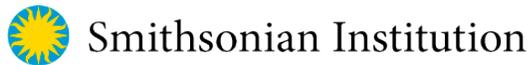




Smithsonian  
Institution

**ANNUAL REPORT OF THE  
REPATRIATION ACTIVITIES OF  
THE SMITHSONIAN INSTITUTION**

**2011**



July 31, 2012

The Honorable Daniel K. Akaka, Chairman  
Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
Washington, DC 20510

The Honorable Don Young, Chairman  
Committee on Natural Resources  
Subcommittee on Indian and Alaska Native  
Affairs  
1327 Longworth House Office Building  
Washington, DC 20515

The Honorable John Barrasso, Vice Chairman  
Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
Washington, DC 20510

The Honorable Dan Boren, Ranking Member  
Committee on Natural Resources  
Subcommittee on Indian and Alaska Native  
Affairs  
1327 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Akaka, Vice Chairman Barrasso, Chairman Young, and Ranking Member Boren:

On behalf of the Smithsonian Institution, we are pleased to transmit this report regarding the repatriation activities of the Smithsonian Institution for Calendar Year 2011. The Smithsonian is committed to the respectful return of Native American human remains and cultural objects to affiliated tribes across the United States. In fact, the Smithsonian has been engaged in such returns even prior to the passage of the federal repatriation legislation. The Smithsonian is proud of this rich history and the relationships the repatriation process has fostered with many Native constituents.

This past year, the U.S. Government Accountability Office (GAO) conducted a comprehensive review of the Institution's repatriation activities. The review provided the Smithsonian with the unique opportunity to both highlight its achievements and challenge itself to improve its repatriation policies and practices. This annual report to Congress stems from one of the four recommendations<sup>1</sup> the GAO made to the Smithsonian with respect to its repatriation program. The Smithsonian is committed to implementing the GAO's remaining recommendations and has made substantial progress towards this end.

The following report accomplishes many goals. First, the report provides an overview of the repatriation programs conducted at both the National Museum of the American Indian (NMAI) and the National Museum of Natural History (NMNH), including detailed statistical information regarding completed repatriations, consultations with native communities, and claims processing for 2011. Statistics, alone, however cannot truly convey either the magnitude or importance of the repatriation activities for the past year. Therefore, the report also contains brief case studies of recent repatriations for both NMAI and NMNH. Finally, the report highlights other repatriation-related activities, including conferences, meetings, and publications, for both museums during the past year.

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<sup>1</sup> The remaining GAO recommendations are: (1) clarify the jurisdiction of the Repatriation Review Committee; (2) develop and implement an appeal process for repatriation claims; and (3) draft a policy for culturally unidentifiable human remains.

We welcome the opportunity to discuss or provide additional information on the contents of this report or the Smithsonian's repatriation program, in general.

Respectfully submitted,



Cristián Samper  
Director  
National Museum of Natural History



Kevin Gover  
Director  
National Museum of the American Indian

# ANNUAL REPORT 2011

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## **I. REPATRIATION AND THE SMITHSONIAN: AN OVERVIEW**

The Smithsonian Institution has a long and proud history of the respectful return of Native human remains and cultural objects. In fact, even prior to the passage of the federal repatriation legislation, the Smithsonian engaged in such returns, including the voluntary return of numerous human remains in the early 1980s and the well-publicized return in 1987 of certain cultural objects affiliated with the Zunis.

In 1989, Congress enacted the National Museum of the American Indian Act (NMAIA). This law established the National Museum of the American Indian (NMAI) as part of the Smithsonian Institution and authorized the transfer of the collections of the Heye Foundation's Museum of the American Indian in New York City to the Smithsonian. The legislation is also the first piece of federal legislation addressing Native American repatriation as the NMAIA required the Smithsonian to return, upon request, Native American human remains and funerary objects to culturally affiliated Federally-recognized Indian tribes. The NMAIA was amended in 1996, following the passage of the Native American Graves Protection and Repatriation Act (NAGPRA), to include the return of certain Native American cultural objects, including sacred objects and objects of cultural patrimony. To assist the museums in the repatriation process, both the NMAI and NMNH have drafted repatriation policies and procedures. Copies of these policies are included in Appendix A.

