historic Preservation Office, they received wampum from FM with clause of what they can and cannot do with it.

Continued discussion on Review Committee's 2005 Report to Congress

Committee reviews barriers and encounters:

- -cost is a concern, the discrepancy between money requested for grants and actual money available
- -rules, they need to get done
- -federal agency compliance, need to collect data on federal agency compliance and how well government-to-government relations are going in terms of consultation.

Committee's recommendations:

- -FY 2008, 5 million for grants this would cover National NAGPRA Program and federal agency compliance review.
- -Amend definition, Native American ... is "or was" indigenous to the United States.
- -Compliance by federal agencies
 - GAO study and oversight hearings on compliance, this should be done in consultation with NAGPRA Review Committee to help determine what data they need.
- -Reburial on federal lands, as close as possible to where remains were found. All federal agencies need to come up with policies for tribes to rebury human remains on federal property.

Colin requested that the Review Committee's 2005 Report to Congress be sent to all congressmen.

Continued discussion on review of documentation submitted as part of a possible dispute between the White Mountain Apache and the Field Museum

Dan continued discussion on the Field Museum retaining right of possession, that they are loaning or gifting objects. If the tribes alienate objects, they go back to the Field Museum. The FM is retaining ownership of objects and thus are not really repatriating sacred objects and objects of cultural patrimony. These are long-term loans not repatriation. Dan recommends: 1) Review Committee review all of FM "repatriations" to see if they are indeed just long term

loans, and 2) review all repatriations published in Federal Register to see if any other museums are doing this as well.

Vin states he was against the decision made yesterday with the culturally unidentifiable human remains in Iowa. He felt like the Committee was jumping into this without fully understanding ramifications and situation. He thinks that they are doing the same thing here with the recommendations by Dan. The discussion was temporarily deferred.

Rosita and Colin stated that tribal perception was very important for the Committee and engaged in further discussion on location of next meeting. They decided on Denver then Chicago for the next 2 meeting locations.

Vin recommendations:

1) Request additional information from FM and White Mountain Apache in regards to their potential dispute.

FM took the reversion conditions off the table; counsel for the White Mountain Apache accepted that and stated they will take it back to their tribal council. Both parties will contact Review Committee and info them if resolution has been reached. Then if not, Review Committee will have a teleconference to discuss new information they want and any questions they have for consideration for dispute.

2) Put broader issue of "strings attached" by museums to repatriations for future meeting. They will invite tribes and museums to comment on reversion provisions. Dan suggested asking museums if they include reversion clauses and if so, send the Review Committee information on their policies prior to the next meeting. Then they will ask for legal analysis by the Solicitors Office. Sherry Hutt commented that notices have been published with provisional repatriations; they can include this information in their analysis as well.

Questions for legal counsel: Is it possible for a museum to identify objects as sacred objects or objects of cultural patrimony and concurrently retain right of possession? Can you attach terms and conditions or provisions under NAGPRA? Can a museum transfer right of possession, but not full control of the objects?

Continued discussion on request for recommendation regarding disposition of culturally unidentifiable human remains from Iowa

Discussion continued from previous day. The Secretary of the Interior will retain option to review any decisions. When 43CFR 10.11 is finalized the Committee will notify them if agreement needs to be adjusted, if any conflict between the Iowa agreement and final rule occurs.

If there are any objections when the Iowa group publishes a notice, the objecting party will notify the Secretary of Interior since they cannot go to the Review Committee.

Colin asked the question if, as written, must all remaining seven tribes/signatures of the total 21 sign before they go forward with the agreement. Shirley Schermer stated the Iowa proposal was intended to go forward with only the tribes signed to date, they did not need the other seven to

start the agreement. Colin stated they needed to re-write the proposal to state that. However, Rosita wants the other seven to sign the agreement first.

The Committee approved the proposal yesterday as written; they will need the other seven tribes' signatures before they go forward. As another option, the group can re-write the agreement to go forward without all signatures and then bring it back to the Committee for approval.

Review procedures for dispute

Since Tim has received another dispute case for the Committee, the Committee will receive the proposed changes from Tim by mail and he will contact Rosita for approval. The Committee can make changes or amend them at the next meeting. They just need new procedures in place before they start the next dispute.

Public comment

Jackie Johnson, president of NCAI, requested that there be a briefing at next NCAI meeting on updates of NAGPRA. The next meeting is in Sacramento in October. Also they need help with nominations for NAGPRA position.

Lori Breslauer, FM Associate legal counsel, stated they did not withhold any information regarding right of possession to sacred objects and objects of cultural patrimony. Museums can have right of possession to sacred objects and objects of cultural patrimony as stated in the law. The FM was not even asked to attend this meeting. [They felt very much on the defensive, they came as a show of good faith to work with the tribe. To them, they showed up and got attacked for not providing all the evidence and having reversion clauses in their repatriations.]

The Smithsonian Institution's Native American Repatriation Review Committee Annual Report for January 1st to December 31st, 2007

The year 2007 brought many changes to the Smithsonian Institution's (SI) Native

American Repatriation Review Committee (RRC). This report outlines these changes and details
the endeavors in which the Committee was engaged. It also provides updates on mandated and
Committee-approved activities and delineates particular concerns of the Committee.

The RRC continued to conduct its mandated monitoring and review of repatriation at the Smithsonian Institution. Throughout the year the RRC monitored and reviewed the operations of the Repatriation Office (RO) at the National Museum of Natural History (NMNH), and responded to a variety of reports completed by the RO. We continued to address issues surrounding the repatriation activities at the NMNH.

Additional RRC activities remain congruent with the Committee's stated policy to engage with Native American groups and communities. Such activities included Committee members' attendance at repatriation conferences and cultural gatherings. Committee members, along with RRC Coordinator Jai Alterman, attended meetings of the Native American Graves Protection and Repatriation Act (NAGPRA) Review Committee.

Continuing and new primary concerns requiring consideration included issues related to the length of time to complete the repatriation process, management of the RO, assessment of archaeological collections of national significance, RRC Coordinator staffing, and monitoring the repatriation process at the NMAI.

RRC activities involved meetings and trips, as summarized in Table 1.

Table 1. Summary of Meetings and Trips

Date	Meeting/Trip	Participants	
2/15-16/2007	RRC Meeting (Washington D.C.)	Full Committee	
4/19-20/2007	NAGPRA Meeting (Washington, D.C.)	Johnson and Alterman	
5/2007	Sovereignty Symposium (Oklahoma City, OK)	Yellowman	
8/9-10/2007	RRC Meeting (Washington D.C.)	Full Committee	
10/8-12/2007	National Association of Tribal Historic Preservation Officers Meeting (Palm Springs, CA)	Hunter, McCook, Johnson	
10/13-15/2007	NAGPRA Training and Meeting (Phoenix, AZ.)	Ferguson, Johnson, Alterman	

Monitoring and Reviewing Activities

Our Congressional mandate, in part, states that the Committee will monitor and review the inventory, identification, and return of Native American human remains and associated Native American funerary objects in possession of the Smithsonian Institution. This was expanded by the 1996 Amendment to the NMAI Act to include summaries of sacred objects, objects of cultural patrimony, and unassociated funerary objects at the Smithsonian. In keeping with this mandate, the Committee continued to monitor and review the repatriation activities of the Smithsonian Institution during the year.

The Committee convened in Washington, D.C. for two meetings held February 15-16 and August 9-10, 2007. Appendix A and B provide the minutes for the 2007 regular meetings. Committee members in attendance at the February meeting were Andrea Hunter (Chair), Roland McCook (Vice-chair), Jane Buikstra, T.J. Ferguson, John Johnson, Gordon Yellowman, and Phillip Walker. Jai Alterman, Repatriation Review Committee Coordinator attended and recorded the meeting.

The Committee met with Hans Sues, Associate Director for Research and Collections, NMNH; Dan Rogers, Chair, Department of Anthropology, NMNH; and Lauryn Guttenplan, Associate General Counsel, SI. These officials updated the RRC on the status of the FY 2008 budget, anthropology department curatorial retirements, and overall perceptions of NMNH and SI operations. Dan Rogers provided an update on the cultural affiliation assessment for North American archaeology collections of national significance and handed out the *Collections Prioritization Plan Progress Report*. Hans Sues provided suggestions for funding the assessment as this project will advance the repatriation effort and ultimately assist the RO when these significant collections are reviewed.

An update on repatriation at the National Museum of the American Indian was provided by Jim Pepper Henry, Associate Director for Community and Constituent Services, and John Beaver, Cultural Protocols Specialist, NMAI. A fair amount of information was exchanged regarding standard NMAI procedures, formation of the Cultural Protocols Committee, work with state-recognized tribes, definitions of repatriation categories, online database of NMAI inventories and summaries, MSC housing of NMAI human remains, and composition of NMAI Repatriation Sub-committee.

The RRC met with members of the NMNH anthropology curatorial staff, specifically the ethnographic curators. The purpose of the meeting was to engage in an open discuss to explore possible overlap in projects that would benefit the repatriation process and the objectives of the ethnographers and archivists. Coordination of Native American visitors to the various departments and collections was also discussed as a useful means to maximize the community members' time and effort.

The RRC also met with Rob Leopold, Director of the National Anthropological Archives (NAA). An update was given on current projects in the archives and cooperative projects that benefit the repatriation process, such as the endangered language program, digitization projects including the Rosetta Project that focus on creating community tools to enhance access and encourage use of Native American photographs and documentation in Native research and analysis. With the new RRC Coordinator on board, the archives have additional help to aid in this endeavor with Jai Alterman providing a portion of her weekly hours to the NAA.

During the February meeting, the RRC focused discussions on the North American archaeology collections of national significance, repatriation activities at the National Museum of the American Indian, cooperative initiatives with the NMNH anthropology department curators, the use of follow-up interviews for tribes that have completed repatriation claims, efficient and timely replacement of the Osteology Lab director, and the results of the RRC monitoring the RO staff (see below, RO Monitoring by Committee). Andrea Hunter and Roland McCook were elected by the Committee to continue as Chair and Vice Chair.

Bill Billeck, RO Program Manager, RO Case Officers Risa Arbolino, Eric Hollinger,
Dorothy Lippert, and Steve Ousley, Osteology Lab Director met with the Committee and
reviewed progress on current cases, consultation visits, repatriations completed, and Osteology
Lab activities. Additional topics discussed were the pending claim case load, Native American
outreach initiatives, RRC members monitoring RO consultations and repatriations, and the RO
digital imaging project.

The second meeting of the Committee was held in August of 2007. Andrea Hunter (Chair), Roland McCook (Vice-chair), Jane Buikstra, T.J. Ferguson, John Johnson, Gordon

Yellowman, and Phillip Walker attended this meeting. Jai Alterman, Repatriation Review Committee Coordinator, recorded the meeting.

The Committee met with Hans Sues, Associate Director for Research and Collections, NMNH; Dennis Stanford, Curator, Department of Anthropology, NMNH (sitting in for Dan Rogers, Chair, Department of Anthropology, NMNH). Hans Sues informed the committee that Larry Small resigned as Secretary of the Smithsonian, Cristián Samper is now the Acting Secretary, and Paul Risser is the Acting Director of NMNH. The RRC was updated on the status of the FY 2008 and 2009 budgets and the external review committee to aid in hiring four anthropology department curators. Dennis Stanford provided an update on the cultural affiliation assessment for North American archaeology collections of national significance. Curators in the anthropology department will collaborate with RO case officers as they development the prioritization plan. The Collections Care Fund was discussed as one source for financial support. Hans Sues informed the committee that POD 3 at MSC will be renovated and inventoried in anticipation of the physical anthropology collections being relocated to this location.

During the August meeting, the RRC focused discussions on the prioritization plan for the North American archaeology collections of national significance, management of the RO and negative impact resulting in lowered productivity and low staff morale (see below, RO Monitoring by Committee), communication efforts with the NMAI, and efficient and timely replacement of the Osteology Lab director and a permanent position, and RRC representation on the Osteology Lab director search committee. After much discussion, the RRC met with Hans Sues to directly relate these critical issues of concern.

Bill Billeck, RO Program Manager, and RO Case Officers Risa Arbolino, Eric Hollinger, and Dorothy Lippert met with the Committee and reviewed progress on current cases, consultation visits, and repatriations completed. Additional topics discussed were the RO report process, named individuals in the collections, new hires, joint repatriation presentation by the RRC and RO at the upcoming NATHPO meeting, and definition for objects of cultural patrimony. Laurie Burgess, former RO staff member and current Associate Chair, Department of Anthropology, NMNH, met with the Committee to discuss the status of the Sullivan's Island Report. Progress is being made on the long overdue report.

During the August meeting, RRC members provided oral reports of additional activities.

Reports by Committee members included the RO Monitoring report by Jane Buikstra, T. J.

Ferguson, and Gordon Yellowman and a report on the Sovereignty Symposium by Gordon Yellowman.

Review of Repatriation Office Reports to Ensure Fair and Objective Consideration and Assessment of All Relevant Information

One of the important functions of the Repatriation Review Committee is the review of reports prepared by the Repatriation Office of the National Museum of Natural History. This review provides an independent appraisal of whether these reports provide a fair and objective consideration and assessment of all relevant information. During this review, the Repatriation Review Committee scrutinizes the methodology used in research, the information presented in the report, and the conclusions that are reached by the Repatriation Office. If needed, the Repatriation Review Committee offers editorial suggestions for the clarification or improvement of reports.

The Repatriation Review Committee formally considered five NMNH repatriation case reports during the reporting period:

- The Human Remains of "Curly Head Jack" in the National Museum of Natural History, Smithsonian Institution: Report and Recommendations for Repatriation, by Risa Diemond Arbolino and Elizabeth Eubanks.
- Assessment of Blackfoot Objects Requested for Repatriation in the National Museum of Natural History, Smithsonian Institution: Report and Recommendations for Repatriation, by Risa Diemond Arbolino and Sarah Zabriskie.
- Assessment of a Lock of Hair and Leggings Attributed to Sitting Bull, a Hunkpapa Sioux, in the National Museum of Natural History, Smithsonian Institution, by William T. Billeck and Betsy Bruemmer.
- Inventory and Assessment of Human Remains and Funerary Objects from the Fish Hatchery Site, Natchitoches, Louisiana, in the National Museum of Natural History, Smithsonian Institution, by Dorothy Lippert.
- Human Remains of George Grant Requested by the Sitka tribe of Alaska in the Collections of the National Museum of Natural History, Smithsonian Institution, by Dorothy Lippert.

The Repatriation Review Committee found that all of these reports met high professional standards and they fairly and objectively assessed the relevant information available at the time the reports were prepared.

Grants Programs

Two grant programs were established by the Repatriation Review Committee to assist
Native American groups in their repatriation activities, the Consultation Grant Program and the
Repatriation Grant Program. This year there were 10 groups of Native American repatriation
representatives who participated in the program. The three groups assisted by the Consultation
Grant Program include: the Absentee and Eastern Shawnee Tribes, the Stockbridge-Munsee
Tribe and Delaware Nation, and the Pueblo of Jemez. The seven groups assisted by the

Repatriation Grant Program include: the Confederated Tribes of the Warm Springs Reservation and the Yakima Nation, descendents of Curly Head Jack (Klamath Tribes), the Blood Tribe and Blackfeet Nation, Sitka Tribe, Nisqually Tribe, Caddo Nation, and descendents of Sitting Bull (Sioux) (Appendix C).

RO Monitoring by Committee Members

As a function of the RRC's Congressional mandate, annually two Committee members monitor the RO by scheduling a one-day visit in conjunction with an RRC meeting. The Committee members schedule a meeting with each of the Case Officers to discuss any issues regarding cases management, types of assistance they may need, and any related issues they may want to discuss. The time is also spent reviewing tribal case correspondence files, the RO archaeological and physical databases, and Native American archaeological and physical collections. Committee members may also request meetings with NMNH Director, Cristián Samper, NMNH Associate Director for Research and Collections, Hans Sues, Chair of the Department of Anthropology, Dan Rogers, or any of the Anthropology Department curators regarding RO activities.

Prior to the spring RRC meeting on February 14, 2007, Jane Buikstra and Gordon Yellowman performed the annual RO monitoring duties. However, one case officer, Risa Arbolino, and the Osteology Lab director, Steve Ousley were not present for the interviews. Arbolino was later interviewed by T.J. Ferguson at the Society for American Archaeology meeting in April of 2007 and Ousley was interviewed at the same meeting by T.J. Ferguson and Jane Buikstra. The overall message from the case officers was one of much needed improvement in RO management to promote effective case distribution, timely completion of case reports,

appropriate and complete RO review of case reports, standardization of case reports, elevation of professionalism in the workplace, encouragement of teamwork, and meaningful and continuous communication among all in the RO. An additional concern voiced among the RO staff was a lack of grievance procedures that maintain confidentiality and are free of conflict of interest concerns.

Outreach Efforts

In keeping with the Committee's long-standing decision to interact more fully with Native American communities and relevant organizations, the Committee engaged in outreach efforts during the year 2007.

NAGPRA Review Committee Meetings and Workshop

John Johnson and Jai Alterman represented the RRC at the NAGPRA Review Committee meeting in Washington, D.C. on April 19-20, 2007 (Appendix D). T. J. Ferguson, John Johnson, and Jai Alterman represented the Committee at the NAGPRA Training and Consultation Workshop and the NAGPRA Review Committee meeting in Scottsdale and Phoenix, Arizona on October 13-15, 2007 (Appendix E).

Sovereignty Symposium 2007

Gordon Yellowman represented the RRC at the Sovereignty Symposium 2007 - Making Medicine in Oklahoma City on May 30-31, 2007 (Appendix F).

National Association of Tribal Historic Preservation Officers

Staff members of the RO presented a symposium at the annual meeting of the National Association of Tribal Historic Preservation Officers in Palm Springs, CA on October 9, 2007, entitled *Repatriation at the Smithsonian Institution: National Museum of Natural History*.

Presenters were Eric Hollinger of the RO and from the RRC, Andrea Hunter, Roland McCook, and John Johnson. The NMNH's repatriation program presentations are typically one to the most highly rated panels at the meetings (Appendix G).

Assessment of Repatriation at the Smithsonian Institution

The Repatriation Review Committee is satisfied with the quality of reports produced by the NMNH Repatriation Office and the effect these have in completing repatriation requests. However, we continue to be concerned about the length of time it is taking to complete several outstanding repatriation cases. There are 11 repatriation requests that predate 2000. This is especially disconcerting since the number of new requests has been on the rise for the past two years. The Committee has repeatedly encouraged the Repatriation Office to address these claims in an expeditious manner. The Committee has also suggested that the ratio of repatriation requests to case officer and museum technician staff be closely reviewed and adjusted to ensure satisfactory progress. As the repatriation requests increase the discrepancy between requests and staff will become an even larger issue impeding progress towards completing repatriation claims.

In 2007, five repatriation reports were provided to the RRC for review. As stated in previous annual reports, the RRC considers this slightly below expectations for the number of RO staff. In 2007, the NMNH completed eight repatriations totally 61 human remains and 48 objects. After more than a decade and a half, of the 18,000+ Native American human remains in the NMNH collections only 3,652 have been repatriated, approximately 20 percent.

Besides the length of time to complete the repatriation process, the RRC's overarching concerns during 2007 centered on the management of the RO, assessment of archaeological collections of national significance, RRC Coordinator staffing, and monitoring the repatriation

process at the NMAI. The following outlines the concerns regarding these critical issues and the development by year's end.

During the RRC's monitoring session of RO staff during 2007, several issues were raised that derive from a lack of leadership and appropriate management of the RO. As outlined in the monitoring section above, the current state of operations is negatively impacting the productivity level of the RO and will continue to do so unless the management issues are effectively addressed. The issues raised are not all new, many have been reported to the RRC in the past, but are now to a level that has heightened tensions among the case officers. An increase in and openness of communication among all staff and the RO manager must be one of the primary objectives to effect the needed change. The RO manager must assume the strong leadership role that is needed to guide the RO staff in their day to day operations and ensure that the overarching mission of the program is being met. The repatriation process is not a typical academic, museum, or administration process. This process is compounded with emotional, physical, and mental stress to those performing the job and for the recipients of this process. The RO manager cannot take a back seat approach to this role. The RO manager must be steadfast in his or her commitment to the repatriation process and be a true leader. The RRC recommends that the museum administration scrutinize the current state of affairs in the RO and make the appropriate adjustments to ensure that the process of repatriation is not further impeded by this lack of leadership and poor management.

An ongoing concern of the RRC relates to the cultural affiliation of the North American archaeological collections that are of national significance, such as the collections from Spiro Mound, Chaco Canyon, Etowah, and the River Basin Surveys. For 17 years the RRC has recommended that the Department of Anthropology formally identify and document collections

that may be of such significance they warrant special attention. The intended preservation and disposition of such collections would need to be addressed through negotiations with tribes. In addition, we recommended that proactive steps be taken to insure that the Smithsonian, in consultation with other nationally recognized museums, take the lead in determining the cultural affiliation of those collections before errors are made by less experienced regional museums. The *Collections Prioritization Plan* outlined by the department focuses more on the primacy of research rather than negotiations with the constituent communities. There is also a concern for how "significance" relating to "collections of national significance" is being evaluated by the curators and the lack of physical anthropologists being involved in the evaluation process.

The RRC recommends the following to reorient the evaluation and objectives of the prioritization of the nationally significant collections: 1) identify the overall importance of the initiative, 2) reexamine and clarify the criteria necessary for determining significant collections, 3) determine the age and size of the collections and map them, 4) make associations between collections and tribal communities, and 5) begin negotiations with tribal communities. To most effectively accomplish evaluation, the RRC recommends that the museum have an external group, composed of at least one physical anthropologist and one archaeologist, assess the collections.

The importance of this project should be emphasized through highlighting the ideas of human environmental dynamics and globalization. The project should be vision-driven rather than collections-driven and should be driven by theory rather than curatorial projects. The project should be interdisciplinary and should address the past, present, future, and implications for the future.

The other primary concern of the RRC relates to the RRC Coordinator. In 2005, after more than a decade of hard service, the RRC Coordinator, Gillian Flynn, resigned to return to school. Through a series of delays in the hiring process, the position was left unfilled for almost two years (see the RRC annual reports for 2005 and 2006). The last month of 2006, a new RRC Coordinator, Jai Alterman, was hired to work with the RRC. The last month of 2007, Jai Alterman was released from her position as RRC Coordinator through the SI's Reduction in Force (RIF) policy. As stated above, all of the jobs involved in the repatriation process are not typical jobs. It takes time to adjust to this process, to understand the process, and to understand all of the people involved. At the time that Jai Alterman was released as RRC Coordinator, it is fair to state that she was just beginning to understand the repatriation process and her role. It was devastating to the Committee to have a coordinator for just one year, especially considering the Committee's frustrations from the previous two years. For the RRC to be without a coordinator for almost two years placed an undue hardship on the Committee, particularly the Chair. The Coordinator is crucial to the function of the Committee. In particular, difficulties occurred in communication of RRC and RO information between the Chair and the various SI offices and among RRC members. This affected the operations of the Committee. In addition, pertinent repatriation monitoring and assessment information was not available to the Committee. Not having a coordinator caused a great deal of hardship for the Committee and limited its ability to fulfill its Congressional mandate. While the RRC understands that the coordinator position will be filled immediately with a person from another SI office, the Committee is put in the position of having a person that may not be qualified to do the job and certainly had no career intentions for this position. The RRC strongly encouraged the SI to consider exempting the RRC Coordinator position from the RIF policy, due to the atypical work performed and the need for

continuity in the position. The RRC again makes the recommendation to the administration to exempt the RRC Coordinator from the RIF policy.

While we understand there is a difference of opinion in the interpretation of the law, the RRC has always maintained that the NMAI Act mandates a single review panel for monitoring repatriation activities at all museums and units of the Smithsonian Institution. We note that in 2007 there was minimal activity by the Committee in monitoring repatriation at the NMAI. We look forward to the year 2008 as the RRC continues to develop a more cooperative relationship with the NMAI.