A recent review of the repatriation activities of the Smithsonian conducted by the United States Government Accountability Office (GAO) has demonstrated that in the past twenty-one (21) years, the Smithsonian has offered to repatriate more than 5,000 human remains and over 212,000 funerary objects and has completed more than 170 repatriation case reports. These totals far exceed any other museum complex in the United States and almost all other federal entities with Native American collections. While considerable progress has been made, the GAO also concluded that more work needs to be done to identify and repatriate Indian human remains and objects and recommended several ways in which the Smithsonian could strengthen its repatriation program. The Smithsonian is committed to the repatriation process and has already implemented several of the GAO's recommendations. This annual report to Congress is one of the GAO's recommendations. The Smithsonian is determined to implement all remaining recommendations by the end of 2012.

II. REPATRIATION ACTIVITIES: YEAR-AT-A-GLANCE

a. Repatriations (human remains and objects available for repatriation or that have been repatriated)<sup>1</sup>

	NMNH		NMAI	
	CY 2011	OVERALL	CY 2011	OVERALL
Human Remains <sup>2</sup>				
Number of Individuals	187	5,743	49	418
Catalog Numbers	184	5,117	22	248
Funerary Objects <sup>3</sup>				
Number	8,413	190,963	21,222	29,384
Catalog Numbers	206	2,654	295	1,033
Objects of Cultural Patrimony <sup>4</sup>				
Number	0	50	0	18

<sup>1</sup> For objects available for repatriation, both NMNH and NMAI have adopted the definitions and criteria established in the regulations promulgated pursuant to the Native American Graves Protection and Repatriation Act (NAGPRA), P.L. 101-601.

<sup>2</sup> "Human Remains means the physical remains of a human body of a person of Native American ancestry. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets." 43 C.F.R. § 10.2(d)(1). The "Number of Individuals" refers to the "minimum number of individuals" or MNI; a concept commonly used in anthropology to represent the fewest possible number of human remains in a skeletal assemblage. The "Number of Individuals" calculation should not be misconstrued as representative of an entire skeletal assemblage for each MNI.

<sup>3</sup> "Funerary objects mean items that, as part of a death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains." 43 C.F.R. § 10.2(d)(2).

<sup>4</sup> "Objects of cultural patrimony mean items having ongoing historical, traditional, or cultural importance central to the Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal or organization member." 43 C.F.R. § 10.2(d)(4).

	NMNH		NMAI	
	CY 2011	OVERALL	CY 2011	OVERALL
Catalog Numbers	0	12	0	8
Sacred Objects <sup>5</sup>				
Number	0	2	0	777
Catalog Numbers	0	2	0	700
Objects of Cultural Patrimony/Sacred Objects <sup>6</sup>				
Number	0	0	0	296
Catalog Numbers	0	0	0	234
Other Items <sup>7</sup>				
Number	7	26	0	31
Catalog Numbers	4	21	0	26

<sup>5</sup> "Sacred objects mean items that are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents." 43 C.F.R. § 10.2(d)(3).

<sup>6</sup> "Objects of Cultural Patrimony/Sacred Objects" refer to claims for the repatriation of cultural items that mean the definition of both an object of cultural patrimony and a sacred object.