Conclusions

The Committee is satisfied that the RRC responded appropriately to the challenges offered in 2007. The RRC continued to forcefully bring issues of concern to the appropriate offices at the Smithsonian as the Committee sought to fulfill its legal mandate. The RRC looks forward to 2008 and the positive changes our recommendations may bring.

Appendix A

Repatriation Review Committee Meeting Minutes

February 15-16, 2007

Appendix B

Repatriation Review Committee Meeting Minutes

August 9-10, 2007

Appendix C

Travel Grant Awards

TRAVEL GRANT VISITS

Dates	Travel Group	Type of Visit
2/26-3/1/2007	Absentee-Shawnee Tribe of Oklahoma and Eastern Shawnee Tribe of Oklahoma	Consultation
5/9/2007	Confederated Tribes of the Warm Springs Reservation and Confederated Tribes and Bands of the Yakima Nation	Repatriation
6/20-22/2007	Descendents of Curly Head Jack, Klamath Tribes of Oregon	Repatriation
7/16-18/2007	Blood Tribe and Blackfeet Nation of Montana	Repatriation
8/9-11/2007	Stockbridge-Munsee Tribe of Wisconsin and Delaware Nation of Oklahoma	Consultation
8/17-20/2007	Sitka Tribe of Alaska	Repatriation
9/24-26/2007	Nisqually Tribe	Repatriation
10/23-25/2007	Caddo Nation	Repatriation
12/4-5/2007	Descendents of Sitting Bull, Sioux	Repatriation
12/5-6/2007	Pueblo of Jemez	Consultation

Appendix D

Report on NAGPRA Review Committee Meeting in Washington, D.C.

April 19-20, 2007

Appendix E

Report on Training, Consultation, and Meeting of the NAGPRA Review Committee in Scottsdale and Phoenix, AZ

October 13-15, 2007

Appendix F

Report on Sovereignty Symposium 2007 in Oklahoma City, OK May 30-31, 2007

Appendix G

Report on National Association of Tribal Historic Preservation Officers Meeting in Palm Springs, CA

October 8-12, 2007

Appendix A

Repatriation Review Committee Meeting Minutes

February 15-16, 2007

Repatriation Review Committee (RRC) Meeting Minutes February 15-16, 2007 Prepared by Jai Alterman, June 11, 2007

Repatriation Review Committee Members attending:

Jane Buikstra
T.J. Ferguson
Andrea Hunter (Chair)
John Johnson
Roland McCook (Vice-chair)
Phillip Walker
Gordon Yellowman

Smithsonian Staff attending:

Jai Alterman, Repatriation Review Committee Coordinator, NMNH
Risa Arbolino, Case Officer, Repatriation Office, NMNH
John Beaver, Repatriation Research Specialist, NMAI
Bill Billeck, Program Manager, Repatriation Office, NMNH
Lauryn Guttenplan, Associate General Council, Smithsonian Institution
Eric Hollinger, Case Officer, Repatriation Office, NMNH
Robert Leopold, Director, National Anthropological Archives
& Human Studies Film Archives, NMNH
Dorothy Lippert, Case Officer, Repatriation Office, NMNH
Steve Ousley, Case Officer, Repatriation Office, NMNH
James Pepper Henry, Associate Director for Community and Constituent Services, NMAI
Daniel Rogers, Chair, Department of Anthropology, NMNH
Hans Sues, Associate Director for Research and Collections, NMNH

February 15, 2007 – Day One

Meeting with the Associate Director for Research and Collections and the Chair of the Department of Anthropology

Hans Sues, Dan Rogers, Bill Billeck, and Lauryn Guttenplan attended this session. Andrea opened the meeting and welcomed all participants.

Hans welcomed the Committee. He provided an update on the budget, noting its fluid nature. He stated that the House had passed a resolution, and barring no resistance from the Senate, anticipated a positive outcome. He also mentioned that four curators had announced their retirements, one of whom was Dr. William Sturtevant, thus creating an opening for an incoming North American Ethnologist. Hans remarked on the difficulties involved in hiring new staff, including a museum-wide bargaining process for positions.

Dan stated that new hires were a major priority for the Anthropology Department. He had submitted a performance plan for the department recommending that vacancies for two or three

positions be advertised in the autumn and one in the spring. He noted that the Director of the museum had made a one-time offer to replace the four curatorial positions and that potential hires will be evaluated against such factors as professional museum experience and research foci. They will also be hired, most likely, on 4 year terms which can be extended, upon positive performance evaluations. Dan described the long-range exhibit plan for the department including a Human Origins Hall and a New World American Story Hall which will focus on diversity, community, and immigration and will tell the story of the first inhabitants of the continent up through the present. He mentioned that staff members involve themselves in the funding process by expanding their contacts, writing quarterly publications, and giving lectures at social events. He also described the new performance plans. Dan's report concluded.

Lauryn Guttenplan stated that things had been running quite smoothly and did not have anything major on which to report.

Andrea mentioned that progress had been made with NMAI regarding communication. Dan mentioned that a search committee had been formed to replace Rick West which included Cristian Samper and a number of Rick's board members.

Gordon mentioned that a new cultural facility is being built in Oklahoma and is projected to open in 2010. Andrea's stepfather (Kiowa) and Connie Yellowman are on the committee for the new facility and Gordon is the narrator on the promotional video. As of yet, the facility has received no federal funding.

Update on Cultural Affiliation and Prioritization of North American Archaeology Collections of National Significance

Dan circulated a progress report which illustrated a state-by-state assessment that had been conducted. He expressed concern over the fact that due to the large size of the department's collection, it will be difficult to determine the amount of material that has the potential to be repatriated. He noted that the list of sites represents approximately 20-30 years of work and far exceeds what can be accomplished in reality, as carryover funds are no longer available and the museum is unable to hire archaeologists on contract. He mentioned that the Buena Vista community has begun communicating with Eric Hollinger. Hans suggested contacting the Collections Advisory Committee for funding for this endeavor. Dan stated that this list is also consulted during discussions on collections processing and digitization and that he had given a directive to Collections Management to address this issue. Phil remarked on the potential for many people to become interested in this endeavor. Dan stated that the current focus of the RO is on claims and case reports and stated his reluctance to diminish staff time from their core function. Hans explained that funding is primarily generated from exhibit plans, rather than from collections, and the current institutional priority is on facility maintenance. Bill explained that this list served as the initial assessment and that objects had only been identified rather than placed into categories of "sacred" and "funerary", etc. Dan added that the current objective is to identify sites of significance as well as a systematic way of dealing with them and stressed the importance of curatorial assistance. He also noted that site assessment should be based on specific collections and weighed against criteria such as storage, etc. A committee, composed of a wide variety of staff predominantly from Collections Management, would then be asked to

determine what can realistically be accomplished with limited resources and funds.

In Camera Session (This portion of the minutes is not circulated)

NMAI Update - Jim Pepper Henry

Jim introduced John Beaver to the committee. Jim explained that the Repatriation Office at NMAI is now called the Office of Cultural Protocols and the Collections Department is now called the Museum Assets and Operations Department. Jim updated the committee on the activities of the office, including their efforts to balance institutional and traditional care, their work with non-destructive methods to test for chemicals and pesticides, and the development of a database for communications with tribes. The RRC elicited Jim's thoughts on possible collaboration between the two offices and he responded that the two museums should strive to be on the same page with regards to the definition of cultural patrimony. Andrea asked Jim about the timeframe of an average claim and he replied that it is between 18-24 months. He further stated that claims can only be assessed twice a year and go through an internal review process wherein they are first assessed by curators, then by Lauryn Guttenplan, then by the Director of NMAI, then by the subcommittee of the board charged with overseeing repatriation issues, and finally by the entire NMAI board. Wayne Stein, Chair of Community and Constituent Services, has been designated to assign a subcommittee for repatriation.

Andrea solicited Jim's thoughts on the two offices sharing information, evidence and inventory lists. Bill Billeck and Jim then discussed meeting in the future to discuss cases and Jim stated that the NMAI will soon have a public database on the internet containing completed case reports.

Discussion over the Chaco Canyon Repatriation occurred. Jim explained that although the Navajo had been contacted, they had not wished to be involved with the remains and as such, deferred to the Pueblos? who took the lead in the case. The Park Service retained control over the remains but negotiated the burial location.

Discussion over the human remains housed at MSC occurred. Jim stated that the museum had hoped to have them repatriated prior to the opening of the CRC and mall museum, but as that did not occur, the NMAI is leasing a space in Pod 1 at the MSC. A number of the items have been de-accessioned, while others are legally owned by NMAI but have been culturally affiliated. Some have been de-accessioned and are awaiting repatriation to tribes who are not ready to receive them and thus have not been legally signed over to the tribes. During the next board meeting, the elected elders' council will be called upon to make decisions on sensitive issues such as this one.

Cooperative Initiatives - anthropology curators - Carolyn Rose Seminar Room

Introductions were made. Bill Merrill explained to the committee the difficulties in cleaning up accession records that will soon be made public through the NMNH's website. Collaborations between the Ethnology Division and the RRC were discussed and all parties were asked to think of creative and positive initiatives. The RRC was invited to attend future Ethnology Division

meetings.

In Camera Session (This portion of the minutes is not circulated)

Update on Repatriation Office activities - Bill Billeck

Bill reported on 25 separate cases. Three have been completed: Modoc Named Individual (Curly Head Jack), Jemez Pueblo, and Confederated Tribes of the Grand Ronde for Memaloose Island objects as unassociated funerary objects. The Modoc Named Individual (Curly Head Jack) has been deferred to the Klamath Tribe and the family members are anxious to take the lead on the case. A final decision concerning the repatriation relating to the Jemez Pueblo has not occurred as of yet. The Memaloose Island objects have been affiliated to the Warm Springs and Yakima Tribes. The Natchitoches Fish Hatchery report is currently in the undersecretary's office undergoing administrative review and the Tlingit named individual (brain of 10 year old George Grant) has just moved out of curatorial review. Seven reports are in staff priority review.

Several reports are in the preparation stage. Dorothy is working on a report for the Muscogee Creek Nation who is claiming an Ocmulgee area. Some of these remains are currently in the custody of the National Park Service. Risa is working on a report for the Klamath tribe. She has also been assigned to work on the Blackfeet/Blood objects claim, previously managed by Bill. As she has completed the claims from her assigned region, she will now be working on claims from other regions around the country.

Bill noted that currently there is one new claim and no new repatriations. He mentioned that the Modoc and Tlingit claims are potential repatriations. The Memaloose Island objects have been affiliated to the Warm Springs and Yakima tribes and the tribes have requested that they be brought to the American Museum of Natural History where they can merge with all of the other objects being repatriated to them.

The RO requested funding from the RRC for two tribal members to fly to New York City in order to take possession of the objects at the American Museum of Natural History. The RRC approved the request and authorized the travel.

Recommended Action: The RRC requested the receipt of a chart, sent on a monthly basis, illustrating the various stages through which a claim goes, in order to get a better sense of the timeframe of claims and when reports go out for review.

Recommended Action: The RRC requested an updated list of named individuals and to receive updates on the list.

National Anthropological Archives Report - Robert Leopold

Robert Leopold described the formation of a Documenting Endangered Languages partnership between the NEH and NSF for the purposes of making materials in the NAA more accessible to the public. The Cherokee have received approximately 8100 digitized manuscripts from the NAA. These manuscripts will be shared among the elders of the tribe to aid in jarring their

memories of linguistic terms, ceremonies, ballgames, and many other Cherokee events and customs. Robert explained that the Rosetta Project in San Francisco, CA is attempting to create the world's largest repository for digitized materials on endangered languages. This is a pilot program funded by the Christianson Fund to create a virtual space in which these materials and their uses can be discussed among the communities. The 181 Harrington sound recordings have already been recorded into digital format at no financial cost to the NAA.

Robert noted that the number of visitors to the NAA has increased as well as web visits and viewed images. Gordon raised the potential project of digitizing a Cheyenne Bible of which there are only 59 copies in circulation.

Robert explained that all of the NAA's holdings have not been placed online due to the lack of catalogue records and cataloguing that has not occurred for several years. Robert also thanked the RO for enabling the NAA to remain open 4 days a week, albeit with a small staff.

In Camera Session (This portion of the minutes is not circulated)

Update on Repatriation Cases from Case Officers-Risa Arbolino, Eric Hollinger, Dorothy Lippert

Dorothy Lippert

Dorothy reported on the Ocmulgee area case being claimed by the Muscogee Creek Nation and stated that it is in progress. As some of the remains are currently in the custody of the National Park Service, she is working on receiving a loan from them in order to determine whether or not Creek remains in their possession match those in NMNH's possession. The tribes support this endeavor. She is awaiting a response from the National Park Service. Sarah Zabriskie is also writing certain parts of the report. Dorothy also spoke about the George Grant case in which a claim had been made on the part of the tribe that the remains had been taken from them without their knowledge. Dorothy also noted the tremendous efforts made by Cheri Botic and Sarah Zabriskie in assisting the mandate of the office.

Recommended Action: Phil recommended the need for additional documentation illustrating that no informed consent had been given on the part of the Muscogee Creek Nation for the remains to be taken out of their possession.

Risa Arbolino

Risa discussed her current cases. She is working with Steve Ousley on retrieving more evidence supporting cultural affiliation for the Klamath report which is in progress. She stated that she had completed all relevant research at the NAA. As of yet, Steve has not had sufficient time to complete a reconsideration of the Grand Ronde claim. He has been working with small samples, but the likelihood of determining cultural affiliation from them is quite low. Risa has been in communication with the tribe and was told that this particular issue is not high on their list of

priorities. She also mentioned that many of the tribe members who had originally requested the reconsideration have since left the tribe. Roland stated his wish for there to be some type of closure, no matter what the outcome. He suggested that Risa make one more attempt with the designated tribal representative before closing the case and reiterated the fact that as this case had been claim-driven, the tribe needs to be continually reminded of the importance of completing the claim. Bill suggested sending additional reminder letters to tribes involved in claim-driven cases. Andrea added that the experimental test seems above and beyond a case officer's typical call of duty and that the case should be resolved one way or another before Steve leaves his position at the museum. Gordon suggested writing a courtesy letter targeted at the relevant people.

Action: The RRC decided to place Risa's future correspondence with the tribe on the August meeting's agenda.

Risa stated that she had been charged with the responsibility of completing Bill's Blackfoot case of Blood sacred objects and objects of cultural patrimony. The Denver Art Museum has transferred three items to the NMNH and a small number to the Blackfeet/Blood.

Andrea mentioned an interest expressed by new RRC members in participating in a repatriation, provided the tribe would be willing to have them present. The RRC members believe it would be beneficial for them to participate.

Eric Hollinger

Eric is currently working on a case for the Western Apache Tribe. The Western Apache suggested he communicate with other museums in order to gain knowledge of their other repatriation cases. Eric expressed the complexity of this particular case, stating that it is even more complicated than the Tlingit case of the past. Eric discussed the Santa Rosa Rancheria claim for Yokut remains and funerary objects that is in progress. Tribes are interested in having analysis performed. There is potential information to be gained from scans of the objects. The Yokut are also receptive to the idea of having radiocarbon dating performed on funerary objects but not on human remains. Eric is concerned over two individuals who were found deeper in the strata who may be older and more difficult to affiliate.

Eric has continued his work on pesticides and has been working closely with NMAI and the Museum Conservation Institute (MCI) to develop standards for XRF testing. NMNH, NMAI, and MCI continue to await notification from the Collections Advisory Committee on whether or not they have received a grant to continue this work. Eric is organizing a pesticides mitigation workshop in April and will be presenting and co-authoring papers at the upcoming SAA meeting.

Continuation of Bill Billeck's report

Bill discussed outreach being performed by the RO through their efforts in digital imaging. In 2006, 4000 digital images were created. Half of the Tlingit objects have been digitized. Osage,

Arikara, and select Spiro objects have been digitized. Sarah Zabriskie continues to photograph Tlingit, Blackfeet, and Caddo objects. Jane Beck has a back-log of color and black and white film that she is working through as she does not completely trust the longevity of digital images.

Bill presented an update on EMU. He explained that EMU will be made available to the public via the NMNH's website. Information on human remains and sensitive objects will not be uploaded to the internet. At present, there are very few images that have been uploaded. The RRC expressed concern over the fact that information on human remains will not be listed in EMU on the internet. They also questioned whether or not repatriation reports would be uploaded to the internet. Bill responded that there is too much sensitive information to place on the internet and expressed his concern over the potential for case officers to begin writing reports differently, i.e. not naming people with whom they have communicated.

Bill mentioned that not a great deal of outreach had been performed since the last meeting due to the winter holiday season being a slow time of year.

Bill discussed the upcoming joint consultation visit with the Absentee and Eastern Shawnee. He also mentioned that he requested his entire staff to attend the NAGPRA meeting in April in Washington, D.C. Bill noted that Eric had been invited to attend the "Sharing our Knowledge" conference in Sitka, AK and that Dorothy had attended the United South and Eastern Tribes meeting.

Andrea inquired into the work being completed in the Osteology Lab. Bill responded that they are ahead of the RO in terms of casework. They have begun to perform an assessment of the archaeology division collections at MSC. Staff members have been struggling with the question of whether or not some archaeology collections should be joined with the physical collections or remain in their current locations. It is a complex issue due to the fact that many have been modified and are considered to be objects, such as hair on cultural items, while others have not and should be moved to the physical division.

Andrea raised the issue of the timeframe during which RRC members receive case reports and the RRC requested future assurance that their comments on reports would be addressed. Bill assured RRC members that their comments were always taken into consideration and discussed during the review process.

Recommended Action: The RRC asked that case officers send their reports to Jai who will then send them on to the RRC members giving them a due date by which to forward their comments to Bill and the relevant case officer. If a case officer should choose not to address a substantial edit recommended by a committee member, he/she must respond to the relevant RRC member detailing the reasoning behind not accepting it.

The RRC informed Bill that they would not comment on the RO monitoring at this time, as it had not been completed as of yet. Two RRC members will complete the monitoring at an off-site location during one of the professional meetings and then make their recommendations during the next RRC meeting.

In Camera Session (This portion of the minutes is not circulated)

The meeting adjourned at 5:00 pm on February 16, 2007.

Appendix B

Repatriation Review Committee Meeting Minutes

August 9-10, 2007

Repatriation Review Committee (RRC) Meeting Minutes August 8-9, 2007 Prepared by Jai Alterman, June 11, 2007

Repatriation Review Committee Members attending:

Jane Buikstra
T.J. Ferguson
Andrea Hunter (Chair)
John Johnson
Roland McCook (Vice-chair)
Phillip Walker
Gordon Yellowman

Smithsonian Staff attending:

Jai Alterman, Repatriation Review Committee Coordinator, NMNH Risa Arbolino, Case Officer, Repatriation Office, NMNH Bill Billeck, Program Manager, Repatriation Office, NMNH Laurie Burgess, Associate Chair, Department of Anthropology, NMNH Eric Hollinger, Case Officer, Repatriation Office, NMNH Dorothy Lippert, Case Officer, Repatriation Office, NMNH Dennis Stanford, Curator, Department of Anthropology, NMNH Hans Sues, Associate Director for Research and Collections, NMNH

The meeting commenced at 9:05 AM on August 8, 2007.

Meeting with the Associate Director for Research and Collections and Department of Anthropology curator

Hans Sues, Dennis Stanford, and Bill Billeck attended this portion of the meeting. Andrea opened the meeting, welcomed all participants, and notified them of her recent change in profession as the Tribal Historic Preservation Officer for the Osage Nation.

Hans welcomed the Committee. He mentioned Larry Small had resigned from his post of Secretary of the Smithsonian and stated that Cristián Samper is the Acting Secretary of the institution and Paul Risser is the acting Director of NMNH. A search committee has been established but it is unclear when a new secretary will be hired. Hans spoke of the good progress being made on the Oceans Hall, the Human Origins Hall, and the Written in Bone exhibition. His outlook on the 2008 budget is positive. He has already sent back his draft of the 2009 budget calling for increases in collections care and data management. He spoke of the four curatorial retirements and the external review that occurred by an external review committee panel, which assisted in determining the new curatorial foci. Each of the four positions will be a four year term position with the option for a federal appointment conversion at the end of the fourth year. Hans stressed the importance of the issue of human interaction with the environment to the Anthropology Department as well as the entire museum.

Dennis welcomed all and reported on Dan's whereabouts in Mongolia. Dennis discussed the

collections prioritization plan stressing the importance of identifying collections, specifically funerary objects, which are subject to possible repatriation. Bruce Smith, Stephen Loring, on behalf of Bill Fitzhugh, Dennis Stanford, and Dan Rogers will collaborate with case officers to solidify the plan. The pueblo sites will initially be addressed as one unit until priorities can be identified. Alaska is an area of major consideration. Dennis noted that it is much more difficult to identify funerary objects than human remains, as those have previously been identified in the collection. T.J. raised the issue of the Jemez claim to which Bill replied that only human remains had been identified, as no objects had been requested by the tribe. Bill stated how unfortunate it is that money for this project can only come from Repatriation Office funds and that based on this fact, only one project can be selected at a time. This project is eligible for funding from the collections care fund which has consists of \$950,000. Dennis added that the Anthropology Department recently received \$43,000 from that fund in order to hire a contractor (Mike Frank) to look through the Thunderbird Clovis Collection. Mike is working on this project along with volunteers and interns. Phil wondered at the reasons for the lack of involvement from staff from the Physical Anthropology Division and Bill and Dennis replied that this is due to a focus on funerary objects. Hans mentioned that POD 3 at MSC will be refurbished and will undergo a major inventory as the physical anthropology collections will be re-housed there in the near future. Jane commented that the mandate from the original recommendation was to negotiate with the constituent communities on collections already studied, such as Spiro, and that the focus now seems to be on research rather than on negotiation. Andrea recommended that the committee speak further with Dan about this crucial element in order to ensure its existence within the prioritization plan. Dennis concluded this portion of the meeting telling the RRC that the department thinks highly of the Repatriation Office.

In Camera Session (This portion of the minutes is not circulated)

Update on Repatriation Office activities - Bill Billeck

Bill presented the RRC with a report progress overview. He stated that the average number is 1.3 per year and a higher number of reports per year do not necessarily correlate with a higher quality of work. Bill explained that approximately half the case officers' time is dedicated to other activities and duties. He then went on to describe the differences between minor and major reports, explaining that minor reports are short, straightforward, and affiliation is easy to determine, whereas major reports contain many objects or human remains and affiliation is difficult to determine. The RO also spends more time on the review process and the actual writing of the reports. He explained that the RO internal review process consists of an initial review, over the duration of two weeks, and then a second review, over the duration of one week, during which edits are made to the report.

Andrea asked why case officers are not able to cover all of their bases for covering lines of evidence to which Bill responded that the difficulty lies in interpreting the evidence and therefore differences of opinion always exist. Phil asked if Bill, himself, could point out the issues, to which Bill responded that all RO staff come from different backgrounds and all point out different issues which are very important. He also stated that case officers discover more errors than anyone else in the Anthropology Dept. T.J. questioned the effectiveness of the double internal RO review process and Bill answered that it ensures a lack of problems between case

officers, as the report can differ substantially in the second re-write version.

Bill stated that report productivity will most likely remain at the same level as no substantial staffing changes will be occurring.

Jane asked Bill if he could shorten the internal review process and whether or not he could act as the one to see if comments had been addressed or not to which Bill replied that he is unable to catch everything.

Bill raised the topic of new hires. He reported that the job announcement for the position of Osteology Lab Director is currently being advertised. Selection questions for future museum specialists are also in the process of being reviewed by the Office of Human Resources. Four interns are also working for the RO at present. They are involved in projects such as reconciling collector and donor information from specimens in the physical collection, gathering information from the NAA on sites in Florida and Georgia, looking at beads from Florida, and preparing a poster on Osage busts. One of the contractors, Cynthia Wilczak has resigned and the position will not be replaced until a new Lab Manager is in place. Bill stated that it is important for staff to also do public relations work within the Natural History Museum.

Bambi Krauss requested that the Smithsonian's presentation be a joint one with staff from NMAI and NMNH at the NATHPO meeting.

Bill mentioned the three repatriations that have recently occurred: the post-cranial remains of Curly Head Jack (Modoc individual) were repatriated to the Hood Family (his great great grandnephews who are his closest living family members), Memaloose Island objects were repatriated to the Yakama and Warm Springs tribes, and the Motoki Society headdresses and objects were repatriated to the Blood/Blackfeet tribes. He then mentioned four upcoming repatriations: human remains and objects from the Natchitoches Fish Hatchery to the Caddo Nation of Oklahoma, George Grant (named individual) to the Sitka tribe of Alaska, remains of six individuals and one funerary object to the Nisqually Tribe, and Salinas Monument objects to the Ysleta Del Sur Pueblo. No new claims have been made since February. The Stockbridge-Munsee tribe is currently at the museum for a consultation visit to look at remains from Delaware. They are also looking at funerary objects in NMAI's collection and T.J. wondered whether or not the fact that these objects are in two different museums makes them non-associated. Bill responded that under NAGPRA, they would be considered non-associated but due to the fact that they belong to the Smithsonian Institution, this is not an issue. Bill expressed his wish for the two museums to collaborate together on this potential claim.

Bill updated the RRC on named individuals. (REFER TO HANDOUT)

The museum has discovered a Paiute individual this year but has not notified the tribe as of yet, as further background research must be completed. The museum plans to ask the tribe to assist them in locating any lineal descendants. (17 tribes/groups?) Have been notified but the RO has not received a claim from any of these groups. Bill spoke of a named individual who had been identified in the 1980s but now the RO does not know how he/she was determined because the RO cannot figure out the information based on the catalog cards and other available information. In general, Bill stated that in fact there is a good accounting of named individuals and

notifications have gone out to tribes for all known named individuals. Bill discussed the Sitting Bull case stating that it had been particularly complicated as he had to work with various family members and the work did not commence until 2005 upon completion of the Arikara report. Andrea questioned whether it was effective or not for Bill to work on cases. Bill responded that it has helped the overall RO workload in the past but now he only does what he can realistically accomplish and will only work on Plains cases. He also stated that Risa is nearing completion of cases in the Northwest and Southwest and will be taking on cases from regions outside of her own. Andrea inquired as to the Wichita claim and Bill responded that he probably should not take this case on but should delegate it. He mentioned that the tribe is asking about the possibility of having DNA testing performed.

Roland raised a question about the term "making relative" used in the Sitting Bull report and asked whether the translation given in the report is in fact that actual meaning of the word, due to the fact that many strong interpretations can be made from that term. Bill responded that he had learned that directly from the Sioux and had read it in multiple literary sources. Bill noted that this term can be applied in many different ways and translated into such phrases as "can be made a relative". Roland stated his belief in DNA becoming a significant issue in the future. Bill responded that it is difficult to determine from hair and mentioned that Sitting Bull has no surviving biological sons but does have surviving biological daughters.

Discussion on Objects of Cultural Patrimony

This discussion commenced with the general consensus that in order for objects to be deemed objects of cultural patrimony, they must have been considered objects of cultural patrimony at the time they were alienated. Phil stated that another key element to the subject at hand is the use of the term "inalienable" and how it relates to possession. Roland added that this issue needs to be examined on a tribe by tribe basis, as his tribe serves as an example of one that was composed of nomads and he added that most items were individually owned. Risa discussed the objects included in the Blood/Blackfeet case and stated that it was difficult for the RO to determine the bundles' alienability status at the time they were alienated. The bundles could not be alienated by the heirs but could possibly have been alienated by someone else in the Motoki society. Eric stated that knowing what type of authority held by the individual at the time of alienation was a crucial point. He also mentioned there are three independent criteria for objects of cultural patrimony and stated that if there are questions between the regulations and the law, the researcher must defer to the law. It was also stated at this time that the burden of proof is on the tribe, and in this particular case, the Blackfeet could have had substantial reasons for disputing the finding, had they chosen to do so.

This discussion concluded with a brief discussion of the Apache's claim with the Field Museum and the meeting was adjourned for the day.

Day Two - August 16, 2007

In Camera Session (This portion of the minutes is not circulated)

Case Officer Reports

Risa Arbolino began her report. She has completed the Blood/Blackfeet report. She stated that the tribe was very pleased to receive the bundles back into their community. Three women have recently become new Motoki Society members and the bundles have been used in the Sundance ceremony that occurred at the end of July. The tribe is also interested in continuing research in the National Anthropological Archives.

Risa stated that her Klamath report is still active and that she has received craniometric information back from Steve Ousley and anticipates completing the report soon. This is her only active report at this point and she anticipates getting it into RO review in a few weeks.

Regarding the Grand Ronde case, Steve Ousley was not able to do any further study in order to complete the case prior to his departure. Risa sent a letter to the tribe stating that no new evidence had been found to alter the museum's conclusions. Bill mentioned that it is highly unlikely that Steve's replacement will be capable of completing similar studies to Steve's.

Risa reported that she might have an upcoming case from the Umatilla for a funerary object.

She has completed three repatriation reports: the Blood/Blackfeet report, the Memaloose Island report, and the Nisqually report.

A notice of intent to repatriate to the Isleta Del Sur Pueblo went out concerning the Salinas Monument items. There will be a repatriation of 6 individuals and one funerary object to the Nisqually Tribe this coming fall.

Regarding her visits, she has met with groups with whom she has completed repatriations, NAGPRA meeting attendees, and pesticide conference attendees, to whom she gave tours.

Gordon asked her about the specifics of the testing Steve would have tried to perform for the Grand Ronde case. Risa replied that the analysis would have been non-invasive and very typical of the analysis performed by the Osteology Lab in the past. Gordon expressed his concern that the tribe may have felt that the museum let go of the study and simply did not see it to its end but Risa stated that she had not told the tribe about Steve's potential testing, only about her further research at the NAA. Phil then stated that case officers should tell tribes exactly what they are doing when they tell them they are reconsidering the data. Risa said that she did look through all NAA material thoroughly. She went on to say that the claim had been submitted by two NAGPRA representatives who no longer work for the tribe and the tribe has other priorities and even wanted to discuss them with Risa, such as the ParTee. Andrea stated that Risa should be honest with the tribe and tell them that there was potential to do a morphology study but that Steve had resigned, eliminating the possibility for further analysis. Bill replied that the RO was concerned about raising the tribes' hopes on a potential study that was very unlikely to yield any results. The RO will in the future heed the RRC's suggestion of notifying tribes about additional studies they are undertaking for cases.

Eric Hollinger

Eric has two active cases currently in review. His Apache report is currently in RO review and has taken up most of his time. The claim is for 9 objects: 3 funerary objects, three medicine objects, and war or ceremonial caps. There are differences of opinion even within the tribe as to whether or not the caps are war or ceremonial caps. Eric looked through Goodwin's information and read that there may have been in existence five different kinds of caps. The preponderance of evidence suggests that they are probably war caps but no evidence has been seen stating that they are sacred objects or objects of cultural patrimony. The other two objects are affiliated with the White Mountain or San Carlos Apache and are therefore Western Apache. Eric discussed a small wooden wand collected from the Tonto Apache. The available information states that Goodwin was presented with this wand so Eric thinks it was a gift. The Apache believe the object ceremony has not been completed and that the objects must be "retired" from the ceremony. Eric, however, has found no evidence pointing to the fact that these objects should be retired and he does not believe they fit the category of objects of cultural patrimony. As for the amulet, Eric questions the affiliation. Eric did not conclude that any of the six objects are sacred objects or objects of cultural patrimony. He stated that that he feels there will likely be a dispute between the museum and the Apache. Andrea suggested that if there is a dispute in the future that perhaps the RRC could have a discussion at some neutral location, as they had done for the ParTee case. Eric expressed his doubt that such an event would be successful but said he would try to remain hopeful and also stated that the review process could still alter his conclusions. Eric also stated that although there is gan material in NMNH's collection, the Apache have not put in claims for these items. Eric stated that very little information was given to him by the Apache and as such, he tried to search for a great deal of information. He noted that Goodwin writes about gan objects being owned by individuals. Eric stated that the Apache liked Goodwin but feel he misinterpreted that particular piece of information. The NAGPRA Review Committee insulted Goodwin and said that his informants were marginal but Eric stated that his primary informant was in fact considered a queen among the Apache.

Eric discussed the Yokut Santa Rosa Rancheria claim. He has separated this claim into two separate reports, one for 91 human remains, and one for 4000 funerary objects. Eric and the tribe have discussed radiocarbon dating the objects, but not the human remains. Phil mentioned that the Yokuts have also made claims for objects from Buena Vista Lake at UC Berkeley and UCLA. He said that the dates are critical because there may be groups older than the Yokuts. Phil thinks that the university will most likely affiliate the Buena Vista Lake material with the Yokuts. He also said that UCLA's repatriation reports are sub-bar in terms of quality to those of the RO and this may put the SI in a bad position due to SI's thorough research.

Eric had a consultation with the Absentee and Eastern Shawnee Tribes of Oklahoma. He anticipates them putting in a claim for Blackloon. Eric attended a conference in Alaska and made a joint presentation with Harold Jacobs on the Killer Whale Hat repatriation. A formal potlatch and hat transfer will occur in late September and Eric was invited by the clans to attend. He also co-organized a session on repatriation with Bill at the SAA meeting. Risa also presented a paper as well as did Gordon. Eric stated that Sherry White will most likely be putting in a claim for funerary objects housed in both NMNH and NMAI.

Eric discussed pesticides, as much activity has occurred on this front. There was a pesticide mitigation conference held at the Museum Conservation Institute (MCI) which was organized by

NMNH. NMAI presented as well as Deborah Hull-Walski (Dept. of Anthropology Collections Manager at NMNH) and David Rosenthal (Dept. of Anthropology Assistant Collections Manager at NMNH). Staff members from the EPA and Smithsonian visitors, including Bill and Dan, were in attendance as well. Eric traveled with Greta Hansen (Anthropology Dept. conservator) to an XRF workshop in Chicago and the two of them will also be attending a workshop at the Canadian Conservation Institute. John asked if at present there are ways to decontaminate objects and Eric replied that there might be. He said that super critical CO₂ seems to be the most effective treatment at present, but it cleans so thoroughly that it might even damage objects. Experiments have shown wonders though and the University of Arizona has built a super critical CO₂ chamber which Eric hopes the MCI will also be able to purchase. Bill mentioned that there are multiple ways to clean objects but some tribes, like the Seneca, do not feel the approaches are acceptable because they consider their objects to be living. Eric's report concluded.

Dorothy Lippert

Dorothy discussed her completed reports. She reported that the Caddo would like to hold their repatriation in October. Dorothy had met with some of the members at the SAA meeting and they expressed concern over the snail object not being affiliated. The tribe is working with Fish and Wildlife in order to establish the burial location at the Fish Hatchery site. Dorothy reported that the Sitka tribe would like to repatriate the remains of George Grant. She was contacted by George Grant's niece, but as she is not a lineal descendent, the remains will not go back to her directly. The remains are human brain and there are issues regarding their transport on the plane. The remains will be considered body parts/organs by the airline but they will not be considered human remains unless they travel as cargo.

Dorothy discussed her reports in review. Currently she is working on the Tunica Tiller Mound report and addressing edits raised in the RO review. She is working with Erica Jones on bones from the site. She thinks they will likely discover that the museum does have bones but that they will not be able to prove they are from the site. Relating to the Ocmulgee report, Dorothy is working through research she received from Patrick Williams which has not proven useful. The osteology lab is trying to determine whether or not they can match bones with individuals. Andrea Hunter asked Dorothy if the Park Service would work with her and Dorothy replied that she has not yet received a positive response from them.

John asked her about the status of the Aleutian claim and she replied that it is at a standstill.

Dorothy attended the United South and Eastern Tribes meeting and gave an informational presentation. She mentioned that she spoke informally with the California Indian Basket Weavers Association, participated in the pesticides meeting held at the MCI, spoke with various people at the NAGPRA meeting in DC, and spoke with people about repatriation from the perspective of tribal peoples. She is on the board of directors for the SAA and spoke about the potential formation of a Native American relations committee and a repatriation committee. She also gave a presentation at the American Library Association meeting.

Dorothy anticipates requests being made from Togiya and Haid Carlie Stass??? There is a

discrepancy in the remains that Steve was never able to resolve, as the bones do not match the individual. Andrea asked Dorothy about the status of the Creek report, as the most recent claim report states that the physical documentation will be completed in April. Dorothy replied that most of the work has been done but she is still waiting on the Park Service to complete their work. Dorothy's report concluded.

Osteology Lab Report

Bill Billeck reported on the activities of the osteology lab. He stated that Steve had completed the analysis for the Klamath case and noted that this was an important line of evidence. He reported that the lab is currently working on remains from sites in Florida. Bill stated that although the staff continue on in their work and are well-trained, they do need a supervisor.

Andrea asked about documentation for the Cheyenne case to which Bill replied that the lab has worked on it. Steve had volunteered to do craniometric analysis and Bill thinks that two remains were switched and that the catalog numbers are incorrect. He believes that many incorrect conclusions have been drawn due to errors, such as a Black individual who had been executed by hanging and executed but who is catalogued as Cheyenne. These remains were remarked upon in the original report but they were referred to as missing. Bill stated that this is the first repatriation report ever written during which the remains were found, as they were the wrong remains and did not appear to be Native American. The collector had sent other remains at the same time that appeared to be Native American and therefore the conclusion that the remains were switched was drawn. The letter describes that people were executed in 1870 but in fact only one white and one black person were actually executed in 1870 and the RO is not sure the black individual in NMNH's collection is the one who was executed in 1870. Bill asked Steve to have the analysis completed by the end of August. Bill believes the answer should be clear upon Steve's analysis. He also thinks the remains were probably discovered during a routine inventory.

Phil asked Bill if he has a record of how many remains have been inventoried to which Bill replied that perhaps half have been inventoried. Bill stated that his goal is to complete areas and/or states so that regions are complete. The priority regions are those in which many federally-recognized tribes reside. Phil asked Bill if he thought this might be completed within four years and Bill replied that he did not think so. The case officer reports concluded.

In Camera Session (This portion of the minutes is not circulated)

Meeting with Laurie Burgess concerning the Sullivan's Island Report

The RRC requested a meeting with Laurie in order to receive an update on the status of the Sullivan's Island report. Laurie stated that she had gotten sidetracked by her position as Associate Chair but is working on the report. She stated that this report involves an area that is submerged under water. She has spoken with the Chinookan groups in the area as the case involves the Cascade Indians along the Columbia River. In a report that was written up by Tamara Bray prior to this claim, it was stated that the area was controlled by the Cascade Indians during the late $18^{th} - 19^{th}$ century. The island is subsumed under a broader region under claim and is one of the wealthiest funerary object collections in the area. There are no human remains

present, but fragmentary skeletal remains. There are 8000 funerary objects and approximately 50,000 glass trade beads. Laurie stated that there is a non-federally recognized tribe that has slipped through the cracks and are far from the Yakama, Warm Springs, and Grand Ronde tribes so she is trying to determine who the descendents are of these people. She said the Chinook would work with either the Yakama or the Warm Springs Tribes without difficulties. Dennis stated that the Archaeology Division supports Laurie working on this case. This portion of the meeting concluded.

Meeting with Bill and Dennis

Bill stated that he and Risa would be traveling to the upcoming NAGPRA meeting and that Eric would be attending the NATHPO meeting. Bill thanked Jane for the comments she gave concerning repatriation during the Anthropology Department's external review and encouraged the RRC to continue voicing their concerns.

Bill reported that the RO has two permanent case officers (Dorothy and Eric) and one term case officer (Risa). Bill also stated his hopes for hiring two new museum specialists. He stated that Cheri Botic's term expires in January 2007 and does not believe he will be able to renew her. The Office of Budget and Management will not allow the RO to renew a four year term for anyone unless under extreme circumstances and a case must be made for that person, such as the necessity for completing a project.

Andrea inquired as to the RO's working relationship with NMAI. Bill reported that he had not received any case reports from Jim Pepper Henry after he had requested them. He said that if the RO requests specific reports from NMAI that they will receive them. Bill stated that Jim Pepper Henry does not interact much with the NMNH's RO but Terry Snowball and occasionally John Beaver do. He mentioned that changes will occur in NMAI's organizational structure. Andrea stated that the RRC will request NMAI's reports again and will also request communication with them. T.J. suggested the RO supply their reports to NMAI. Bill replied that the RO will send reports they have not already sent in the past.

In Camera Session (This portion of the minutes is not circulated)

The meeting was adjourned at 4:30 pm.

Appendix C

Travel Grant Awards

TRAVEL GRANT VISITS

Dates	Travel Group	Type of Visit
2/26-3/1/2007	Absentee-Shawnee Tribe of Oklahoma and Eastern Shawnee Tribe of Oklahoma	Consultation
5/9/2007	Confederated Tribes of the Warm Springs Reservation and Confederated Tribes and Bands of the Yakima Nation	Repatriation
6/20-22/2007	Descendents of Curly Head Jack, Klamath Tribes of Oregon	Repatriation
7/16-18/2007	Blood Tribe and Blackfeet Nation of Montana	Repatriation
8/9-11/2007	Stockbridge-Munsee Tribe of Wisconsin and Delaware Nation of Oklahoma	Consultation
8/17-20/2007	Sitka Tribe of Alaska	Repatriation
9/24-26/2007	Nisqually Tribe	Repatriation
10/23-25/2007	Caddo Nation	Repatriation
12/4-5/2007	Descendents of Sitting Bull, Sioux	Repatriation
12/5-6/2007	Pueblo of Jemez	Consultation

Appendix D

Report on NAGPRA Review Committee Meeting in Washington, D.C.

April 19-20, 2007

Draft Memorandum

To: Files

From John F. C. Johnson

Date: June 1, 2007

Subject: NAGPRA meeting in DC April 19-20 2007

Notes:

Nineteen million dollars was used for 349 grants to tribes.

Edward Halealoha Ayau of Molokai, Hawaii provided an 1876 document as a rebuttal to past claims. This document refers to family names that are related to some 1200 modern descendants. He said these individuals will decide the fate of the cave artifacts in question. The Bishop Museum will open the case back up.

The Society of American Archaeology sent a position paper which concerns recognized tribes only (we should get a copy).

The next meeting will be in Tucson, Arizona on October 11 - 16 2007. The spring meeting will be in April or May in Wisconsin.

An eleven page document called "Who are the Culturally Unidentifiable?" by Andrew Cline of the University of Mary Washington gives a very good detail of unclaimed remains for the U.S. (I will send this information by mail). This information is in the data base as "unidentifiable". An example is: 11,000 (culturally unidentifiable) in Illinois. Between 1890 and 1930 was a peak time for collections, most CUI are ancient. This document of remains and artifacts of CUI will help to see a larger picture in the identification process rather than look at them one at a time. (The Smithsonian should do a similar summary and if they do not have the time or funds to complete the project then it should be noted in our annual report to Congress for more funds to do the job).

The Comanche Nation of Oklahoma testified that in 1871 there was a Native cemetery of about 109 remains at an army post called Fort Still. It was reported that the military gave blankets to the Indians that contained smallpox. Recently a military contractor (Harper Construction of San Diego) built a road that went through the cemetery. It was reported that workers were playing football with a skull. The Comanche notified them but they would not stop work. The Comanche only asked that the remains be protected and respected. Collins asked if this was a potential dispute. There was a motion from the committee that a letter should be sent to Advisory Council on Historic Preservation to deal with the issue.

Curt Perry the administrator for the Chickasaw Nation asked for support for getting remains back from the British Museum. It was noted that the museum has an advisory panel to deal with claims. John Jackson, Chairman of the British Museum wanted a written request from the U.S. Government. Australia has also conducted international

repatriation. Eric Wilson of the Department of Interior who works on international issues will assist.

Jean McCord from the Tribes of Ohio stated that she wants the return of remains whole or in part to non-recognized tribes. There is an old mound in her area that she wants to burial her grandson.

A Seminole named Bobby Billy testified that unidentified remains have the right to go back home no matter if they are recognized or unrecognized tribes. Bobby said that "lawyers never speak the truth they always hide behind paper". He said that he was speaking for those who are gone that do not have a voice.

Allen Goodman is a new Committee member.

Unclaimed remains rules are in a draft stage. The unidentifiable remains rule is still waiting to be published; it has been two years in progress. There was a motion by Collins to publish it ASAP.

There was a teleconference from University of Florida with Dr. Milanich. He stated that he has agreements from three tribes in regard to a burial that were excavated in 1980 in Tampa Bay. They want to put the remains back in a mound on state lands after the study is done. Two Florida Natives testified in person that they protest the University's action. They want the tribes to rebury not archeologists and they do not want any samples kept. There was a motion by the committee that the three tribes and the Independent Tribe of Florida consult with the University to deal with the issues.

The 2006 report to Congress will have a section that recommends an increase in funding by one million and the funding of a full time person to enforce the laws of NAGPRA

Penalties and fines will go on line. There are 36 institutions out of compliance and 98 allegations for failure to comply. Most of the allegations are from former employees. Some of the issues are: Inventories not complete. Some items were given back to donors and then they would get them back on loan. Some items were lost. The committee recommended that they get a fulltime enforcement officer to work on cases. Right now the officer works only 10 hours per week.

The committee also requested that a letter be sent to the Attorney General and FBI on status of trafficking of NAGPRA artifacts.

The NPS recommended that nine remains be returned back to a Pueblo (?). The committee said it should be done.

Appendix E

Report on Training, Consultation, and Meeting of the NAGPRA Review Committee

in Scottsdale and Phoenix, AZ

October 13-15, 2007

Report on NAGPRA Training, Consultation, and Meeting of the NAGPRA Review Committee, Scottsdale and Phoenix, Arizona, October 13-16, 2007

Prepared by T. J. Ferguson and John Johnson Smithsonian Institution Repatriation Review Committee

November 1, 2007

This report summarizes NAGPRA training, a consultation meeting with tribes and museums regarding proposed regulations governing unclaimed remains, and a two day meeting of the NAGPRA Review Committee. The training and consultation meeting took place on October 13 and 14, 2007, at the Chaparral Suites Resort in Scottsdale, Arizona. The NAGPRA Review Committee meeting was held at the Heard Museum in Phoenix, Arizona, on October 14 and 15, 2007. T. J. Ferguson participated in the training session and consultation meeting. T. J. Ferguson and John Johnson attended the NAGPRA Review Committee Meeting. Jai Alterman attended the consultation meeting and NAGPRA Review Committee meeting.

NAGPRA Training

The staff of the National NAGPRA Program of the National Park Service conducted a one day training session on NAGPRA, which was attended by approximately 50-60 representatives from tribes, museums, federal agencies, and private businesses. The training included a comprehensive coverage of the major provisions in NAGPRA, and offered insights into how the National NAGPRA Program staff members view the law and their role in the NAGPRA process (see attached Training Agenda).

Two technical issues discussed in the training may be of interest to the RRC. The first regards the definition of associated funerary objects. The position articulated by the National NAGPRA staff is that the law says associated funerary objects are "those for which the human remains with which they were placed intentionally are also in the possession of a museum or Federal agency" [emphasis added]. By stating "a" museum rather than "the" museum, the interpretation is that when human remains are in one museum, associated funerary objects may be in another museum. If this definition were to be applied to the Smithsonian, then the grave goods from burials at Hawikku in the National Museum of the American Indian would be classified as associated funerary objects for the human remains that are in the collection of the National Museum of Natural History. Presumably, since the Smithsonian Institution is exempted from NAGPRA, it is not a museum as defined under NAGPRA, therefore funerary objects in the Smithsonian would not be associated with human remains found in other museums, and vice versa.