<sup>7</sup> "Other Items" refer to circumstances in which the cultural item offered for repatriation does not meet the definition of an object available for repatriation under the NMAI Act or the policies of the NMNH and the NMAI. Since the NMAI Act was not intended to limit the authority of the Smithsonian to conduct repatriations of certain items from its collections, the category of "Other Items" was developed to track and monitor museum collections offered for return for which no other repatriation category is available or appropriate.

b. CY 11 Consultations

	NMNH	NMAI	Joint NMNH-NMAI
Consultation Visits			
Number of Visits	20	5	1
Number of Tribes	22	10	1
Number of Smithsonian-sponsored Tribal Visits <sup>8</sup>			
Number of Representatives	12	5	0
Number of Tribes	8	10	0

c. Claim Processing

	NMNH		NMAI	
	CY 2011	OVERALL	CY 2011	OVERALL
Claims				
Claims In Queue	3	3	18	18
Claims in Process	13	13	14	14
Completed Reports Addressing Claims	7	104	10	96

### III. OVERSIGHT OF REPATRIATION ACTIVITIES

#### Native American Repatriation Review Committee

The Native American Repatriation Review Committee met at the NMNH on April 27-29, 2011, and December 12-13, 2011, to monitor the progress of repatriation at the museum. The committee is composed of individuals nominated by tribes, tribal organizations, and scientific and museum organizations. The members in 2011 are Jane Buikstra, Professor, Arizona State

<sup>8</sup> The Smithsonian does, in certain circumstances, fund the travel of tribal representatives in order to visit the Smithsonian as part of the repatriation process.

University; T.J. Ferguson (Vice-chair), Anthropologist, Tucson, Arizona; John Johnson, Chugach Alaska Corporation; Roland McCook (Chair), Ute Indian Tribe of the Uintah and Ouray Reservation; Bonnie Newsom, Penobscot Indian Nation; Shelby Tisdale, Director, Museum of Indian Arts & Culture/Laboratory of Anthropology, Santa Fe, New Mexico; and Gordon Yellowman, Sr., Cheyenne and Arapaho Tribes of Oklahoma.



Native American Repatriation Review Committee members (left to right): Gordon Yellowman, Sr. (Cheyenne and Arapaho Tribes), Shelby Tisdale (Museum of Indian Arts & Culture), Roland McCook (Ute Indian Tribe of the Uintah and Ouray Reservation), Bonnie Newsom (Penobscot Indian Nation), Jane Buikstra (Arizona State University), John Johnson (Chugach Alaska Corporation), and T.J. Ferguson (Anthropologist).

### **National Museum of the American Indian Board of Trustees**

The National Museum of the American Indian Board of Trustees meets three times a year to discuss museum business, including repatriation matters brought forth through the repatriation committee of the board. As necessary, the repatriation committee of the board meets outside the full board meetings to complete committee work. In 2011, these members were made up of Kay Fowler (committee chair), Professor of Anthropology Emerita, University of Nevada, Reno Foundation; Manley Begay (Navajo), Senior Lecturer in the American Indian Studies Program, University of Arizona; Roberta Conner (Confederated Tribes of Umatilla), Director, Tamástslikt Cultural Institute; Philip Deloria (Standing Rock Sioux) Professor, University of Michigan; George Gund III, Businessman/Philanthropist; Brenda Pipestem, (Eastern Band of Cherokee) Lawyer; Ronald Solimon (Pueblo of Laguna), President and CEO of the Indian Pueblo Cultural Center; Jose Zarate(Quechua), Coordinator, Indigenous Communities and Latin America and Caribbean Development Program, Primate's World Relief and Development Fund.



Board of Trustees of the National Museum of the American Indian: Standing Back Row (Left to Right): Ronald Solimon, Brenda Toineeta Pipestem, Frederick Hoxie, Brian Patterson, John Ernst, Jose Zarate, Richard Kurin (Under Secretary for History, Art & Culture), Philip Deloria, Randall Willis, Ben Nighthorse Campbell, Jacqueline Old Coyote, Roberta Conner, Freda Porter, and Kevin Gover (NMAI Director).

Seated Front Row (Left to Right): Lynn Valbuena, Lucille Echohawk, Patricia Zell, Tina Osceola, Haunani Apoliona, and Wayne Clough (Secretary).