The second issue is a statement made by the National NAGPRA staff that the status of objects of cultural patrimony can change over time. That is, objects that were determined to be cultural patrimony in the past may no longer be considered cultural patrimony in the present and, conversely, items that were not determined to be cultural patrimony in the past may be deemed cultural patrimony at present. No examples of this

variable status of objects of cultural patrimony were provided during the training, however, in a private discussion with Tim McKeown following the training session, he said that one example may be Navajo Jish (medicine bundles) that may not have been cultural patrimony at the time they were alienated because some Navajo and various scholars maintain they were the property of individual medicinemen who had the right to sell or transfer them to a third party. Today, however, after Navajo Jish are returned to the tribe, they become objects of cultural patrimony and cannot be alienated by any individual.

Newly developed modules of the training session explain and summarize the civil penalty process for museum failure to comply with NAGPRA and the criminal trafficking provision. To date, there have been 110 allegations of failure to comply involving 37 museums. Twenty-nine of these allegations involved failure to consult, while 26 allegations involved failure to complete the inventory required by NAGPRA. Most allegations for failure to comply cannot be substantiated but civil penalties have been assessed against several museums when allegations are substantiated. The National NAGPRA staff said their philosophical goal in pursuing civil penalties is not punishment but bringing museums into compliance. Twenty-one people and one corporation have been convicted of trafficking in human remains or Native American cultural items. Three cases have gone to trial, resulting in two convictions and one acquittal.

During a break in the training, Donna Augustine, Micmac, and a member of the NAGPRA Review Committee, asked T. J. Ferguson how to arrange a research visit to the Smithsonian. He referred her to the Repatriation Office webpage, and noted that the SI Repatriation Review Committee has a travel grant program to help support this type of visit. Following the meeting, T. J. Ferguson sent Ms. Augustine an e-mail with further details, referring her to Bill Billeck for follow-up.

Consultation on Regulations Regarding Unclaimed Remains

The National NAGPRA staff conducted consultations with tribes and museums regarding the disposition of unclaimed Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony that were excavated or discovered on Federal or tribal lands after November 16, 1990. Previous consultation meetings were held November, 2005, and April, 2007. A consultation meeting with tribes was conducted for two hours, followed by a two hour consultation meeting with museums. After lunch, at the recommendation of the NAGPRA Review Committee, mediated discussion was held with tribal and museum representatives.

The discussion was productive but it was clear that many people have problems distinguishing the technical details of NAGPRA. The consultation was specifically about unclaimed remains recovered after 1990 but many participants wanted to discuss culturally unidentifiable human remains in museum collections made before 1990.

There were three points of general agreement between the positions stated by tribal and museum representatives: (1) human remains should always be treated with respect and dignity; (2) there should be no statute of limitations on the time that lineal

descendants and tribes have to come forward regarding unclaimed remains; and (3) there should be consultation with tribes regarding any study of human remains that goes beyond basic documentation.

The issue of no statute of limitations for claims is relevant to some proposals that have been put forward stating that if lineal descendants and culturally affiliated tribes do not make claims, other tribes should have the right to step forward and claim those remains for reburial. In contrast, the general feeling expressed during this consultation was that there can be many reasons preventing lineal descendants and culturally affiliated tribes from making a claim for NAGPRA items, but that these tribes should not be pressured into making a claim or giving up their right to make a claim in the future.

There was also discussion about whether or not existing regulations regarding the curation of federally owned collections (36 CFR 79) and whether or if they are sufficient for unclaimed NAGPRA items, or if additional regulations are needed. Consensus on this issue was not reached but tribes suggested that human remains and associated funerary offerings should be stored together, and placed together in a room that is separate from other collections. Many representatives of museums and scientific organizations thought the existing regulations were by and large sufficient, although specific protocols for proper care of NAGPRA items are always welcome. Given the diversity of tribes, there needs to be flexibility in such protocols to accommodate different cultural values.

NAGPRA Review Committee Meeting

The NAGPRA Review Committee had a full agenda that took two entire days to complete (see attached Meeting Agenda). All members of the committee were present except for Alan Goodman. The meeting began with an invocation by Joe Joaquin of the Tohono O'odham Nation. Following this, Sherry Hutt, program manager of the National NAGPRA Program, presented an oral summary of her Manager's Report. A one-page "Summary of the National NAGPRA Program FY 2007" was distributed during the meeting (see attached document).

The morning of the first day was taken up with hearing five requests for recommendations regarding disposition of culturally unidentifiable human remains. The NAGPRA Review Committee approved the transfer of six human remains from the Effigy Mounds National Monument to the Sac & Fox; the transfer of nine bones representing one individual from the Michigan Technological University to the Little Traverse Bay Band and the Sault Ste. Marie Tribe of Chippewa; and the transfer of two human remains from Binghamton University to the Saint Regis Mohawk. A request from the Gulf Islands National Seashore was tabled for discussion on the second day, at which time the NAGPRA Review Committee decided to ask the NPS to document consultation with all interested tribes and present a new request at the next meeting. A request for transfer of eleven human remains from the Hastings Museum of Natural and Cultural History was rejected by the NAGPRA Review Committee because it is not clear that all of these remains are Native American, and the Review Committee does not have authority to make decisions about non-native remains. The Review Committee suggested that the Hastings Museum and the Pawnee Nation seek reburial using Nebraska State

reburial statutes, or to remove the two non-native remains and resubmit a better documented request at the next meeting.

During a break in the discussion of these requests, Rosita Worl described how the Tlingit successfully collaborated with scientists during the excavation of 10,000 year old human remain at On Your Knees Cave in Alaska. She characterized the study and subsequent reburial of this human remain as a "glorious moment" and spoke favorably about the positive aspects of appropriate scientific study conducted with tribal consultation and collaboration.

Dr. Hutt summarized her Manager's Report focusing on the NAGPRA decision-making process, compliance enforcement, and program operations. Dr. Hutt noted that consultation is not defined in NAGPRA, NEPA, or the NHPA so there are no uniform procedures for this activity. She also noted that the right of possession is a NAGPRA concept that needs further legal clarification because not all tribes understand they have the right to take control of cultural items and then loan them back to a museum.

In the afternoon, Bonnie Magnus-Gardiner of the FBI discussed the theft of cultural property as a multi-billion dollar criminal enterprise. She explained that there have been several prosecutions of NAGPRA cases, but these are fairly rare.

David Tarler, Bob Palmer, and Greg Lawler then discussed NAGPRA enforcement by the National Park Service. They noted that NAGPRA is still a fairly obscure law and not well known by enforcement communities. Since 1996, there have been 110 allegations against 37 museums of failure to comply with NAGPRA; 29 of these were allegations of failure to consult, and 26 were allegations of failure to produce an inventory. In FY 2007, there were 31 allegations against 12 museums. Twenty-two of these allegations could not be substantiated; 9 allegations against 8 museums were substantiated and civil penalties were assessed.

Tim McKeown reviewed the status of regulations. 43 CFR 10.14 (Future Applicability of NAGPRA) has been promulgated and is not in effect, with the new rolling deadlines for inventories and summaries in place. 43 CFR 10.11 was released during the meeting, with a public comment period until January 14, 2008. [T. J. Ferguson e-mailed this proposed rule to the RRC on October 17, 2007.] Consultation regarding 43 CFR 10.7 regulating unclaimed remains after 1990 is now complete, and the National NAGPRA office will begin drafting a proposed rule for consideration by the NAGPRA Review Committee.

Manual Pino (Acoma Pueblo), the facilitator of the consultation session on Sunday, gave a report. This report largely parallels the information already presented above and is not discussed further.

Amy Kolakowsky, an intern from Northern Arizona University, gave a report comparing museum inventories with published notices of inventory completion. There are some discrepancies in these two sources of information regarding the numbers of human remains and associated funerary objects Some of these discrepancies are due to a lack of standardized inventory procedures, and reclassification of materials during the preparation of notices (e.g., 6,000 beads may be reclassified as one lot of beads). Ms. Kolakowsky recommended improvements be made to the inventory process, and that all inventory data be digitized to improve its management.

Sherry Hutt reported that there are 100 "legacy" notices of inventory completion that have not been published, largely because museums will not authorize publication. She said that in six months these notices (some dating back a decade) will be withdrawn and the museums will need to resubmit them. This will reduce the backlog of unpublished notices to zero.

Bambi Krause (National Association of Tribal Historic Preservation Officers) and James Riding In (Arizona State University) reported on a study of federal compliance with NAGPRA that they have conducted in association with the Makah Tribe. This study is very critical of federal compliance, pointing out that federal agencies do not have a designated official in charge of agency-wide NAGPRA compliance, that many federal employees working on NAGPRA have a lack of training, and that there is more need for oversight and enforcement to bring federal agencies into compliance. The study is based on on-line surveys of 60 tribes and 56 federal agencies but most of the tribal data come from interviews with 15 tribes. While the NAGPRA Review Committee seemed to tentatively agree with the overall conclusions of the study, there were several comments regarding weaknesses in the methodological rigor and statistically naive presentation of data. Because the study will not be completed until the end of October, the NAGPRA Review Committee deferred official comments until such time as they can see the final report. This report will be sent to tribes and published on the NATHPO website.

At the beginning of the second day of the meeting, Rosita Worl recognized John Johnson and T. J. Ferguson as members of the Smithsonian Repatriation Review Committee, and welcomed us to the meeting.

Following this, the NAGPRA Review Committee articulated nine criteria that need to be met when requests for recommendations for disposition of culturally unidentifiable human remains are presented to the Committee. These criteria include: description of the proposed disposition, how the collection was acquired, a description of the remains (number, area collected, date of collection, etc.), antiquity of the remains, summary of forensic documentation, consideration of cultural affiliation and cultural relationships, the record of consultation with tribes, letters of support from tribes, and a list of all potentially affiliated tribes.

Jamie Lavallee summarized the publication of federal register notices in FY 2007. This information included the following statistics:

• 77 notices of inventory completion were published in FY 2007, bringing the total number of notices of inventory completion to 1,016, accounting for 32,706 human remains and 685,064 associated funerary objects.

- 31 notices of intent to repatriate were published in FY 2007, bringing the total number of notices of intent to repatriate to 376, accounting for 12,489 unassociated funerary objects, 3,598 sacred objects, 303 objects of cultural patrimony, 773 objects that are both sacred and cultural patrimony, and 215 undesignated cultural objects.
- Culturally unidentifiable remains have been found in 682 inventories representing 623 museums, accounting for 118,400 human remains. Of these 2,321 have been culturally affiliated, and 2,283 have been transferred (repatriated) in dispositions.

The NAGPRA Review Committee discussed their recommendations for 43 CFR 10.7 dealing with unclaimed remains. Based in part on the discussion on Sunday, Rosita Worl recommended that human remains and associated funerary objects should remain together, and both be placed in a separate, private storage area. These remains and cultural items should be subject to a protocol of sensitive care and handling developed in consultation with tribes. Dr. Worl also recommended that no study of human remains should take place beyond basic documentation of the remains unless consultation with appropriate tribes resulted in their consent for such studies. She also recommended that there be no statute of limitations for lineal descendants, tribal land owners, and culturally affiliated tribes for making claims. Further, Dr. Worl recommended federal agencies should consult tribes, and that regional databases be sent to the National Park Service for publication in a national database. Vin Stepanaitos noted that NAGPRA was not a universal reburial law; it was intended to give descendants and related tribes control over decisions involving their ancestors, and not specifying a deadline for claims would respect this intention. Colin Kippen acknowledged Dr. Stepanaitos' statement but argued for a deadline for all unclaimed remains buried. The Committee decided that these are complex issues that need further discussion in a future meeting.

In a public comment period, Sandra Dong reported on activities at the Peabody Museum, Harvard; NPS representatives of the Hawaii Volcanoes National Park reported on the status of cultural items from Forbes Cave; Bridgett Ambler reported on activities at the Colorado Historical Society; and Pat Murphy of the Iowa Tribe asked if the prohibition of federal funding of museums found not to be in compliance with NAGPRA would extend to the counties and municipal governments associated with these museums.

Leigh Kuwanwisiwma and Lee Wayne Lomayestewa gave a report on the pesticide contamination research the Hopi Tribe has conducted on kwatsi (katsina masks). This study shows that 10% of the 68 cultural items tested were contaminated with arsenic and other heavy metals used in museum conservation. It costs about \$1,500 per item for the Hopi Tribe to conduct these tests. Until this issue is resolved, the Hopi Tribe has had to put a moratorium on the repatriation of certain types of cultural items that may jeopardize Hopi tribal members using them.

The proposed rule of 43 CFR 10.11 was discussed. Since the rule was just released during the meeting, and is complicated with far-reaching implications, the NAGPRA Review Committee decided it needs to consider this in a special teleconference or

internet meeting to be scheduled for sometime in December. Dr. Hutt noted that the proposed rule is a "watershed moment" in NAGPRA.

The Spring 2008 NAGPRA Review Committee meeting is scheduled for May 15-16 at St. Norbert College in De Pere, Wisconsin. This meeting location was chosen based on an invitation by the Stockbridge Munsee Tribe.

The Fall 2008 meeting will be scheduled in California at a location to be arranged by the National NAGPRA Program. There was discussion of holding this meeting at the University of California, Berkeley, at the invitation of the Hearst Museum but some members of the Committee did not want to do this because of the controversies that museum is facing in reorganizing its NAGPRA program.

Further discussion of the federal compliance report resulted in the Committee recommending a concerted effort to get the Government Accounting Office to prepare an investigative report on federal compliance.

In another public comment period Helen Robbins, Field Museum, commended the Hopi Tribe for the pesticide study but noted that one mask the Hopi discussed was not repatriated from the Field Museum but from another museum. Angela Neller, with the Wampanoag Tribe, commended Jamie Lavallee for her help in facilitating the publication of notices. Jan Bernstein offered to send the Review Committee the protocols for care and treatment of collections that were developed by the University of Colorado. Lalo Frances of the Santa Rosa Rancheria commented on the problems he perceives in NAGPRA compliance, with an emphasis on the Hearst Museum. A law student from the University of Arizona told the Review Committee that they need to keep the "higher law" in mind in order to achieve justice in administering NAGPRA. He asserted NAGPRA shifts too much of the burden on tribal people, and that oral testimony about tribal traditions should receive more attention than it does in NAGPRA studies and litigation. James Riding In from Arizona State University reiterated the need for federal oversight, and criticized the National NAGPRA program for having a database that is difficult to use. Dr. Riding In also criticized a documentary about On Your Knees Cave that was played during the lunch break because it supports science; he argued there should be equal time for the "anti-science" proponents to present their views. Sandra Harris, Deputy Director of the Phoebe Hearst Museum, told the Review Committee that her institution was fully committed to NAGPRA and said the invitation for the Committee to meet at the museum still stands.

The meeting closed with comments by Committee members Willie Jones and Donna Augustine about the importance of traditional and spiritual knowledge and beliefs in implementing NAGPRA.

NAGPRA Training

Agenda

Date:

Time:

8:30 a.m. -- 5:00 p.m.

8:30 a.m. Introd

Introduction: Indian law, property law, civil rights law, and administrative law

- Legal background
- Legislative history

Native American Graves Protection and Repatriation Act

- 25 U.S.C. 3001-3013 and 43 C.F.R. 10.1-.17
- Definitions
- Excavation or discovery of Native American cultural items
- Collections in the possession or control of a museum or Federal agency
- Trafficking of Native American cultural items

11:30 p.m. Lunch

1:00 p.m. Consultation

- Guidelines
- Consultation database

Excavation or discovery provisions

- Ownership
- Notices
- Plans of action/comprehensive agreements
- Cases

Collections

- Notices
- Grants
- Civil Penalties
- Review Committee
- Culturally Unidentifiable database
- Cases

Trafficking

Concluding remarks, discussion, and questions

5:00 p.m. Adjourn

U.S. Department of the Interior Native American Graves Protection and Repatriation Review Committee

AGENDA

35rd Meeting: October 15-16, 2007 The Heard Museum 2301 North Central Avenue Phoenix, AZ 85004

Monda	ay, October 15, 2007	
8:30	Call to order by chair & roll call.	Rosita Worl.
8:35	Invocation and traditional welcomes.	TBA.
	Comments by Designated Federal Officer.	C. Timothy McKeown.
8:50		Sherry Hutt.
9:00	Request for a recommendation regarding the disposition of culturally unidentifiable human remains in the possession of Effigy Mounds National Monument.	Phyllis Ewing, Effigy Mounds National Monument. Johnathan Buffalo, Sac & Fox Tribe of the Mississippi in Iowa (via telephone). Patt Murphy, Iowa Tribe of Kansas & Nebraska.
9:35	disposition of culturally unidentifiable human remains in the possession of Michigan Technological University.	Susan Martin, Michigan Technological University (via telephone). Eric Hemenway, Little Traverse Bay Band. Cecil E. Pavlat Sr., Sault Ste. Marie Tribe of Chippewa Indians.
10:10		
10:25	disposition of culturally unidentifiable human remains in the possession of Binghamton University.	Nina M. Versaggi, Binghamton University (via telephone). Sheree Bonaparte, Saint Regis Mohawk Tribe (via telephone).
11:00	Request for a recommendation regarding the disposition of culturally unidentifiable human remains in the possession of Gulf Islands National Seashore.	Rick Clark, Gulf Islands National Seashore (via telephone). Brinnen Carter, Southeast Regional Archeological Center (via telephone). Ken Carleton, Mississippi Band of Choctaw Indians (via telephone).
11:35	Request for a recommendation regarding the disposition of culturally unidentifiable human remains in the possession of Hastings Museum of Natural and Cultural History.	Teresa Kreutzer-Hodson, Hastings Museum of Natural and Cultural History (via telephone). Francis Morris, Pawnee Nation (via telephone).
12:00	Lunch.	
1:30		Sherry Hutt.
1:45	Enforcement.	David Tarler, Bob Palmer & Greg Lawler.
2:15		C. Timothy McKeown.
2:30	Summary and discussion of October 14, 2007 dialogue regarding the disposition of unclaimed cultural items (43 CFR 10.7).	Manuel Pino, Scottsdale Community College.
	15 minute break.	
3:30	Cultural affiliation notice project.	Amy Kolakowsky, Northern Arizona University.

Native American Graves Protection and Repatriation Review Committee Agends: October 15-16, 2007

U.S. Department of the Interior Native American Graves Protection and Repatriation Review Committee

3:45	Makah Tribe/National Association of Tribal Historic Preservation Officers project assessing Federal compliance.	Bambi Kraus, National Association of Tribat Historic Preservation Officers. James Riding In, Arizona State University.
	Public comment.	Members of the public: - Sandra Dong, Peabody Museum, Harvard University Keola Awong, Hawaii Volcanoes National Park & Fred York, Pacfic West Region, National Park Service Bridget Ambler, Colorado Historical Society.
5:00	Meeting adjourned.	Rosita Worl.

Tuesd	ay, October 16, 2007	
8:30	Call to order by the chair.	Rosita Worl.
	Invocation.	TBA.
8:40	Publication of Federal Register notices.	Jaime Lavallee.
8:55		Sherry Hutt.
9:10	Recommendation regarding the disposition of culturally unidentifiable human remains in the possession of Effigy Mounds National Monument, Michigan Technological University, Binghamton University, Gulf Islands National Seashore, and Hastings Museum of Natural and Cultural History.	Members of the committee.
10:00	15 minute break.	
10:15	Recommendations regarding the disposition of unclaimed cultural items (43 CFR 10.7).	Members of the committee.
11:15	Public comment.	
12:00	Lunch.	, , , , , , , , , , , , , , , , , , , ,
1:30	Report and recommendations on pesticide contamination of artifacts.	Leigh Kuwanwisiwma & Lee Wayne Lomayestewa, Hopi Tribe.
2:30	If publicly available: review of proposed regulations regarding the disposition of culturally unidentifiable human remains (43 CFR 10.11).	
3:30	15 minute break	
3:45	Committee future business: - Date for next teleconference. - Location and dates for fall, 2008 meeting. - Drafting of the committee's 2007 report to Congress.	Members of the committee.
4:00	Public Comment.	
5:00	Meeting adjourned.	Rosita Worl.

Summary of the National NAGPRA Program FY 2007

The following are highlights of the year and program statistics in brief.

Collections:

- Summaries received: 1,065 total
 - o Plus 459 reporting no collection requiring a summary
- Inventories received: 1,253 total
 - o Plus 279 reporting no collection requiring an inventory
- Notices of Inventory Completion:
 - o 77 published in FY 2007
 - o 1,016 published in total
 - o account for 32,706 human remains and 685,064 associated funerary objects
- Notices of Intent to Repatriate
 - o 31 published in FY 2007
 - o 376 published in total
 - o account for 12,489
 unassociated funerary objects,
 3,598 sacred objects, 303
 objects of cultural patrimony,
 and 773 objects that are sacred
 and cultural patrimony, also
 215 undesignated cultural
 objects.
- Notice processing:
 - o 135 received, 108 published
 - o backlog of aging notices (pre-2002) reduced 8%
- Culturally Unidentifiable Native American Human Remains:
 - o Found in 682 inventories
 - o Found in 623 institutions
 - 118,400 minimum number of individuals
 - o 2.321 identified to date
 - o 2,383 transferred in dispositions
- Grants:
 - o Requests in 2007-\$2.9M
 - o Awarded in 2007-\$1.9M
 - o 30 consultation/document grants awarded
 - o 6 repatriation grants awarded
 - o Total of \$1,904,282 M
- Civil Penalties:
 - o 31 investigations of allegations as to 12 museums total
 - o 9 failures to comply and 22 found unsubstantiated

- o In 2007, 7 failures to comply, as to 6 museums
- o 1 penalty assessed in 2007, 2 total, 6 pending
- o Penalty amount collected in 2007 \$2,500, \$6,200 total
- Review Committee
 - o November 3-4, 2006, Denver, CO
 - o April 19-20, 2007, Washington, DC
 - o 5 recommendations for disposition of culturally unidentifiable, 390 individuals/27 associated funerary objects
 - o 1 dispute heard and recommendations made

Excavation and Discoveries:

- o 66 pairs of notices published
- o 3 published during 2006

NAGPRA Regulations 43 CFR 10:

- 10.11 Culturally Unidentifiable
 proposed rule Department
 Review
- 10.13 Future Applicability final rule published March 20, 2007
- o 10.7 Unclaimed Under development - 1 consultation in 2007

Technical Assistance and Reports:

- o Training given to 1913 individuals in 40 training events
- o 3 responses to Congressional requests
- o 1900 responses requests for information
- o Report: Federal Agency Compliance
- o Report: Culturally Affiliated Notice Completion(in part)
- o Report: Who Are the Culturally Unidentifiable?
- o Report: NAGPRA Success Stories

THIS IS TO CERTIFY THAT T. J. Ferguson	
HAS SATISFACTORILY COMPLETED THE	
National NAGPRA Program's NAGPRA Training Phoenix, AZ October 13, 2007	
Dr. Sherry Hutt, October 13, 2007 Manager, National NAGPRA Program	

Appendix F

Report on Sovereignty Symposium 2007 in Oklahoma City, OK

May 30-31, 2007

Sovereignty Symposium 2007 – Making Medicine May 30 – May 31, 2007 Gordon Yellowman Narrative Report

to Repatriation Review Committee, Smithsonian Institution

Introduction

The Sovereignty symposium establishes a forum to provide and exchange ideas concerning common legal issues in a scholarly, non-adversarial environment. The Supreme Court espouses no view on any of the issues, and the position taken by the participants are not endorsed by the Supreme Court of the State of Oklahoma.

Symposium Sponsor's

In honor of the Symposium in its twentieth year and this year the theme conference theme was titled Making Medicine. The sponsor's included the Supreme Court of the State of Oklahoma, three Oklahoma law schools, the Oklahoma Indian Affairs Commission and the Oklahoma Arts Council.

Symposium Topics/Participants

The symposium focused on five topics that included; I. Government vs. Commercial Distinctions-Tribal Sovereign Immunity II. Historical Perspectives III. Gaming IV. Native American Criminal Justice Issues and V. Steps in Tribal Code Development. Participants of the symposium included members of many Native American tribes throughout the United States with many tribal representatives from Oklahoma tribes and other participants who are law students and law professionals to hear and exchange ideas in each respective panel's throughout the two day symposium.

Panel C: Moderator

I Gordon Yellowman, Coordinator of the Cultural & Heritage Program Cheyenne and Arapaho Tribes of Oklahoma served as the moderator for Panel C titled: Tribal Historic Preservation: National Museum of the American Indian and the Native American Graves Protection and Repatriation Act.

Please note while serving as the moderator I was not officially representing nor authorized by the Repatriation Review Committee to act under an official capacity. Therefore, as a courtesy and clarification as a member of the Smithsonian Institution's Repatriation Review Committee it was merely mentioned by the two panelists, Bambi Kraus and Jim Pepper Henry that I was a member of the Repatriation Review Committee.

Panelist:

Bambi Kraus, President, National Native Tribal Historic Preservation Office, Washington, D.C. and Jim Pepper Henry, (Kaw) National Museum of the American Indian, Washington, D.C.

Each panelists provided and overview and discussed their respective historic and repatriation programs. Bambi Kraus presented a power-point and internet web site to provide a detailed over view to the participants who attended the panel. A total of 50 participants heard each panelist and asked questions regarding repatriation issues. The tribal representatives from the audience discussed and asked specifically about funding and how the NMAI addresses repatriation. One member of the audience mentioned the frustration of not repatriating human remains in a timely manner. For instance why does it take so long and why is scientific study on human remains still occurring? Non-evasive study was the answer given and that at times such studies may assist in determining cultural affiliations.

Conclusion

Forums such as the Sovereignty Symposium is where program outreach can be achieved and accomplished on a professional and governmental basis for creating and sharing ideas on repatriation efforts for those who have little knowledge, resources and awareness of federal legislations that provides an avenue for the return of ancestor's of many native nations. As a member of the Repatriation Review Committee I strongly encourage and recommend attendance, participation in forums such as this well established law symposium. Ha-Ho! Thank You!

BUGG

Appendix G

Report on National Association of Tribal Historic Preservation Officers Meeting

in Palm Springs, CA

October 8-12, 2007

NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS 9TH ANNUAL MEETING PALM SPRINGS, CALIFORNIA OCTOBER 8-12, 2007

HOSTED BY, THE AGUA CALIENTE BAND OF CHUILLA INDIANS

I arrived on the 8th of October 2007 and was able to attend the afternoon session, 1:30 pm Reno Franklin of the Kashia Pomo tribe spoke on the issue of the reorganization of the Repatriation Department at the University of California at Berkley.

Reno said that recommendations were being made with no Tribal consultation especially, when dealing with human remains and that the Review Committee has no Tribal representation.

The Tribal Chairman has written to the Chancellor and had no response, in addition, eight Tribal Resolutions have been presented to the University with no results.

Chip Brown wrote a letter to the University, a response was received that stated that "in their opinion repatriation would set a precedent"

A protest demonstration was held at the University and the group felt that it had good results.

The Governor of California has also tried to arrange a meeting with the chancellor and was offended when no response came.

The discussion ended with no clear direction except to watch and see what happens next.

I left to register at the hotel.

10-9-07 Tuesday

Blessing of the food by the Howoligei Tribe.

Thomas M Gates, welcomed everyone, He asked "How can different tribes come together to discuss common issues" He remembers that the first meeting to organize was held in the Yurok Land, this was ten years ago.

Introduction of Al Douner, Regional Director, Banbi Kraus President, their job is to stand up for preservation of History.

Richard Begay, Agua Calienta Band of Cahuilla Indians

Shawn Maanawich sang a song of welcome

Ottawa said thank you in his native language

Anthea M Hortig, spoke of the resilience of the Agua Caliente Tribe.

Wayne Donaldson SHIPO of California stated that when he came on board there were four SHIPO'S and now there are twelve, he has maintained contact with all of them. Banbi Karus, she was in intern in the Clinton Administration and moved on to her present position where she plans and implements training programs.

Introduction then took place of all participants.

Katherine Brodie update of Akin Gump, funding for Tribal THPO'S from Congress, three million was split between the tribes and federal agencies. It was increased to six million this year and there was a questionnaire passed out to THPO'S to be returned to Bambi, also a report on how the THPO'S are spending the increases needs to be done. The goal is to allocate each THPO \$ 1000,000 per year and utilize other fund such as AASLH and Save America funds.

Discussion of the First THPO and SHPO Summit (proposed)

Everything is preserved for the English speaking people, even if it is preserved in the native language, the young ones can only speak English.

Discussion of Native Language took place by several speakers and audience members. Rebecka Menendez – South West Indian Museum, Autry National Center. Jon E Boursaw-Director power point presentation of the treaties from 1861

Michael Catrias is recording the Morongo Language on small memory cards and other recorders.

4:00pm Repatriation Programs at the Smithsonian Institution

Roland McCook, John Johnson and Eric Hollinger

We provided information utilizing the CD brought by Eric outlining the Smithsonian's Repatriation office and its function.

We covered the repatriation Review Committee, the origin and laws implementing the Committee, membership and the two travel grants that are available for tribes.

Eric spoke on specific cases and the Repatriation office and how the Tribes could access the information pertinent to their tribes.

Questions were mainly aimed at actual repatriations and Eric answered those quite well. Andrea Hunter the Chairman of the Repatriation Committee spoke on the Review Committee programs.

10-10-07 Wednesday

Update and discussion on the BLM Nationwide Programmatic Agreement.

It was stated that the BLM is very much opposed to the Tribes participating in any agreement; BLM would rather not consult with Indian Tribes.

Section 106 is the only way for Indian Tribes to be a consultant with the BLM and it was the only way that BLM could address Indian Issues.

It was stated that John Nau, Chairman of the National Advisory Council had identified three federal Agencies that have inadequate programs and need to be updated, so far BLM has not moved to do this.

Comments: do away with the existing agreement and do a new one with Tribal participation.

Donna Rae Peterson, Cheyenne River Sioux advocated that the Tribe should never agree and approve any programmatic agreement, the existing agreement is not working and the BLM needs to respect the Government to Government relationship.

Core of Engineers, the agency is and has been working on the Government to Government relationship and believe it is working, the agency will define definite areas that will impact the Tribes.

The Federal Government's responsibility to consult with Tribes cannot be delegated.

10-11-07 Thursday I departed this day

This report is the highlights of this Conference as seen and heard by me and if more detailed information is needed, it can be had via the internet. My purpose to be here was to present the Repatriation Review Committee Program.

O. Roland McCook Sr. Uncompander Ute Traditional Leader

SMITHSONIAN INSTITUTION

NATIVE AMERICAN REPATRIATION REVIEW COMMITTEE ANNUAL REPORTS FOR 2008, 2009, and 2010

Prepared by the Native American Repatriation Review Committee

Submitted to G. Wayne Clough Secretary of the Smithsonian Institution

January 26, 2012

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INTRODUCTION

The Native American Repatriation Review Committee was established by the National Museum of the American Indian Act (P.L. 101-185, amended in P.L. 101-278). The committee is charged with ensuring the fair and objective consideration and assessment of all relevant evidence with respect to the inventory and identification of human remains, funerary objects, sacred objects, and objects of cultural patrimony. At the request of any party, the committee is authorized to review findings relating to the origin or the return of such remains and objects, and to facilitate the resolution of any dispute that may arise between Indian Tribes with respect to the return of such objects.

The committee is composed of seven members. Four of the committee members are appointed from nominations submitted by Indian tribes and organizations, and three of the committee members are appointed from nominations submitted by scientific and museum organizations. Two committee members are traditional Indian religious leaders. The committee meets in person twice a year at the National Museum of Natural History (NMNH) to review the repatriation activities of the Smithsonian Institution. During one of these meetings, committee members monitor the operation of the NMNH Repatriation Office through direct observation and interviews with staff.

In 2008 and 2009, committee members included: Andrea Hunter (Osage Nation), Chair; Roland McCook (Ute Indian Tribe of Uintah and Ouray Reservation), Vice-Chair; Jane Buikstra; T. J. Ferguson; John Johnson (Chugach Alaska Corporation); Phillip L. Walker; and Gordon Yellowman (Cheyenne and Arapaho Tribes of Oklahoma). After the unexpected death of Phillip L. Walker in 2009, Shelby Tisdale joined the committee in 2010.

This document includes annual reports about repatriation activities at the NMNH for the 2008, 2009, and 2010 calendar years.

ANNUAL REPORT FOR 2008

Repatriation Statistics

Five repatriation cases were completed in 2008, with a processing time that ranged from 9.8 years to 0.6 years (Table 1). These cases entailed nine claimants, and resulted in cultural affiliation being determined for twelve tribes or Native Alaskan villages. The cases documented a total of 73 catalog numbers of human remains, representing a minimal number of 73 individuals; 27 catalog numbers of funerary objects, representing 59 funerary objects; and 6 catalog numbers representing six objects claimed as sacred objects or objects of cultural patrimony (Table 2). The case reports determined cultural affiliation for 70 catalog numbers of human remains, representing a minimum number of 70 individuals; and 27 catalog numbers of funerary objects, representing 59 funerary objects. The cultural affiliation of 3 catalog numbers representing a minimum of 3 individuals could not be determined. Six objects claimed as sacred objects and objects of cultural patrimony were determined not to fit these object categories. The culturally affiliated human remains and funerary objects were recommended for repatriation, and the other human remains and objects were recommended for retention in the NMNH collections.

In 2008, the NMNH transferred 204 catalog numbers of human remains, representing a minimum of 214 individuals, to one tribe (Table 3).

With the case reports completed in 2009, the NMNH has approved for repatriation (Table 4):

- 4,991 catalog numbers of human remains, representing a minimum number of 5,505 individuals;
- 2,112 catalog numbers of funerary objects, representing 105,864 funerary objects; and
- 10 catalog numbers of sacred objects and objects of cultural patrimony, representing 50 objects.

In 2008, new claims were received from two tribes: one from the Pueblo of Jemez for funerary objects, and the other from the Choctaw Nation of Oklahoma for human remains.

Committee Activities

On September 25, 2008, Committee Chair Andrea Hunter attended the National Association of Tribal Historic Preservation Officers meeting in Washington, D.C., participating in a session that described the programmatic functions of the National Museum of Natural History.

On October 11 and 12, 2008, Andrea Hunter and John Johnson attended the National NAGPRA Review Committee meeting in San Diego, California.

The Repatriation Review Committee funded travel grants to five tribes in 2008 to facilitate repatriation research, consultation with the National Museum of Natural History, or transfer of human remains or funerary objects. Tribes receiving travel grants included the Pueblo of Cochiti, Pueblo of Jemez, Sault Ste. Marie Tribe of Chippewa Indians, and Pueblo of Santo Domingo.

Challenges for the Smithsonian Institution in Discharging Repatriation Responsibilities

The NMNH developed plans to move the Repatriation Office into a new location within the museum. This move will place the Human Osteology Laboratory on a different floor from the workspace of case officers, potentially making communication between Repatriation Office staff more difficult. The office space of the case officers will not have handicap access, potentially making it difficult for some tribal members to access the Repatriation Office during consultation visits. The new space for the Repatriation Office will not have a dedicated ceremonial room for use by tribal visitors, and this creates a potential problem for the performance of Native American ritual activities associated with repatriation. The Human Osteology Laboratory is moving into a much smaller space that it previously occupied, and this negatively impact productivity by having to curate human remains in another location and move them more frequently for analysis.

The work of the Repatriation Review Committee in 2008 was impeded by a lack of consistent administrative support due to a reduction in force at the NMNH. In December of

2007, the Coordinator working for the RRC was released due to a reduction in workforce at the Smithsonian Institution. The Coordinator was replaced with another individual who then resigned in February. For the remainder of 2008, the RRC functioned without a coordinator, relying on the Repatriation Office of the NMNH for support with administrative and budgetary matters. The lack of administrative support contributed the Committee's failure to produce an annual report in a timely manner.

Action Items

The principal action item identified in 2008 was to monitor the effect of moving the Repatriation Office to a new space within the NMNH and to determine if the loss of a dedicated ceremonial room has an adverse effect on the repatriation activities of tribes making claims at the NMNH

Overall Assessment of Repatriation Activities at the National Museum of Natural History in 2008

The Repatriation Office at the NMNH continues to fulfill its mandated tasks at a high level, setting a standard for other institutions in research and reporting about human remains and objects claimed for repatriation. In 2008, the average processing time for claims was 3.4 years but three out of the five claims completed had a processing time of less than two years. There is still a queue of tribes that have filed claims that are not being actively processed due to unavailability of staff to conduct research and prepare reports. Ongoing repatriation claims from federally recognized tribes will continue well into the future.

Table 1 Cases Completed in 2008

Date of Claim	Smithsonian Approval of Report	Processing Time (Years)	Case	Claimants	Affiliated Tribes
Dec-98	1-Oct-08	9.8	Human Remains and Funerary Objects Potentially Affiliated with the Klamath Tribes	Klamath Tribes of Oregon	Klamath Tribes of Oregon, Confederated Tribes of the Warm Springs Reservation, Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon, Modoc Tribe of Oklahoma
Jul-07	5-Mar-08	0.6	Unassociated Funerary Objects from Umatilla, Oregon	Confederated Tribes of the Umatilla Indian Reservation	Confederated Tribes of the Umatilla Indian Reservation
Jan-04	8-Aug-08	4.6	Apache Objects Requested for Repatriation as Funerary Objects, Objects of Cultural Patrimony, and Sacred Object	White Mountain Apache Tribe, San Carlos Apache Tribe, Yavapai-Apache Nation, Tonto Apache Tribe	White Mountain Apache Tribe, San Carlos Apache Tribe, Yavapai-Apache Nation, Tonto Apache Tribe
Aug-07	1-Oct-08	1.2	Human Remains and Funerary Objects Requested by the Stockbridge-Munsee Band and Delaware Nation	Stockbridge-Munsee Band of Mohican Indians, Delaware Nation of Oklahoma	Stockbridge-Munsee Band of Mohican Indians, Delaware Nation of Oklahoma, Cherokee Nation of Oklahoma ¹
Nov-07	7-Nov-08	1.0	Human Remains from Crooked Creek, Alaska	Native Village of Crooked Creek	Native Village of Crooked Creek

¹ The Delaware Tribe was part of the Cherokee Nation of Oklahoma and was federally recognized after the repatriation case report was completed.

Table 2 **Number of Human Remains and Objects Involved in Cases in 2008**

			D	ocume	nted in Rep	ort		***********		A_{i}	pproved	l for Repati	iation	
		Hun Rem			nerary bjects	Cı Pat	red and ultural rimony bjects			man nains		nerary bjects	Cu Patr	red and altural rimony ojects
Smithsonian		N		N		N			N		N		N	
Approval of		Cat.		Cat.	N	Cat.	N		at.		Cat.	N	Cat.	N
Report	Case	No.	MNI	No.	Objects	No.	Objects	N	lo.	MNI	No.	Objects	No.	Objects
1-Oct-08	Human Remains and Funerary Objects Potentially Affiliated with the Klamath Tribes	12	12	21	36			1	10	10	21	36		
5-Mar-08	Unassociated Funerary Objects from Umatilla, Oregon			1	18						1	18		
8-Aug-08	Apache Objects Requested for Repatriation as Funerary Objects, Objects of Cultural Patrimony, and Sacred Objects			3	3	6	6				3	3		
1-Oct-08	Human Remains and Funerary Objects Requested by the Stockbridge-Munsee Band and Delaware Nation	60	60	2	2			45	59	59	2	2		
7-Nov-08	Human Remains from Crooked Creek, Alaska	1	1					5	1	1				
	TOTAL	73	73	27	59	6	6	7	70	70	27	59	0	0

Table 3 **Transfer of Repatriated Human Remains in 2008**

	Human R	Funerary Objects			
Tribe	N Cat. No.	MNI	N Cat. No.	N Objects	
Pueblo of Jemez	204	214			

Table 4
Number of Human Remains and Objects Approved for Repatriation by the
National Museum of Natural History to 2008

	1989 to 2007	2008	Total
Human Remains			
Catalog Numbers	4,931	60	4,991
Minimum Number of Individuals	5,435	70	5,505
Funerary Objects			
Catalog Numbers	2,085	27	2,112
Number of Objects	105,805	59	105,864
Sacred Objects and Objects of Cultural			
Patrimony			
Catalog Numbers	10	0	10
Number of Objects	50	0	50

ANNUAL REPORT FOR 2009

Repatriation Statistics

Three repatriation cases were completed in 2009, with a processing time that ranged from 20.3 years to 1.3 years (Table 5). The case that took 20 years to process entailed human remains that were missing when a case report was prepared in 1992. These human remains were located in 2005 and potentially affiliated tribes were notified in 2006. A second report was prepared based on the original claim, with a processing time of 3.8 years from notification of claimant tribes to approval. The cases completed in 2009 entailed four claimants, and resulted in cultural affiliation being determined for three tribes. The cases documented a total of 2 catalog numbers of human remains, representing a minimal number of 2 individuals; and 132 catalog numbers of funerary objects, representing 1,158 funerary objects (Table 6). The case reports determined cultural affiliation for 1 catalog number of human remains, representing a minimum number of 1 individual; and 131 catalog numbers of funerary objects, representing 1,157 funerary objects. The cultural affiliation of 1 catalog number representing a minimum of 1 individual could not be determined; and 1 catalog number representing 1 object was determined not to be a funerary object. The culturally affiliated human remains and funerary objects were recommended for repatriation, and the other human remains and objects were recommended for retention in the NMNH collections.

In 2009, the NMNH transferred 64 catalog numbers of human remains representing a minimum of 64 individuals, and 24 catalog numbers of funerary objects representing 56 objects, to seven tribes or Native Alaskan villages (Table 7).

With the case reports completed in 2009, the NMNH has approved for repatriation (Table 8):

- 4,992 catalog numbers of human remains, representing a minimum number of 5,506 individuals;
- 2,243 catalog numbers of funerary objects, representing 107,021 funerary objects; and
- 10 catalog numbers of sacred objects and objects of cultural patrimony, representing 50 objects.

In 2009, new claims were received from two tribes: one from the Bay Mills Indian Community and the Sault Ste. Marie Tribe for repatriation of human remains from Mackinac Island, and the other from the Hopi Tribe for human remains and funerary objects from Coconino National Forest.

Committee Activities

Repatriation Review Committee member Phillip L. Walker died unexpectedly on February 6, 2009. A search was conducted to fill his position with nominations from scientific and museum organizations.

The Repatriation Review Committee received a request from the White Mountain Apache Tribe, San Carlos Apache Tribe, Yavapai-Apache Nation, and Tonto Apache Tribe to review the

findings related to a claim for sacred objects and objects of cultural patrimony. The Committee held a hearing about these findings in Tempe, Arizona, on April 17, 2009. Representatives of the four Apache tribes and the NMNH attended this hearing to discuss the cultural objects. On July 5, 2009, after review of the case report and additional testimony provided by the Apache tribes and NMNH staff during the hearing, the Repatriation Review Committee found that the preponderance of evidence is that the six objects claimed by the Apache tribes are culturally affiliated with one or more of the Apache tribes, and that the objects are sacred objects and objects of cultural patrimony. The Repatriation Review Committee also found that the National Museum of Natural History does not have the right of possession for these six objects. The Repatriation Review Committee recommended that the Secretary of the Smithsonian Institution direct the National Museum of Natural History to repatriate these six objects to the Western Apache NAGPRA Working Group comprised of the four Apache tribes.

On May 23 and 24, 2009, Committee member John Johnson and Committee Coordinator Jennifer Murray attended the National NAGPRA Review Committee meeting in Seattle, Washington. On October 30 and 31, 2009, Committee members John Johnson and T. J. Ferguson, and Committee Coordinator Jennifer Murray, attended the National NAGPRA Review Committee meeting in Sarasota, Florida.

On September 16, 2009, T. J. Ferguson represented the Repatriation Review Committee during a reburial ceremony following the repatriation of human remains and funerary objects to the Stockbridge-Munsee Band, Delaware Nation, and Delaware Tribe. The repatriated human remains and funerary objects were interred within the Delaware Water Gap National Recreational Area in New Jersey.

The Repatriation Review Committee funded travel grants to ten tribes in 2009 to facilitate repatriation research, consultation with the National Museum of Natural History, or transfer of human remains or funerary objects. Tribes receiving travel grants included the Klamath Tribes, Mashpee Wapanoag Tribe, Native Village of Crooked Creek, Sault Ste. Marie Tribe of Chippewa Indians, Delaware Nation, Delaware Tribe, Stockbridge-Munsee Band, Santa Ynez Band of Chumash Indians, Santa Rosa Rancheria Tachi-Yokut Tribe, and Pueblo of San Ildelfonso.

On December 10, 2009, the Repatriation Review Committee met with representatives of the Government Accountability Office (GAO) to answer questions pertaining to their investigation of repatriation at the Smithsonian Institution.

Challenges for the Smithsonian Institution in Discharging Repatriation Responsibilities

In 2009, the Human Osteology Laboratory of the Repatriation Office was moved to a temporary location that is too small for effective operation. A larger permanent office for this laboratory is needed to ensure the long-term functioning of this essential component of repatriation activities at the Smithsonian Institution. An additional challenge for the Human Osteology Laboratory is the term appointment of its Director. Term appointments disrupt the continuity of laboratory supervision and make it difficult to hire qualified scientists to fill this

position. The Repatriation Review Committee recommended to NMNH officials that the Director of the Human Osteology Laboratory be converted into a permanent position.

A Coordinator for the Repatriation Review Committee was hired at the end of March 2009, meaning that the committee was without consistent administrative support for the first quarter of the year. When the new Coordinator was hired, she was faced with a backlog of administrative work, including preparing minutes of committee meetings for the previous year. The lapse in administrative support for the Committee contributed to the failure of the committee to prepare an annual report in 2009.

Action Items

The Repatriation Review Committee recommended that the Repatriation Office send a letter to all Indian tribes in the United States notifying them of plans to move Native American human remains from the NMNH building on the mall to the Museum Support Center in Suitland, Maryland. This letter is needed to let tribes know the transfer of human remains will be done with respect, and will result in improved curatorial conditions.

At the request of the Government Accountability Office (GAO), the Repatriation Review Committee will answer questions and provide information relating to a GAO investigation of repatriation at the Smithsonian Institution.

The charter of the Repatriation Review Committee needs to be revised to reflect the standard operating procedures of the committee.

Overall Assessment of Repatriation Activities at the National Museum of Natural History in 2009

The Repatriation Office at the NMNH continues to fulfill its mandated tasks at a high level, setting a standard for other institutions in research and reporting about human remains and objects claimed for repatriation. In 2009, the average processing time for claims was 7.8 years but two out of the three claims completed had a processing time of less than two years. There is still a queue of tribes that have filed claims that are not being actively processed due to unavailability of staff to conduct research and prepare reports. Ongoing repatriation claims from federally recognized will continue well into the future.

The Repatriation Office case officers and staff worked hard to overcome the challenges of moving into a new office space. The Human Osteology Laboratory made the best of a bad situation and designed a workable laboratory where human remains could be handled with dignity during analysis. The Repatriation Office staff deserves commendation for maintaining productivity during the disruption caused by having to move their office.

Table 5 **Cases Completed in 2009**

Date of Claim	Smithsonian Approval of Report	Processing Time (Years)	Case	Claimants	Affiliated Tribes
Feb-08	9-Jun-09	1.3	Funerary Objects Potentially Affiliated with the Pueblo of Jemez	Pueblo of Jemez	Pueblo of Jemez
Dec-07	8-Sep-09	1.8	Human Remains Potentially Affiliated with the Potawatomi	Citizen Potawatomi Nation	None
Aug-89	12-Nov-09	20.31	Human Remains from Near Golden, Colorado	Cheyenne and Arapaho Tribes of Oklahoma, Northern Cheyenne Tribe	Cheyenne and Arapaho Tribes of Oklahoma, Northern Cheyenne Tribe

¹ The human remains in this case were listed as missing when the initial case report was prepared in 1992. The remains were located in 2005 and potentially affiliated tribes were notified in February 2006. A second report was prepared based on the earlier claim, with a processing time of 3.8 years from notification of claimant tribes to approval.

Table 6 **Number of Human Remains and Objects Involved in Cases in 2009**

		Documented in Report					ų.	Authorized for Repatra					riation	
		Hum Rema		Sacred and Cultural Funerary Patrimony Objects Objects		ıltural rimony	Human Remains		Funerary Objects		Cu Pati	red and ıltural rimony bjects		
Smithsonian Approval of Report	Case	N Cat. No.	MNI	N Cat. No.	N Objects	N Cat. No.	N Objects		N Cat. No.	MNI	N Cat. No.	N Objects	N Cat. No.	N Objects
9-Jun-09	Funerary Objects Potentially Affiliated with the Pueblo of Jemez ¹			132	1,158						131	1,157		7
8-Sep-09	Human Remains Potentially Affiliated with the Potawatomi	1	1											
12-Nov-09	Human Remains from Near Golden, Colorado	1	1						1	1				
	TOTAL	2	2	132	1,158	0	0		1	1	131	1,157	0	0

¹ During the repatriation associated with this case, one bone in one catalog number was identified as a human remain and repatriated based on an earlier case report that focused on Jemez human remains. This changed the count of human remains and funerary objects between the case report and the repatriation.

Table 7 **Transfer of Repatriated Human Remains in 2009**

	Human R	emains	Funerary Objects		
Tribe or Native Village	N Cat. No.	MNI	N Cat. No.	N Objects	
Umatilla			1	18	
Delaware Tribe of Oklahoma,	59	59	2	2	
Delaware Nation of Oklahoma, and					
Stockbridge-Munsee Tribe of					
Mohican Indians					
Koyukuk Native Village	1	1			
Native Village of Crooked Creek	1	1			
Klamath Tribe	3	3	21	36	
Total	64	<i>64</i>	24	<i>56</i>	

Table 8
Number of Human Remains and Objects Authorized for Repatriation by the National Museum of Natural History to 2009

	1989 to 2008	2009	Total
Human Remains			
Catalog Numbers	4,991	1	4,992
Minimum Number of Individuals	5,505	1	5,506
Funerary Objects			
Catalog Numbers	2,112	131	2,243
Number of Objects	105,864	1,157	107,021
Sacred Objects and Objects of Cultural			
Patrimony			
Catalog Numbers	10	0	10
Number of Objects	50	0	50

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Repatriation Statistics

Eight repatriation cases were completed in 2010, with a processing time that ranged from 18.3 years to 0.3 years (Table 9). The cases completed in 2010 entailed seven claimants, and resulted in cultural affiliation being determined for nine tribes. The cases documented a total of 92 catalog numbers of human remains, representing a minimal number of 90 individuals; and 259 catalog numbers of funerary objects, representing 75,936 funerary objects (Table 10). The case reports determined cultural affiliation for 48 catalog numbers of human remains, representing a minimum number of 54 individuals; and 227 catalog numbers of funerary objects, representing 75,799 funerary objects. The cultural affiliation of 44 catalog numbers of human remains representing a minimum of 36 individuals, and 32 catalog numbers of funerary objects representing 137 funerary objects, could not be determined. The culturally affiliated human remains and funerary objects were recommended for repatriation, and the other human remains and objects were recommended for retention in the NMNH collections.

In 2010, the NMNH transferred 7 catalog numbers of human remains representing a minimum of 7 individuals, and 3 catalog numbers of funerary objects representing 5 objects, to five tribes (Table 11).

With the case reports completed in 2010, the NMNH has approved for repatriation (Table 12):

- 5,040 catalog numbers of human remains, representing a minimum number of 5,560 individuals;
- 2,470 catalog numbers of funerary objects, representing 182,820 funerary objects; and
- 10 catalog numbers of sacred objects and objects of cultural patrimony, representing 50 objects

In 2010, two new claims were received, including a claim by the Hoonah Indian Association (Tlingit) for funerary objects, and a claim by the Native Village of Diomede, Alaska, for human remains.

Committee Activities

At the beginning of 2010, Shelby Tisdale was appointed to the Repatriation Review Committee from nominations made by scientific and museum organizations.

Dr. Andrea Hunter rotated off the Repatriation Review Committee at the end of 2010, after serving eighteen years. A search was initiated to replace her with nominations from Indian tribes and organizations.

On December 15, 2010, the Repatriation Review Committee met with representatives of the GAO to answer questions pertaining to their investigation of repatriation at the Smithsonian Institution. The Committee and its Coordinator provided additional information to the GAO when it was requested.

Committee members Roland McCook, John Johnson, and Shelby Tisdale attended the NAGPRA at Twenty Symposium and National NAGPRA Review Committee meeting in Washington, D.C., on November 15 and 16, 2010.

The Repatriation Review Committee funded travel grants to five tribes in 2010 to facilitate repatriation research, consultation with the National Museum of Natural History, or transfer of human remains or funerary objects. Tribes receiving travel grants included the Pueblo of Jemez, Choctaw Nation of Oklahoma, Jena Band of Choctaw, Mississippi Band of Choctaw, and Sault Ste. Marie Tribe of Chippewa Indians.

Challenges for the Smithsonian Institution in Discharging Repatriation Responsibilities

Dr. Eva Pell, the Smithsonian Institution's Under Secretary for Science, decided in April 2010 to disregard the findings of the Repatriation Review Committee and refuse repatriation of six objects claimed by four Western Apache tribes as sacred objects and objects of cultural patrimony. This decision exposed the fact that there is no appeals process for tribes if the Secretary of the Smithsonian Institution or his designee both approves repatriation reports and makes final decisions regarding disputes about factual matters involved in a repatriation claim. The Smithsonian Institution needs to institute an appeals process separate from the claims report process in order to rectify this situation. The Smithsonian Institution's decision in the Apache case diminished the authority of the Repatriation Review Committee.

The inability of the Repatriation Review Committee to document the repatriation activities of the National Museum of the American Indian continues to be a challenge in the comprehensive monitoring of repatriation at the Smithsonian Institution. Attempts by the Committee to meet with the NMAI Board of Trustees to discuss repatriation in 2010 failed due to scheduling conflicts. In a meeting with the NMAI Director and the NMNM Assistant Director, the groundwork was laid for increased sharing of repatriation reports and information between the two museums. The NMNH and NMAI apply different legal standards in repatriation decisions, and this creates a challenge for Indian tribes expecting a unified standard within the Smithsonian Institution.

In April of 2010, NAGPRA regulations were promulgated to provide guidance about the disposition of culturally unidentifiable human remains in federally funded museums other than the Smithsonian Institution. The Smithsonian Institution now needs to develop a formal policy regarding the disposition of culturally unidentifiable human remains at the NMNH so that interested tribes can understand the process of repatriation at the Smithsonian Institution.

Cultural beliefs, lack of administrative resources within tribal governments, and the time needed for intertribal coordination result in occasionally delays in the transfer of human remains and other objects after they have been recommended for repatriation. The Smithsonian Institution needs to develop an effective program of outreach to Indian tribes to address the administrative hurdles to completing repatriation.

In 2010, the Human Osteology Laboratory moved its office for the second time in two years. The temporary location of this laboratory within National Museum of Natural History is

too small for its effective operation and a larger permanent office for this laboratory is needed to ensure the long-term functioning of this essential component of repatriation activities at the Smithsonian Institution. A continuing challenge for the Human Osteology Laboratory is related to the term appointment of its Director. A term appointment for the Director of the Human Osteology Laboratory disrupts the continuity of laboratory supervision and makes it difficult to hire qualified scientists to fill this position. The RRC recommends that the Director of the Human Osteology Laboratory be converted into a permanent position.

Action Items

The NMNH needs to develop a policy for culturally unidentifiable human remains.

The NMNH needs to develop and implement a proactive plan for consulting Indian tribes concerning human remains and funerary objects at sites of national significance in advance of repatriation claims.

The revised charter for Repatriation Review Committee needs to be approved by the Secretary of the Smithsonian Institution.

Overall Assessment of Repatriation Activities at the National Museum of Natural History in 2010

The Repatriation Office at the NMNH continues to fulfill its mandated tasks at a high level, setting a standard for other institutions in research and reporting about human remains and objects claimed for repatriation. However, there is still a queue of tribes that have filed claims that are not being actively processed due to unavailability of staff to conduct research and prepare reports. Ongoing repatriation claims from federally recognized will continue well into the future

Approximately 8,000 of the 18,230 Native American human remains at the NMNH when the NMAI Act was passed have yet to be documented using current scientific standards. The Human Osteology Laboratory is working steadily to document these remains but at the current pace, this work will take another decade.

Table 9 **Cases Completed in 2010**

Date of Claim	Smithsonian Approval of Report	Processing Time (Years)	Case	Claimants	Affiliated Tribes
Jun-08	8-Apr-10	1.8	Human Remains of a Choctaw Female	Choctaw Nation of Oklahoma	None
Jan-08	14-Apr-10	2.3	Human Remains and Funerary Objects from Ontario, Canada	Sault Ste. Marie Band of Chippewa Indians, Bay Mills Indian Community	Sault Ste. Marie Band of Chippewa Indians, Bay Mills Indian Community
Jan-09	14-Sep-10	1.6	Human Remains from Mackinac Island, Michigan	Sault Ste. Marie Band of Chippewa Indians, Bay Mills Indian Community	Sault Ste. Marie Band of Chippewa Indians, Bay Mills Indian Community
Jan-93	14-Apr-10	17.31	Human Remains from the Rogue River Area, Oregon	Confederated Tribes of the Grand Ronde Community of Oregon	Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Siletz Indians of Oregon
none	6-Oct-10		Human Remains and Funerary Objects from Sullivans Island, Skamania County, Washington		Confederated Tribes and Bands of the Yakama Nation, Confederated Tribes of Warm Springs Reservation, Confederated Tribes of the Grand Ronde Community of Oregon, Shoalwater Bay Tribe
Aug-92	30-Nov-10	18.3	Human Remains and Objects from Tiller Mound, Arkansas	Tunica-Biloxi Tribe of Louisiana	None
Aug-10	21-Dec-10	0.3	Human Remains from Little Diomede Island, Alaska	Native Village of Diomede	Native Village of Diomede
Mar-93	21-Dec-10	17.7	Human Remains and Funerary Objects, Nome Region, Alaska	Nome Eskimo Community	Nome Eskimo Community

¹ This case involves human remains that were located within the museum after the initial case report was prepared. After the additional remains were discovered, the potentially affiliated tribes were notified and a second case report was prepared with the processing time of one year.

Table 10 Number of Human Remains and Objects Involved in Cases in 2010

				Docume	nted in Rep	ort			A_{j}	pproved	for Repatr	iation	
		Hur Rem		Sacred and Cultural Patrimony Funerary Objects Objects			Human Funerary Remains Objects			Sacred and Cultural Patrimony Objects			
Smithsonian Approval of Report	Case	N Cat. No.	MNI	N Cat. No.	N Objects	N Cat. No.	N Objects	N Cat. No.	MNI	N Cat. No.	N Objects	N Cat. No.	N Objects
8-Apr-10	Human Remains of a Choctaw Female ¹	1	1				M.	1	1		W.		7.
14-Apr-10	Human Remains and Funerary Objects from Ontario, Canada (Sault St. Marie Chippewa, Bay Mills Indian Community)	6	6	2	4			6	6	2	4		
14-Sep-10	Human Remains from Mackinac Island, Michigan	5	5					5	5				
14-Apr-10	Human Remains from the Rogue River Area, Oregon	1	1					1	1				
6-Oct-10	Human Remains and Funerary Objects from Sullivans Island, Skamania County, Washington	3	7	222	75,788			3	7	222	75,788		
30-Nov-10	Human Remains and Objects from Tiller Mound, Arkansas	44	36	32	137								
21-Dec-10	Human Remains from Little Diomede Island, Alaska	12	12					12	12				
21-Dec-10	Human Remains and Funerary Objects, Nome Region, Alaska	20	22	3	7			20	22	3	7		
	TOTAL	92	90	259	75,936	0	0	48	54	227	75,799	0	0

¹ Fourteen objects in three catalog numbers were documented in the report but determined not to be funerary objects subject to repatriation.

Table 11 **Transfer of Repatriated Human Remains in 2010**

	Human R	emains	Funerary Objects		
Native Group	N Cat. No.	MNI	N Cat. No.	N Objects	
Choctaw Nation of Oklahoma, Jena	1	1			
Band of Choctaw Indians,					
Mississippi Band of Choctaw					
Sault Ste. Marie Tribe of Chippewa	6	6	3	5 ¹	
Indians, Bay Mills Community					
Total	7	7	3	5	

¹ A textile adhering to a cranium was cataloged as a funerary object after the case report was completed, and was included among the objects that were repatriated.

Table 12
Number of Human Remains and Objects Approved for Repatriation by the
National Museum of Natural History to 2010

	1989 to 2009	2010	Total
Human Remains			
Catalog Numbers	4,992	48	5,040
Minimum Number of Individuals	5,506	54	5,560
Funerary Objects			
Catalog Numbers	2,243	227	2,470
Number of Objects	107,021	75,799	182,820
Sacred Objects and Objects of Cultural			
Patrimony			
Catalog Numbers	0	0	10
Number of Objects	0	0	50

SMITHSONIAN INSTITUTION

NATIVE AMERICAN REPATRIATION REVIEW COMMITTEE ANNUAL REPORT FOR 2011

Prepared by the Native American Repatriation Review Committee

Submitted to G. Wayne Clough Secretary of the Smithsonian Institution

February 7, 2012

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Introduction

The Native American Repatriation Review Committee (RRC) was established by the National Museum of the American Indian Act (P.L. 101-185, amended in P.L. 101-278). The committee is charged with ensuring the fair and objective consideration and assessment of all relevant evidence with respect to the inventory and identification of human remains, funerary objects, sacred objects, and objects of cultural patrimony. At the request of any party, the committee is authorized to review findings relating to the origin or the return of such remains and objects, and to facilitate the resolution of any dispute that may arise between Indian Tribes with respect to the return of such objects.

The committee is composed of seven members. Four of the committee members are appointed from nominations submitted by Indian tribes and organizations, and three of the committee members are appointed from nominations submitted by scientific and museum organizations. Two committee members are traditional Indian religious leaders.

The committee meets in person twice a year at the National Museum of Natural History (NMNH) to review the repatriation activities of the Smithsonian Institution. During one of these meetings, committee members monitor the operation of the NMNH Repatriation Office through direct observation and interviews with staff. The committee also reviews draft repatriation case reports prepared by the NMNH Repatriation Office to provide comments regarding the fair and objective consideration and assessment of relevant evidence with respect to the inventory, identification, and cultural affiliation of human remains and objects.

In 2011, committee members included: Roland McCook (Ute Indian Tribe of Uintah and Ouray Reservation), Chair; T. J. Ferguson, Vice-Chair; Jane Buikstra; John Johnson (Chugach Alaska Corporation); Bonnie Newsom (Penobscot Indian Nation); Shelby Tisdale; and Gordon Yellowman (Cheyenne and Arapaho Tribes of Oklahoma).

This document comprises the annual report about repatriation activities at the NMNH for the 2011 calendar year.

Repatriation Statistics

Seven repatriation cases were completed by the Repatriation Office in 2011, with a processing time that ranged from 1 year to 19.33 years (Table 1). The cases completed in 2011 entailed 9 claimants, and resulted in cultural affiliation being determined for 11 tribes or Native Alaskan villages. The cases documented a total of 184 catalog numbers of human remains, representing a minimal number of 189 individuals; and 206 catalog numbers of funerary objects, representing 8,424 funerary objects (Table 2). The case reports determined cultural affiliation for 184 catalog numbers of human remains, representing a minimum number of 187 individuals; and 205 catalog numbers of funerary objects, representing 8,413 funerary objects. The cultural affiliation of human remains in one catalog number, representing a minimum of 2 individuals, and the cultural affiliation of one catalog number of funerary objects, representing 11 funerary objects, could not be determined. The culturally affiliated human remains and funerary objects were recommended for repatriation, and the other human remains and funerary objects were recommended for retention in the NMNH collections.

In 2011, the NMNH transferred 37 catalog numbers of human remains, representing a minimum of 39 individuals, to two tribes and two Native Alaskan villages (Table 3). A total of 135 catalog numbers of funerary objects, representing 1,164 objects, were transferred to one tribe and one Native Alaska village.

With the case reports completed in 2011, the NMNH has approved for repatriation a total of (see Table 4):

- 5,224 catalog numbers of human remains, representing a minimum number of 5,747 individuals;
- 2,675 catalog numbers of funerary objects, representing 191,233 funerary objects; and
- 10 catalog numbers of sacred objects and objects of cultural patrimony, representing 50 objects.

In 2011, the Repatriation Office at the National Museum of Natural History received four new claims. These include a claim by the Pueblo of Cochiti on May 6, 2011, for three sacred objects; a claim by the Chevak Traditional Council, Alaska, on June 2, 2011, for human remains and funerary objects; a claim by the Onondaga Nation on August 5, 2011, for an object of cultural patrimony; and a claim by the Inupiat Community of Arctic Slope on August 5, 2011, for human remains.

There were three claims in the queue awaiting availability of Repatriation Office staff to begin reports.

Committee Activities

Bonnie Newsom (Penobscot Indian Nation) was appointed to the Repatriation Review Committee in January 2011, from nominations submitted by Indian tribes and organizations.

Bonnie Newsom, Shelby Tisdale, and Committee Coordinator Jennifer Murray attended the National NAGPRA Review Committee meeting in Syracuse, New York, on June 21-22, 2011. John Johnson and Roland McCook, and Committee Coordinator Jennifer Murray, attended the NAGPRA Review Committee meeting in Reno, Nevada, on November 8-9, 2011. Attending the National NAGPRA Review Committee meetings enables the members of the Smithsonian Institution's Repatriation Review Committee to stay informed about national repatriation issues.

On April 26, 2011, the day before the spring meeting of the Repatriation Review Committee, Jane Buikstra, T. J. Ferguson, and Bonnie Newsom monitored the operation of the NMNH Repatriation Office. The full RRC met to review repatriation activities at the Smithsonian Institution on April 27-28 and December 12-13, 2011.

The Repatriation Review Committee, NMNH Repatriation Office, and Office of the General Counsel sponsored a repatriation training session with the National Museum of the American Indian at the NMNH on April 29, 2011. The training included a review of the NMAI Act by Jason Baletsa, Office of the General Council, a discussion of the differences between the NMAI Act and NAGPRA, and consideration of how the NMAI Act is variously implemented at

NMNH and NMAI. More than fifty staff members from the NMNH and NMAI attended this training.

The Repatriation Review Committee funded travel grants to eight tribes in 2011 to facilitate repatriation research, consultation with the National Museum of Natural History, or transfer of human remains and funerary objects. Tribes receiving travel grants included the Cheyenne and Arapaho Tribes of Oklahoma, Northern Cheyenne Tribe, Arapahoe Tribe of the Wind River Reservation, Chickasaw Nation, Hooper Bay Community, Native Village of Diomede, Nome Eskimo Community, and Sault Ste. Marie Tribe of Chippewa.

Roland McCook's term on the committee ended in December of 2011. Gordon Yellowman was nominated by the Repatriation Review Committee to serve as Chair of the committee in 2012, with T. J. Ferguson continuing as the Vice-Chair.

Challenges for the Smithsonian Institution in Discharging Repatriation Responsibilities

In 2011, the Government Accountability Office completed a report for Congress entitled "Smithsonian Institution, Much Work Still Needed to Identify and Repatriate Indian Human Remains and Objects" (GAO 2011). The Repatriation Review Committee reviewed this report and concurs with its findings concerning the challenges the Smithsonian Institution faces in its repatriation activities.

As discussed by the GAO (2011:14–19), Section 11 of the NMAI Act directs the Secretary of the Smithsonian Institution, in consultation with traditional Indian religious leaders and government officials of Indian tribes, to inventory the Indian human and funerary objects in the possession of the Smithsonian Institution, and to use the best available scientific and historical documentation to identify the origin of these remains and objects. However, the catalog and accession records of the Smithsonian Institution are complex, and they are often incomplete and scattered among several record locations within the Smithsonian. Given the size and complexity of its collections, officials at the NMNH decided to interpret the Section 11 mandate as a twostep process in which inventories of human remains and funerary objects were first prepared to meet statutory deadlines, followed by specific studies to determine cultural affiliation as a second step when repatriation claims were made by tribes. When the NMAI Act was passed, the Smithsonian Institution estimated the identification, inventory, notification of tribes, and repatriation of human remains and objects to claimant tribes would take five years. More than 21 years later, these efforts are still underway. The size of the collections subject to repatriation and the complexity of repatriation claims present an on-going challenge to the Smithsonian Institution that the Review Committee thinks will continue for several decades or more.

The GAO (2011:22–23) identified the limited staff and staff turnover at the NMNH and NMAI to constitute a challenge for repatriation because it leads to delays in the timely completion of repatriation case reports. Repatriation staff turnover at the Smithsonian Institution is exacerbated by the fact that some of the case officer and museum technician positions are filled with term appointments rather than permanent employees. This makes it difficult for NMNH staff to build and maintain the personal relationships with tribal officials needed for ongoing repatriation activities. For several years, the Review Committee has recommended key

positions, especially the director of the Repatriation Office Osteology Laboratory, be converted into permanent positions in order to attract and retain the qualified personnel needed for an effective repatriation program. The turnover of repatriation staff at the Smithsonian is paralleled by a similar turnover of repatriation staff in Indian tribes. This turnover and the limited resources tribes have for repatriation activities contribute to the challenge of repatriation at the Smithsonian Institution. The Review Committee recommends the Smithsonian Institution meet this challenge by hiring a tribal liaison to conduct tribal outreach concerning repatriation and to facilitate the transfer of human remains and funerary objects approved for repatriation.

The GAO (2011:22–27) found the NMAI repatriation staff faced difficulties from poor data management systems. The Review Committee cannot address this issue because, contrary to the NMAI Act, the Smithsonian Institution has restricted the Review Committee to monitoring only the repatriation activities of the NMNH. The Review Committee finds that the repatriation staff of the NMNH has worked hard to develop and maintain the data management systems needed to support repatriation activities.

The GAO (2011:29–31) found that there have been few disputes about repatriation decisions at the Smithsonian Institution but determined that the lack of an independent appeals process for repatriation decisions made by the Secretary or by NMAI represents a challenge for both the Smithsonian and tribes. In 2011, in response to the GAO report, the NMNH established an appeals process wherein the Secretary of the Smithsonian Institution delegated the decision to approve repatriation reports to the Director of the National Museum of Natural History. This enables the Secretary or a designated official outside of the National Museum of Natural History to independently hear appeals from tribes.

Finally, the GAO (2011: 31–33) described how a lack of consistent administrative support for the Review Committee created challenges in the completion of its responsibilities, including the submission of timely annual reports. Administrative support for the Review Committee improved in 2010 and 2011, and this challenge has been ameliorated.

Beyond the findings of the GAO report, the Review Committee has identified the lack of a permanent home for the NMNH Repatriation Office Osteology Laboratory to constitute a challenge for effective repatriation activities at the Smithsonian Institution. In 2011, the Osteology Laboratory moved its office and analytical facility for the third time in three years. The temporary location of this laboratory at the Museum Support Center in Suitland, Maryland, is larger than the temporary location the laboratory occupied at the National Museum of Natural History, and this is an improvement. Nonetheless, a permanent office for this laboratory is needed to ensure the long-term functioning of this essential component of repatriation activities at the Smithsonian Institution. The Repatriation Review Committee recommends that Congress fund the renovations needed for a permanent Osteology Laboratory at MSC as soon as possible.

Although all of the sacred objects and objects of cultural patrimony recommended for repatriation by the NMNH have been transferred to the claimant tribes, there is a large number of human remains and funerary objects recommended for repatriation but awaiting transfer to tribes. This constitutes a challenge to the completion of repatriation activities at the Smithsonian Institution. Through 2011, there are 1,765 catalog numbers of human remains, representing a minimum of 1,774 individuals, and 1,549 catalog numbers of funerary objects, representing

99,566 objects, that have been recommended for repatriation to 60 tribes but which await transfer to those tribes (Table 5). This includes 18 recommendations for repatriation dating from 1992 to 1999, 18 recommendations for repatriation dating from 2000 to 2010, and 10 recommendations for repatriation in 2011. There are several reasons why tribes have not taken custody of human remains and objects approved for repatriation, including a lack of tribal resources, cultural beliefs, governance issues, and time needed for intertribal coordination. The Smithsonian Institution has taken these factors into account in an appropriate manner, and needs to continue to do so as it works with tribes to facilitate the transfer of human remains and objects claimed and approved for repatriation. The Review Committee recommends a tribal liaison be hired to facilitate the transfer of human remains and funerary objects recommended for repatriation and to engage in other tribal outreach to assist the Repatriation Office in its work.

Action Items

The Smithsonian Institution needs to implement the following executive actions recommended by the Government Accountability Office (GAO 2011:41), including:

- 1. Expand the Review Committee's jurisdiction to include the National Museum of the American Indian,
- 2. Develop an annual report to Congress on repatriation activities,
- 3. Establish an independent appeals process for Indian tribes and Native Hawaiian organizations to appeal repatriation decisions at the NMNH and NMAI to either the Board of Regents or another entity that can make binding decisions, and
- 4. Develop policies for handling human remains and objects in the Smithsonian Institution's collections that cannot be culturally affiliated to provide for a clear and transparent repatriation process.

In addition, the Repatriation Review Committee needs to finalize and implement plans for archiving committee records at either the National Anthropological Archives or the Smithsonian Archive.

Overall Assessment of the Repatriation Activities at the National Museum of Natural History

The Repatriation Office at the NMNH fulfills its mandated tasks at a high level, setting a standard for other institutions in research and reporting about human remains and objects claimed for repatriation. Ongoing repatriation claims from federally recognized tribes will continue well into the future.

To date, 10,518 sets of Native American human remains at the NMNH have been documented using current scientific standards. This means that 7,711 of the 18,230 sets of Native American human remains at the NMNH have yet to be scientifically documented. The Repatriation Office Osteology Laboratory is working steadily to document these remains but at the current pace this work will take at least another decade.

The development of Osteoware software for documenting human remains at the NMNH has helped to standardize scientific observations and documentation at the museum. Its release

for use by other museums and scientists is laudable and represents the Smithsonian Institution's leading role in the national use of osteology in repatriation activities. Osteoware is a major advancement in standardized data capture, and will hopefully lead to centralized archiving of osteological data.

The Repatriation Office produces high-quality case reports but the processing time of claims needs to be reduced so the Smithsonian Institution can expeditiously repatriate culturally affiliated human remains and funerary objects pursuant to the NMAI Act.

Reference Cited

Government Accountability Office

2011 Smithsonian Institution, Much Work Still Needed to Identify and Repatriate Indian Human Remains and Objects. GAO-11-515. United States Government Accountability Office, Washington, D.C. URL: http://www.gao.gov/new.items/d11515.pdf, Accessed November 25, 2011.

Table 1 Cases Completed in 2011

Date of Claim	Smithsonian Approval of Report	Processing Time (Years)	Case	Claimants	Affiliated Tribes
May-01	9-Sep-11	10.3	Human Remains Requested by the Aleut Community, St. Paul Island, Alaska	Aleut Community of St. Paul Island	Aleut Community of St. Paul Island
Aug-10	9-Sep-11	1.0	Human Remains from the Belcher Site, Caddo Parish, Louisiana	Caddo Tribe of Oklahoma	Caddo Tribe of Oklahoma
Jun-00	29-Sep-11	11.2	Human Remains and Funerary Objects from Shishmaref, Alaska ¹	Native Village of Shishmaref	Native Village of Shishmaref
Aug-92	19-Dec-11	19.33	Possible Funerary Objects from Louisiana Affiliated with the Tunica-Biloxi Tribe	Tunica-Biloxi Tribe	Tunica-Biloxi Tribe, Jena Band of Choctaw
Feb-04	10-Oct-2011	7.67	Human Remains and Funerary Objects from Kern and Tulare Counties, California	Santa Rosa Rancheria of Tachi Yokuts Indian	Tule River Indian Tribe, Santa Rosa Rancheria of Tachi Yokuts Indians
Feb-97	20-Dec-2011	14.83	Funerary Objects from St. Lawrence Island and Punuk Islands, Alaska	Native Village of Gambell, Native Village of Savoonga	Native Village of Gambell, Native Village of Savoonga
Oct-2002	19-Dec-2011	9.17	Human Remains and Funerary Objects from the Hooper Bay Region, Alaska	Native Village of Hooper Bay, Native Village of Chevak	Native Village of Hooper Bay, Native Village of Chevak ¹

¹ The Hooper Bay case was initiated in 2002 with a claim by the Native Village of Hooper Bay. In June of 2011, the Native Village of Chevak made a claim for culturally affiliated human remains that were included in the Hooper Bay collection. The processing time for the Native Village of Chevak claim was .50 year.

Table 2. Number of Human Remains and Objects Involved in Cases in 2011

			-	Docume	ented in Re	port		S		Au	l for Repati	riation		
			Human Remains		Funerary Objects		Sacred and Cultural Patrimony Objects		Human Remains		Funerary Objects		Sacred and Cultural Patrimony Objects	
Smithsonian		N		N		N			N		N		N	
Approval of		Cat.		Cat.	N	Cat.	N	(Cat.		Cat.	N	Cat.	N
Report	Case	No.	MNI	No.	Objects	No.	Objects	N	No.	MNI	No.	Objects	No.	Objects
9-Sep-2011	Human Remains Requested by the Aleut Community, St. Paul Island, Alaska	2	2						2	2				
9-Sep-2011	Human Remains from the Belcher Site, Caddo Parish, Louisiana	9	12						9	12				
29-Sep-2011	Human Remains and Funerary Objects from Shishmaref, Alaska	50	48	2	5				50	48	2	5		
19-Dec-11	Possible Funerary Objects from Louisiana Affiliated with the Tunica-Biloxi Tribe ¹			20	214						20	214		
10-Oct-11	Human Remains and Funerary Objects from Kern and Tulare Counties, California ²	89	92	147	8,108			1	89	90	147	8,108		
20-Dec-11	Funerary Objects from St. Lawrence Island and Punuk Islands, Alaska			26	83						25	72		
19-Dec-11	Human Remains and Funerary Objects from the Hooper Bay Region, Alaska	34	35	11	14				34	35	11	14		
	TOTAL	184	189	206	8,424			1	84	187	205	8,413		

 $^{^1}$ Three objects in three catalog numbers were determined not to be funerary objects 2 Six non-funerary objects were also evaluated in this case report

Table 3 **Transfer of Repatriated Human Remains and Funerary Objects in 2011**

	Human R	emains	Funerary Objects		
Tribe or Native Village	N Cat. No.	MNI	N Cat. No.	N Objects	
Sault Ste. Marie Band of Chippewa,	5	5			
Bay Mills Indian Community					
Native Village of Diomede, Alaska	12	12			
Native Village of Nome, Alaska	20	22	3	7	
Pueblo of Jemez			132	1,157	
TOTAL	37	39	135	1,164	

Table 4
Number of Human Remains and Objects Approved for Repatriation by the National Museum of Natural History Pursuant to the NMAI Act

	1989 to 2010	2011	Total
Human Remains			
Catalog Numbers	5,040	184	5,224
Minimum Number of Individuals	5,560	187	5,747
Funerary Objects			
Catalog Numbers	2,470	205	2,675
Number of Objects	182,820	8,413	191,233
Sacred Objects and Objects of Cultural			
Patrimony			
Catalog Numbers	10	0	10
Number of Objects	50	0	50

Table 5 **Human Remains and Objects Recommended Repatriation Awaiting Transfer**

Claimant Initiating Report	Smithsonian Approval of Report	Affiliated Tribes	Case Report	N Human Remains Cat No.	MNI Human Remains	N Funerary Objects Cat No.	N Funerary Objects
Pyramid Lake Paiute	1992	Yerington Paiute, Walker Lake Paiute Tribe, McDermitt Paiute	Inventory and Assessment of Native American Human Remains from the Western Great Basin, Nevada Sector	3	3		
Northern Arapaho	1993	Northern Arapaho	Arapaho Repatriation: the Human Remains	2	2		
None	27-Jun-94	San Carlos Apache Tribe, White Mountain Apache Tribe, Tonto Apache Tribe, Yavapai-Apache Nation	Inventory and Assessment of Human Remains Potentially Related to the Apache and Yavapai Tribes	39	39		
Kiowa Tribe of Oklahoma	03-Nov-94	Kiowa	Inventory and Assessment of Human Remains Potentially Related to the Kiowa Tribe	2	2		
Kiowa Tribe of Oklahoma	03-Nov-94	Comanche	Inventory and Assessment of Human Remains Potentially Related to the Kiowa Tribe	1	1		
Kiowa Tribe of Oklahoma	03-Nov-94	Cheyenne and Arapaho Tribes of Oklahoma, Northern Cheyenne Tribe, Arapahoe Tribe of the Wind River Reservation	Inventory and Assessment of Human Remains Potentially Related to the Kiowa Tribe	2	2		
Makah Tribe	1994	Quileute	Inventory and Assessment of Human Remains from Clallam County, Washington	2	3		
None	14-Nov-95	Native Village of Wainwright	Inventory and Assessment of Human Remains and Associated Funerary Objects from Wainwright, Alaska	2	2		
None	1995	Nunamiut, Di'haii	Inventory and Assessment of Human Remains and Associated Funerary Objects from Anaktuvuk Pass Alaska	2	2		

Claimant Initiating	Smithsonian Approval of			N Human Remains	MNI Human	N Funerary Objects	N Funerary
Report	Report	Affiliated Tribes	Case Report	Cat No.	Remains	Cat No.	Objects
Confederated Tribes of the Grand Ronde Community	06-Mar-96	Confederated Tribes of the Grande Ronde Reservation	Inventory and Assessment of Human Remains from Northwestern Oregon	5	5	22	285
Tulalip Tribes of Washington	03-Jun-96	Chehalis, Shoalwater Bay	Inventory and Assessment of Human Remains and Funerary Objects from the Puget Sound and Grays Harbor Regions of Washington State	5	5		
Tulalip Tribes of Washington	03-Jun-96	Duwamish	Inventory and Assessment of Human Remains and Funerary Objects from the Puget Sound and Grays Harbor Regions of Washington State	1	1		
Tulalip Tribes of Washington	03-Jun-96	Suquamish	Inventory and Assessment of Human Remains and Funerary Objects from the Puget Sound and Grays Harbor Regions of Washington State	1	1		
Native Village of Mekoryuk	1996	Native Village of Mekoryuk	Inventory and Assessment of Human Remains and Associated Funerary Objects from Nunivak Island, Alaska			272	550
Native Village of Gambell, Native Village of Savoonga	15-May-97	Native Village of Savoonga	Inventory and Assessment of Human Remains from St. Lawrence Island, Alaska	6	6		
Confederated Tribes of the Grande Ronde Reservation	22-Aug-97	Confederated Tribes of the Grande Ronde Reservation	Inventory and Assessment of the Human Remains from the Lower Columbia River Valley, Oregon and Washington States	6	6		
Confederated Tribes of the Grande Ronde Reservation	22-Aug-97	Confederated Tribes of the Grande Ronde Reservation	Inventory and Assessment of the Human Remains from the Lower Columbia River Valley, Oregon and Washington States	17	17		

Claimant Initiating Report	Smithsonian Approval of Report	Affiliated Tribes	Case Report	N Human Remains Cat No.	MNI Human Remains	N Funerary Objects Cat No.	N Funerary Objects
Rosebud Sioux	1999	Rosebud Sioux, Lower Brule Sioux Tribe	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Brule Sioux	45	43	2	24
Lone Pine Paiute- Shoshone, Big Pine Paiute Shoshone, Fort Independence Paiute, Bishop Colony Paiute- Shoshone	06-Aug-01	Lone Pine Paiute- Shoshone, Big Pine Paiute Shoshone, Fort Independence Paiute, Bishop Colony Paiute- Shoshone, Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation	Assessment of Human Remains from Owens Valley, California	1	1		
Winnebago Tribe of Nebraska	28-Feb-02	Winnebago Tribe of Nebraska	Inventory and Assessment of Human Remains Potentially Affiliated to the Winnebago/Ho- Chunk Tribes	1	1		
Native Village of Teller	10-Oct-02	Native Village of Teller, Native Village of Mary's Igloo, Native Village of Brevig Mission	Inventory and Assessment of Human Remains and Funerary Objects from Kauwerak, Akavingayak and Port Clarence, Alaska	60	62	38	43
Native Village of St. Michael	02-Jun-04	Native Village of St. Michael, Native Village of Stebbins	Inventory and Assessment of Human Remains from St. Michael Island, Alaska	15	14		
Confederated Tribes of the Grand Ronde Community	12-Sep-05	Confederated Tribes of the Grand Ronde Reservation, Confederated Tribes of the Siletz Indian Reservation	Reassessment of the Cultural Affiliation of Human Remains and Funerary Objects from Seaside, Oregon	78	34	3	9
	29-Nov-05	Shoshone-Bannock Tribes of the Fort Hall Reservation	Inventory and Assessment of Human Remains Potentially Affiliated with the Northwestern Band of Shoshone	1	1		
Northwestern Band of Shoshone Indians	29-Nov-05	Northwestern Band of Shoshone Nation	Inventory and Assessment of Human Remains Potentially Affiliated with the Northwestern Band of Shoshone	2	2		
Three Affiliated Tribes	05-Dec-05	Three Affiliated Tribes (Arikara)	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Arikara	1,242	1,288	779	14,449

				N		N	
Claimant Initiating Report	Smithsonian Approval of Report	Affiliated Tribes	Case Report	Human Remains Cat No.	MNI Human Remains	Funerary Objects Cat No.	N Funerary Objects
Three	05-Dec-05	Three Affiliated Tribes	Inventory and Assessment of Human Remains	11	11	2	
Affiliated Tribes		(Arikara or Mandan)	and Funerary Objects Potentially Affiliated with the Arikara			_	_
Three Affiliated Tribes	05-Dec-05	Three Affiliated Tribes (Mandan)	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Arikara	9	9		
Three Affiliated Tribes	05-Dec-05	Cheyenne River Sioux, Standing Rock Sioux	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Arikara	1	1		
Skull Valley Band of Goshute Indians	26-Jul-06	Northwestern Band of the Shoshone Nation	Inventory and Assessment of Human Remains Potentially Affiliated with the Goshute	1	1		
Skull Valley Band of Goshute Indians	26-Jul-06	Skull Valley Band of Goshute Indians, Confederated Tribes of the Goshute Reservation	Inventory and Assessment of Human Remains Potentially Affiliated with the Goshute	6	6		
San Carlos Apache Tribe, White Mountain Apache Tribe, Tonto Apache Tribe, Yavapai- Apache Nation	08-Aug-08	San Carlos Apache Tribe	Assessment of Apache Objects Requested for Repatriation as Funerary Objects, Objects of Cultural Patrimony and Sacred Objects			3	3
Klamath Tribes	01-Oct-08	Klamath Tribes, Confederated Tribes of the Warm Springs Reservation, Burns Paiute	Inventory and Assessment of the Cultural Affiliation of Human Remains and Funerary Objects Potentially Affiliated with the Klamath Tribes	7	7		
Cheyenne and Arapaho Tribes of Oklahoma, Northern Cheyenne Tribe	12-Nov-09	Cheyenne and Arapaho Tribes of Oklahoma, Northern Cheyenne Tribe	Inventory and Assessment of Human Remains from near Golden, Colorado	1	1		

Claimant Initiating Report	Smithsonian Approval of Report	Affiliated Tribes	Case Report	N Human Remains Cat No.	MNI Human Remains	N Funerary Objects Cat No.	N Funerary Objects
Confederated Tribes of the Grand Ronde Community	14-Apr-10	Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Siletz Indians of Oregon	Inventory and Assessment of Human Remains from the Rogue River Area of Oregon	1	1		
None	06-Oct-10	Confederated Bands of the Yakima Nation, Confederated Tribes of Warm Springs Reservation, Confederated Tribes of the Grand Ronde Community of Oregon, Shoalwater Bay Tribe	Inventory and Assessment of Human Remains and Funerary Objects from Sullivans Island Skamania County, Washington	3	7	222	75,788
Aleut Community of St. Paul Island	09-Sep-11	Aleut Community of St. Paul Island	Inventory and Assessment of Human Remains Requested for Repatriation by the Aleut Community of St. Paul Island	2	2		
Caddo Tribe of Oklahoma	09-Sep-11	Caddo Tribe of Oklahoma	Inventory and Assessment of Human Remains from the Belcher Site, Caddo Parrish, Louisiana	9	12		
Native Village of Shishmaref	29-Sep-11	Native Village of Shishmaref	Inventory and Assessment of Human Remains and Funerary Objects from Shishmaref, Alaska	50	48	3	5
Native Village of Hooper Bay	19-Dec-11	Native Village of Paimiut	Inventory and Assessment of Human Remains and Funerary Objects from the Hooper Bay Region of Alaska	1	1		
Native Village of Chevak	19-Dec-11	Native Village of Chevak	Inventory and Assessment of Human Remains and Funerary Objects from the Hooper Bay Region of Alaska	3	3		
Native Village of Hooper Bay	19-Dec-11	Native Village of Hooper Bay	Inventory and Assessment of Human Remains and Funerary Objects from the Hooper Bay Region of Alaska	30	31	11	14
Santa Rosa Rancheria of Tachi Yokuts Indians	19-Dec-11	Tule River Indian Tribe, Santa Rosa Rancheria of Tachi Yokuts Indians	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with Yokuts Tribes from Kern and Tulare Counties, California	89	90	147	8,108

Claimant Initiating Report	Smithsonian Approval of Report	Affiliated Tribes	Case Report	N Human Remains Cat No.	MNI Human Remains	N Funerary Objects Cat No.	N Funerary Objects
Tunica Biloxi Tribe	19-Dec-11	Tunica Biloxi Tribe	Inventory and Assessment of Possible Funerary Objects from Louisiana Potentially Affiliated with the Tunica-Biloxi Tribe			14	191
Tunica Biloxi Tribe	19-Dec-11	Tunica Biloxi Tribe, Jena Band of Choctaw	Inventory and Assessment of Possible Funerary Objects from Louisiana Potentially Affiliated with the Tunica-Biloxi Tribe			6	23
Native Village of Gambell, Native Village of Savoonga	21-Dec-11	Native Village of Gambell, Native Village of Savoonga	Inventory and Assessment of Funerary Objects from St. Lawrence Island and the Punuk Islands of Alaska			25	72
			TOTAL	1,765	1,774	1,549	99,566

SMITHSONIAN INSTITUTION

NATIVE AMERICAN REPATRIATION REVIEW COMMITTEE ANNUAL REPORT FOR 2012

Prepared by the Native American Repatriation Review Committee

Submitted to G. Wayne Clough Secretary of the Smithsonian Institution

January 21, 2013

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Introduction

The Native American Repatriation Review Committee (RRC) was established by the National Museum of the American Indian Act (P.L. 101-185, amended in P.L. 101-278). The committee is charged with ensuring the fair and objective consideration and assessment of all relevant evidence with respect to the inventory and identification of human remains, funerary objects, sacred objects, and objects of cultural patrimony. At the request of any party, the committee is authorized to review findings relating to the origin or the return of such remains and objects, and to facilitate the resolution of any dispute that may arise between Indian Tribes with respect to the return of such objects.

The committee is composed of seven members. By statutory authority, the Secretary of the Smithsonian Institution appoints four of the committee members from nominations submitted by Indian tribes and organizations, and three of the committee members from nominations submitted by scientific and museum organizations. Two committee members are traditional Indian religious leaders.

The committee meets in person twice a year at the National Museum of Natural History (NMNH) to review the repatriation activities of the Smithsonian Institution. During one of these meetings, committee members monitor the operation of the NMNH Repatriation Office through direct observation and interviews with staff. The committee also reviews draft repatriation case reports prepared by the NMNH Repatriation Office to provide comments regarding the fair and objective consideration and assessment of relevant evidence with respect to the inventory, identification, and cultural affiliation of human remains and objects.

In 2012, committee members included: Gordon Yellowman (Cheyenne and Arapaho Tribes), Chair; T. J. Ferguson, Vice-Chair; Jane Buikstra; John Johnson (Chugach Alaska Corporation); Walt Lara (Yurok Tribe), Bonnie Newsom (Penobscot Indian Nation); and Shelby Tisdale.

This annual report documents repatriation activities at the NMNH for the 2012 calendar year.

Repatriation Statistics

The NMNH Repatriation Office completed six repatriation cases in 2012, with a processing time that ranged from 0.58 year to 4.08 years (Table 1). The median processing time for completion of cases was 2.1 years. The cases completed in 2012 entailed seven claimants and resulted in cultural affiliation being determined for twelve tribes or Native Alaskan villages. The cases documented a total of 78 catalog numbers of human remains, representing a minimal number of 88 individuals; 259 catalog numbers of funerary objects, representing 4,618 funerary objects; and 3 catalog numbers of sacred objects, representing 3 sacred objects (Table 2). Cultural affiliation was determined for all of the human remains and funerary objects in the case reports, and for two of three of the sacred objects. The culturally affiliated human remains and funerary objects were recommended for repatriation. One sacred object could not be culturally affiliated because it is similar to sacred objects made and used by several tribes, and this sacred

object was recommended for retention in the NMNH collections and for further consultation with possible culturally affiliated tribes.

In 2012, the NMNH transferred 146 catalog numbers of human remains, representing a minimum of 149 individuals, to ten tribal entities (Table 3). A total of 233 catalog numbers of funerary objects, representing 4,551 objects, were transferred to five tribal entities. Two sacred objects were transferred to one tribe.

In 2012, the Repatriation Office at the National Museum of Natural History received two new claims for human remains and funerary objects from the Wabanaki Tribes of Maine and San Carlos Apache Tribe. Two claims were reopened; one to facilitate transfer of funerary objects from a state museum to the Smithsonian Institution for return to the Three Affiliated Tribes of the Fort Berthold Reservation, and the other to add funerary objects to an earlier report about the Community of Mekoryuk, Alaska.

There are several claims in the queue waiting to be activated, including a claim for human remains and funerary objects from the Miccosukee Tribe of Indians, and claims for human remains and funerary objects from islands in Alaska, including the Rat Islands; Andreanof Islands; Kagamil Island, Unmak Island; Shiprock Island; and Unalaska and Wislow Island.

Committee Activities

The Repatriation Review Committee met twice in 2012 to review the repatriation activities at the Smithsonian Institution. These meetings were held on May 22–23 and November 14–15. The day before the May meeting, Shelby Tisdale monitored the Repatriation Office by meeting with Repatriation Office staff, touring the Osteology Lab, and reviewing the Hopi collections being documented for a repatriation claim.

Walt Lara (Yurok Tribe) was appointed to the Repatriation Review Committee in 2012 to fill a traditional religious leader position. He was selected from nominations submitted by Indian tribes and organizations.

The terms of T. J. Ferguson and John Johnson on the Repatriation Review Committee ended on December 31, 2012.

Gordon Yellowman was nominated by the Repatriation Review Committee to continue to serve as Chair of the committee in 2013, and Bonnie Newsom was nominated to serve as Vice-Chair in 2013. The committee forwarded these nominations to the Secretary of the Smithsonian Institution, who has the statutory authority to appoint committee members to fill these positions.

Shelby Tisdale completed a NAGPRA training course and attended the National NAGPRA Review Committee meeting in Santa Fe, New Mexico, on May 8–10, 2012. Bonnie Newsom attended the National NAGPRA Review Committee meeting in Washington, D.C., on November 28–29, 2012. Attending the National NAGPRA Review Committee meetings enables the members of the Smithsonian Institution's Repatriation Review Committee to stay informed about national repatriation issues.

In 2012, the Repatriation Review Committee funded travel grants to twelve tribes and Native Alaskan villages to facilitate repatriation research, consultation with the National Museum of Natural History, or transfer of human remains and funerary objects. Tribes and Native Alaska Villages receiving travel grants included: Tule River Rancheria, Navajo Nation, Aleut Community of St. Paul Island, Shingle Springs Band of Miwok Indians, Native Village of Chevak, Greenville Rancheria, Native Village of Savoonga, Native Village of Gambell, Native Village of Mekoryuk, Graton Rancheria, Native Village of Hooper Bay, and Native Village of Shishmaref.

During 2012, the Repatriation Review Committee had a positive and productive working relationship with the director of the NMNH, the chair of the Department of Anthropology, and the staff of the Repatriation Office.

Challenges for the Smithsonian Institution in Discharging Repatriation Responsibilities

In 2011, the Government Accountability Office completed a report for Congress entitled "Smithsonian Institution, Much Work Still Needed to Identify and Repatriate Indian Human Remains and Objects" (GAO 2011). The Repatriation Review Committee reviewed this report and concurred with its findings concerning the challenges the Smithsonian Institution faces in its repatriation activities. The Smithsonian Institution has made significant strides in addressing the issues raised by the GAO. One action item implemented by the NMNH in 2012 was to amend the "Guidelines and Procedures for Repatriation, National Museum of Natural History, Smithsonian Institution" to explicitly address culturally unaffiliated human remains.

Several issues identified by the GAO still need to be addressed. The GAO (2011:14–19) noted that Section 11 of the NMAI Act directs the Secretary of the Smithsonian Institution, in consultation with traditional Indian religious leaders and government officials of Indian tribes, to inventory the Indian human and funerary objects in the possession of the Smithsonian Institution, and to use the best available scientific and historical documentation to identify the origin of these remains and objects. However, the catalog and accession records of the Smithsonian Institution are complex, and they are often incomplete and scattered across several record locations within the Smithsonian. Given the size and complexity of its collections, officials at the NMNH decided to interpret the Section 11 mandate as a two-step process in which inventories of human remains and funerary objects were first prepared to meet statutory deadlines, followed by specific studies to determine cultural affiliation as a second step when repatriation claims were made by tribes. When the NMAI Act was passed, the NMNH estimated the identification, inventory, notification of tribes, and repatriation of human remains and objects to claimant tribes, as specified by the Act, would take five years. More than 21 years later, these efforts are still underway. The size of the collections subject to repatriation and the complexity of repatriation claims present an ongoing challenge to the Smithsonian Institution that the Review Committee anticipates will continue for several decades or longer.

The GAO (2011:22–23) identified the small staff size and periodic staff turnover at the NMNH and NMAI as constituting a challenge for the Repatriation Office (RO) because it leads to delays in the timely completion of repatriation case reports. Repatriation staff turnover at the Smithsonian Institution is exacerbated by the fact that some of the case officers and museum

technician positions are filled with three-to-four year term appointments rather than permanent employees. This makes it difficult for NMNH staff to build and maintain the personal relationships with tribal officials needed for ongoing repatriation activities. For several years, the Review Committee recommended that key positions, especially the director of the Repatriation Office Osteology Laboratory, be converted to permanent positions in order to attract and retain the qualified personnel needed for an effective repatriation program. During 2012, the NMNH acted on this advice and converted the director of the Repatriation Office Osteology Laboratory from a term position to a permanent position. This change has significantly improved the operation of this key component of the repatriation program. The Repatriation Review Committee recommends that the term appointments of Case Officers in the Repatriation Office be converted to permanent positions.

The turnover of repatriation staff at the Smithsonian is paralleled by a similar turnover of repatriation staff in Indian tribes. This turnover and the limited resources tribes have for repatriation activities contribute to the challenge of repatriation at the Smithsonian Institution. The Review Committee continues to recommend that the Smithsonian Institution meet this challenge by hiring a tribal liaison to conduct tribal outreach concerning repatriation, consult with Indian tribes regarding Smithsonian Institution repatriation policy, and facilitate the transfer of human remains and funerary objects approved for repatriation.

The GAO (2011:22–27) found the NMAI repatriation staff faced difficulties from poor data management systems. The Review Committee cannot address this issue because, contrary to the NMAI Act, the Smithsonian Institution has restricted the Review Committee to monitoring only the repatriation activities of the NMNH rather than including those of the National Museum of the American Indian. The Review Committee finds that the repatriation staff of the NMNH has worked hard to develop and maintain the data management systems needed to support repatriation activities.

Finally, the GAO (2011: 31–33) described how a lack of consistent administrative support for the Review Committee created challenges in the completion of its responsibilities, including the submission of timely annual reports. Administrative support for the Review Committee improved in 2010 and 2011, and this challenge was ameliorated for those years. In 2012, however, the Coordinator of the Repatriation Review Committee resigned to take a job outside of the Smithsonian, and this has severely challenged the RRC in carrying out its mission. The Repatriation Office of the NMNH has provided temporary administrative support to assist the Repatriation Review Committee with travel and taking minutes at committee meetings. This support has allowed the Repatriation Review Committee to continue to function but it places an undue burden on the operation of the Repatriation Office by tasking its staff with support of the committee in addition to their regular responsibilities. It is imperative that a new Coordinator for the Repatriation Review Committee be hired as soon as possible.

Beyond the findings of the GAO report, the Review Committee has identified the lack of a permanent home for the NMNH Repatriation Office Osteology Laboratory as a major challenge to the completion of repatriation activities at the Smithsonian Institution in a timely manner. In 2011, the Osteology Laboratory moved its office and analytical facility for the third time in three years. The temporary location of this laboratory at the Museum Support Center in Suitland, Maryland, is larger than the temporary location the laboratory occupied at the National Museum

of Natural History, and this is a marked improvement. Nonetheless, a permanent laboratory is needed to ensure the long-term functioning of this essential component of repatriation activities at the Smithsonian Institution. The Repatriation Review Committee recommends that Congress fund the renovations needed for a permanent Osteology Laboratory at MSC as soon as possible.

Although all of the sacred objects and objects of cultural patrimony recommended for repatriation by the NMNH have been transferred to the claimant tribes, there is a large number of human remains and funerary objects recommended for repatriation but awaiting transfer to tribes. This constitutes a challenge to the completion of repatriation activities at the Smithsonian Institution. Through 2012, there are 1,689 catalog numbers of human remains, representing a minimum of 1,705 individuals, and 1,576 catalog numbers of funerary objects, representing 99,640 objects, that have been recommended for repatriation to 61 tribes and Native Alaskan Villages but which await transfer to those entities (Table 5). This includes 16 recommendations for repatriation dating from 1992 to 1999, 16 recommendations for repatriation dating from 2000 to 2009, and 9 recommendations after 2010. There are several reasons why tribes have not taken custody of human remains and objects approved for repatriation, including a lack of tribal resources, cultural beliefs, governance issues, and time needed for intertribal coordination. The Smithsonian Institution has taken these factors into account in an appropriate manner, and needs to continue to do so as it works with tribes to facilitate the transfer of human remains and objects claimed and approved for repatriation.

Action Items

The Smithsonian Institution needs to implement the executive actions recommended by the Government Accountability Office (GAO 2011:41) to expand the Review Committee's jurisdiction to include the National Museum of the American Indian.

The Repatriation Review Committee needs to finalize and implement plans for archiving committee records at either the National Anthropological Archives or the Smithsonian Archive. In addition, the Repatriation Review Committee needs to approve new bylaws governing how the committee operates. A motion to approve amended bylaws was made in 2012 but it failed to receive the unanimous vote needed to pass. Several members of the Repatriation Review Committee opposed amending the bylaws because of concerns about the appeals process that was referenced in the draft amendment of the bylaws.

Overall Assessment of the Repatriation Activities at the National Museum of Natural History

The Repatriation Office at the NMNH fulfills its mandated tasks at a high level, setting a standard for other institutions in research and reporting about human remains and objects claimed for repatriation. Ongoing repatriation claims from federally recognized tribes will continue well into the future.

The Repatriation Office produces high-quality case reports and has made significant strides in reducing the total amount of time involved in completing reports needed to process claims. The timely completion of claim reports is essential in allowing the Smithsonian Institution to

expeditiously repatriate culturally affiliated human remains and funerary objects pursuant to the NMAI Act.

Reference Cited

Government Accountability Office

2011 Smithsonian Institution, Much Work Still Needed to Identify and Repatriate Indian Human Remains and Objects. GAO-11-515. United States Government Accountability Office, Washington, D.C. URL: http://www.gao.gov/new.items/d11515.pdf, Accessed November 25, 2011.

Table 1
Cases Completed in 2012

Date of Claim	Smithsonian Approval of Report	Processing Time (Years)	Case	Claimants	Affiliated Tribes
Feb-2008	March 12, 2012	4.08	Human Remains and Funerary Objects Potentially Affiliated with the Kaigani Haida ¹	Hydaburg Cooperative Association	Central Council of the Tlingit and Haida Indian Tribes of Alaska; Hydaburg Cooperative Association; Ketchikan Indian Community; Organized Village of Kasaan; Organized Village of Saxman
Sep-2011	April 10, 2012	0.58	Human Remains from the Sand Creek Massacre Site	Cheyenne and Arapaho Tribes; Northern Cheyenne Tribe	Cheyenne and Arapaho Tribes; Northern Arapahoe Tribe; Northern Cheyenne Tribe
May-2011	June 6, 2012	1.08	Objects Requested for Repatriation by the Pueblo de Cochiti	Pueblo of Cochiti	Pueblo of Cochiti
Apr-2010	July 19, 2012	2.25	Tlingit Objects Requested by the Hoonah Indian Association	Hoonah Indian Association	Hoonah Indian Association; Central Council of the Tlingit and Haida Indian Tribes of Alaska
Not Applicable	July 19, 2012	n/a	Additional Funerary Objects from the Leavitt Site (39ST215): Addendum to Human Remains and Funerary Objects Potentially Affiliated with the Arikara	Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota	Arikara (Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota)
Dec-2009	August 15, 2012	2.67	Human Remains and Funerary Objects from Eldon Pueblo and Young's Canyon, Arizona	Hopi Tribe	Hopi Tribe

Table 2 Number of Human Remains and Objects Involved in Cases in 2012

Documented in Report Authorized for Repatriation Sacred and Sacred and Cultural Cultural Human Funerary Patrimony Human Funerary Patrimony Remains Objects Objects Remains Objects Objects Smithsonian N N N N N N Approval of Cat. Cat. N Cat. N Cat. Cat. N Cat. N Report Case No. MNI No. Objects No. Objects No. MNI No. Objects No. Objects Human Remains and Funerary 20 26 22 104 20 26 22 104 Objects Potentially Affiliated with the Kaigani Haida1 Human Remains from the Sand 2 2 2 2 Creek Massacre Site Tlingit Objects Requested by 53 53 42 42 the Hoonah Indian Association Human Remains and Funerary 56 60 193 4,453 56 60 193 4,453 Objects from Eldon Pueblo and Young's Canyon, Arizona Objects Requested for 3 2 2 3 Repatriation by the Pueblo de Cochiti Additional Funerary Objects 2 8 2 8 from the Leavitt Site (39ST215): Addendum to Human Remains and Funerary Objects Potentially Affiliated with the Arikara²

¹ The remains of Mr. Charles Staast, a Haida who lived at Hydaburg, Alaska, obtained in 1928, could not be located at the museum and do not appear in these totals.

² These funerary objects were transferred from the South Dakota Archaeological Research Center after completion of a report prepared in 2005.

 ${\bf Table~3} \\ {\bf Transfer~of~Repatriated~Human~Remains, Funerary~Objects, and~Sacred~Objects~in~2012}$

	Human Remains		Funerar	y Objects	Sacred Objects		
Tribe or Native Village	N Cat. No.	MNI	N Cat. No.	N Objects	N Cat. No.	N Objects	
Aleut Community of St. Paul Island, Alaska	2	2					
Native Village of Chevak, Alaska	3	3					
Native Village of Shishmaref, Alaska	50	48	2	5			
Northern Cheyenne, Montana; Northern	2	2					
Arapaho, Wyoming; Cheyenne and Arapaho							
Tribes, Oklahoma							
San Carlos Apache, Arizona	2	2					
Native Village of Savoonga, Native Village of			26	77			
Gambell, St. Lawrence Island, Alaska ¹							
Native Village of Paimuit, Alaska	1	1					
Native Village of Hooper Bay, Alaska	30	31	11	16			
Pueblo of Cochiti, New Mexico					2	2	
Hopi Tribe, Arizona	56	60	194	4,453			
	146	149	233	4,551	2	2	

¹ Osteological elements of five individuals in five catalog numbers were returned in 2012. Most of the remains of the individuals represented in these five catalog numbers were repatriated in 1997. Therefore, the 2012 repatriation does not list additional individuals.

 ${\bf Table~4}\\ {\bf Number~of~Human~Remains~and~Objects~Approved~for~Repatriation~by~the}\\ {\bf National~Museum~of~Natural~History~Pursuant~to~the~NMAI~Act}^{\ 1}$

	1989 to 2011	2012	Total
Human Remains			
Catalog Numbers	5,214	78	5,292
Minimum Number of Individuals	5,740	88	5,828
Funerary Objects			
Catalog Numbers	2,653	261	2,914
Number of Objects	190,565	4,623	195,588
Sacred Objects and Objects of Cultural			
Patrimony			
Catalog Numbers	14	2	16
Number of Objects	52	2	54

¹ This table has been adjusted from last year's annual report to include pre-1989 NMAI Act repatriations to the Pueblo of Zia, Pueblo of Zuni, Modoc descendants, and the Blackfeet Tribe

Table 5 **Human Remains and Objects Recommended Repatriation Awaiting Transfer**

Claimant Initiating Report	Smithsonian Approval of Report	Affiliated Tribes	Case Report	N Human Remains Cat No.	MNI Human Remains	N Funerary Objects Cat No.	N Funerary Objects
Pyramid Lake Paiute	1992	Yerington Paiute, Walker Lake Paiute Tribe, McDermitt Paiute	Inventory and Assessment of Native American Human Remains from the Western Great Basin, Nevada Sector	3	3		
Northern Arapaho	1993	Northern Arapaho	Arapaho Repatriation: the Human Remains	2	2		
None	27-Jun-94	San Carlos Apache Tribe, White Mountain Apache Tribe, Tonto Apache Tribe, Yavapai-Apache Nation	Inventory and Assessment of Human Remains Potentially Related to the Apache and Yavapai Tribes	33	33		
Kiowa Tribe of Oklahoma	03-Nov-94	Kiowa	Inventory and Assessment of Human Remains Potentially Related to the Kiowa Tribe	2	2		
Kiowa Tribe of Oklahoma	03-Nov-94	Comanche	Inventory and Assessment of Human Remains Potentially Related to the Kiowa Tribe	1	1		
Makah Tribe	1994	Quileute	Inventory and Assessment of Human Remains from Clallam County, Washington	2	3		
None	14-Nov-95	Native Village of Wainwright	Inventory and Assessment of Human Remains and Associated Funerary Objects from Wainwright, Alaska	2	2		
None	1995	Nunamiut, Di'haii	Inventory and Assessment of Human Remains and Associated Funerary Objects from Anaktuvuk Pass Alaska	2	2		

Claimant Initiating Report	Smithsonian Approval of Report	Affiliated Tribes	Case Report	N Human Remains Cat No.	MNI Human Remains	N Funerary Objects Cat No.	N Funerary Objects
Confederated Tribes of the Grand Ronde Community	06-Mar-96	Confederated Tribes of the Grande Ronde Reservation	Inventory and Assessment of Human Remains from Northwestern Oregon	5	5	22	285
Tulalip Tribes of Washington	03-Jun-96	Chehalis, Shoalwater Bay	Inventory and Assessment of Human Remains and Funerary Objects from the Puget Sound and Grays Harbor Regions of Washington State	5	5		
Tulalip Tribes of Washington	03-Jun-96	Duwamish	Inventory and Assessment of Human Remains and Funerary Objects from the Puget Sound and Grays Harbor Regions of Washington State	1	1		
Tulalip Tribes of Washington	03-Jun-96	Suquamish	Inventory and Assessment of Human Remains and Funerary Objects from the Puget Sound and Grays Harbor Regions of Washington State	1	1		
Native Village of Mekoryuk	1996	Native Village of Mekoryuk	Inventory and Assessment of Human Remains and Associated Funerary Objects from Nunivak Island, Alaska			272	550
Confederated Tribes of the Grande Ronde Reservation	22-Aug-97	Confederated Tribes of the Grande Ronde Reservation	Inventory and Assessment of the Human Remains from the Lower Columbia River Valley, Oregon and Washington States	6	6		
Confederated Tribes of the Grande Ronde Reservation	22-Aug-97	Confederated Tribes of the Grande Ronde Reservation	Inventory and Assessment of the Human Remains from the Lower Columbia River Valley, Oregon and Washington States	17	17		
Rosebud Sioux	1999	Rosebud Sioux, Lower Brule Sioux Tribe	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Brule Sioux	45	43	2	24

Claimant Initiating Report	Smithsonian Approval of Report	Affiliated Tribes	Case Report	N Human Remains Cat No.	MNI Human Remains	N Funerary Objects Cat No.	N Funerary Objects
Lone Pine Paiute- Shoshone, Big Pine Paiute Shoshone, Fort Independence Paiute, Bishop Colony Paiute- Shoshone	06-Aug-01	Lone Pine Paiute- Shoshone, Big Pine Paiute Shoshone, Fort Independence Paiute, Bishop Colony Paiute- Shoshone, Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation	Assessment of Human Remains from Owens Valley, California	1	1		
Winnebago Tribe of Nebraska	28-Feb-02	Winnebago Tribe of Nebraska	Inventory and Assessment of Human Remains Potentially Affiliated to the Winnebago/Ho- Chunk Tribes	1	1		
Native Village of Teller	10-Oct-02	Native Village of Teller, Native Village of Mary's Igloo, Native Village of Brevig Mission	Inventory and Assessment of Human Remains and Funerary Objects from Kauwerak, Akavingayak and Port Clarence, Alaska	60	62	38	43
Native Village of St. Michael	02-Jun-04	Native Village of St. Michael, Native Village of Stebbins	Inventory and Assessment of Human Remains from St. Michael Island, Alaska	15	14		
Confederated Tribes of the Grand Ronde Community	12-Sep-05	Confederated Tribes of the Grand Ronde Reservation, Confederated Tribes of the Siletz Indian Reservation	Reassessment of the Cultural Affiliation of Human Remains and Funerary Objects from Seaside, Oregon	78	34	3	9
	29-Nov-05	Shoshone-Bannock Tribes of the Fort Hall Reservation	Inventory and Assessment of Human Remains Potentially Affiliated with the Northwestern Band of Shoshone	1	1		
Northwestern Band of Shoshone Indians	29-Nov-05	Northwestern Band of Shoshone Nation	Inventory and Assessment of Human Remains Potentially Affiliated with the Northwestern Band of Shoshone	2	2		
Three Affiliated Tribes	05-Dec-05	Three Affiliated Tribes (Arikara)	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Arikara	1,242	1,288	779	14,449

Claimant Initiating	Smithsonian Approval of Report	Affiliated Tribes	Case Report	N Human Remains Cat No.	MNI Human Remains	N Funerary Objects Cat No.	N Funerary
Report Three Affiliated Tribes	05-Dec-05	Three Affiliated Tribes (Arikara or Mandan)	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Arikara	11	11	2	Objects 2
Three Affiliated Tribes	05-Dec-05	Three Affiliated Tribes (Mandan)	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Arikara	9	9		
Three Affiliated Tribes	05-Dec-05	Cheyenne River Sioux, Standing Rock Sioux	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with the Arikara	1	1		
Skull Valley Band of Goshute Indians	26-Jul-06	Northwestern Band of the Shoshone Nation	Inventory and Assessment of Human Remains Potentially Affiliated with the Goshute	1	1		
Skull Valley Band of Goshute Indians	26-Jul-06	Skull Valley Band of Goshute Indians, Confederated Tribes of the Goshute Reservation	Inventory and Assessment of Human Remains Potentially Affiliated with the Goshute	6	6		
San Carlos Apache Tribe, White Mountain Apache Tribe, Tonto Apache Tribe, Yavapai- Apache Nation	08-Aug-08	San Carlos Apache Tribe	Assessment of Apache Objects Requested for Repatriation as Funerary Objects, Objects of Cultural Patrimony and Sacred Objects			3	3
Klamath Tribes	01-Oct-08	Klamath Tribes, Confederated Tribes of the Warm Springs Reservation, Burns Paiute	Inventory and Assessment of the Cultural Affiliation of Human Remains and Funerary Objects Potentially Affiliated with the Klamath Tribes	7	7		
Cheyenne and Arapaho Tribes, Northern Cheyenne Tribe	12-Nov-09	Cheyenne and Arapaho Tribes, Northern Cheyenne Tribe	Inventory and Assessment of Human Remains from near Golden, Colorado	1	1		

Claimant Initiating Report Confederated Tribes of the Grand Ronde Community	Smithsonian Approval of Report 14-Apr-10	Affiliated Tribes Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Siletz Indians of Oregon	Case Report Inventory and Assessment of Human Remains from the Rogue River Area of Oregon	N Human Remains Cat No.	MNI Human Remains	N Funerary Objects Cat No.	N Funerary Objects
None	06-Oct-10	Confederated Bands of the Yakima Nation, Confederated Tribes of Warm Springs Reservation, Confederated Tribes of the Grand Ronde Community of Oregon, Shoalwater Bay Tribe	Inventory and Assessment of Human Remains and Funerary Objects from Sullivans Island Skamania County, Washington	3	7	222	75,788
Caddo Tribe of Oklahoma	09-Sep-11	Caddo Tribe of Oklahoma	Inventory and Assessment of Human Remains from the Belcher Site, Caddo Parrish, Louisiana	9	12		
Santa Rosa Rancheria of Tachi Yokuts Indians	19-Dec-11	Tule River Indian Tribe, Santa Rosa Rancheria of Tachi Yokuts Indians	Inventory and Assessment of Human Remains and Funerary Objects Potentially Affiliated with Yokuts Tribes from Kern and Tulare Counties, California	89	90	147	8,108
Tunica Biloxi Tribe	19-Dec-11	Tunica Biloxi Tribe	Inventory and Assessment of Possible Funerary Objects from Louisiana Potentially Affiliated with the Tunica-Biloxi Tribe			14	191
Tunica Biloxi Tribe	19-Dec-11	Tunica Biloxi Tribe, Jena Band of Choctaw	Inventory and Assessment of Possible Funerary Objects from Louisiana Potentially Affiliated with the Tunica-Biloxi Tribe			6	23

Claimant Initiating Report	Smithsonian Approval of Report	Affiliated Tribes	Case Report	N Human Remains Cat No.	MNI Human Remains	N Funerary Objects Cat No.	N Funerary Objects
Hydaburg Cooperative Association	2012	Central Council of the Tlingit and Haida Indian Tribes of Alaska; Hydaburg Cooperative Association; Ketchikan Indian Community; Organized Village of Kasaan; Organized Village of Saxman	Human Remains and Funerary Objects Potentially Affiliated with the Kaigani Haida	20	26	22	104
Three Affiliated Tribes of the Fort Berthold Reservation	2012	Arikara (Three Affiliated Tribes of the Fort Berthold Reservation)	Additional Funerary Objects from the Leavitt Site (39ST215): Addendum to Human Remains and Funerary Objects Potentially Affiliated with the Arikara			2	8
Hoonah Indian Association	2012	Central Council of the Tlingit and Haida Indian Tribes of Alaska, Hoonah Indian Association	Tlingit Objects Requested by the Hoonah Indian Association			42	53
			TOTAL	1,685	1,701	1,576	99,640