#### IV. HIGHLIGHTED REPATRIATION ACTIVITIES

NMAI and NMNH have engaged in a variety of repatriation-related activities during the past year. The listing below provides a representative sampling of some of this past year's activities and programs:

- **To Bridge a Gap Conference:** On April 6, 2011, NMNH staff participated in a panel, "Practice of Repatriation and Reinterment: Partnerships in Respect" in Norman, Oklahoma. This tribal conference invites staff from federal agencies to discuss significant issues with tribal representatives.
- **Repatriation Training:** On April 29, 2011, NMNH, NMAI, and the Office of General Counsel (OGC) hosted an NMAI Act training session at the National Museum of Natural History. Discussion topics included a detailed legal analysis of the repatriation provisions of the NMAI Act by OGC, differences between NMAI Act and NAGPRA, policy and practices differences between NMAI and NMNH, GAO report discussion, and a group discussion. Repatriation Department staff, curators, collections staff, Director Gover, and Board member, Brenda Pipestem attended the training session from the NMAI. Repatriation Office staff, curators, collections staff, Director Samper, and Associated Director Coddington attended the training from the NMNH. All seven members of the Native American Repatriation Review Committee also attended the training.

- **National NAGPRA Program/Department of the Interior's Office of the Solicitor Public Consultation Meeting on 43 C.F.R. Part 10:** On May 19, 2011, Repatriation Department staff participated in a teleconference meeting hosted by the National NAGPRA Program and the Department of the Interior's Office of the Solicitor. The purpose of this public meeting was to discuss the NAGPRA regulations. Specifically, whether the rules already codified at 43 C.F.R. Part 10 should be amended and if so, how they should be amended. The NMAI offered one comment proposing a change to the definition of "museum," as defined under 43 CFR 10.2(a)(3).
- **Delaware Tribe of Oklahoma NAGPRA Summit:** On May 27, NMNH staff presented on Delaware mortuary practices and NMNH's Delaware/Munsee repatriation case at a NAGPRA Summit organized by Delaware Tribe of Oklahoma in Bartlesville, Oklahoma.
- **Consultations on Culturally Unaffiliated Human Remains and Associated Funerary Objects:** Staff attended three national conferences to present the GAO's report findings, as well as to discuss the draft policy on the culturally unaffiliated and unknown human remains and associated funerary objects. The conferences include:

  - NCAI Mid-Year Conference, June 13, 2011, Milwaukee, WI, presented by NMAI and NMNH staff
  - NAGPRA Review Committee Meeting, June 21-22, 2011, Syracuse, NY, presentation by NMAI staff.
  - National Association of Tribal Historic Preservation Officers Conference, September 19-21, 2011, Scottsdale, AZ, presented by NMAI staff.
- **Pakistani Cultural Heritage Preservation Group:** On Monday, July 25, 2011, staff from both NMAI and NMNH participated in a repatriation panel discussion. The cultural care of collections and repatriation issues was discussed with a group of thirteen museum professionals who were selected by the Cultural Heritage Institute of Pakistan. The Preservation Group is interested in issues and ethics relating to their own national repatriation legislation, particularly the soon-to-be implemented legislation addressing Pakistani cultural patrimony.
- **Seasonal Blessing and Pesticide Consultation with Hopi Tribe:** On August 24 and 26, 2011, traditional representatives from First Mesa, Katsina Clan conducted a total of three seasonal blessings at the NMAI George Gustav Heye Center (GGHC) on Wednesday, August 24<sup>th</sup> and the NMAI Mall Museum and the NMAI Cultural Resource Center (CRC) on Friday, August 26<sup>th</sup>. Two offerings were placed to bless everyone entering both the GGHC and the Mall Museum and a third offering was specifically left for the Katsina Friends at the CRC.

## V. CASE STUDY: THE NATIONAL MUSEUM OF NATURAL HISTORY

### Sault Ste. Marie Chippewa Tribe and the Bay Mills Indian Community Repatriation

On April 12-14, 2011, the NMNH's Repatriation Office jointly repatriated the human remains of at least five individuals to the Sault Ste. Marie Chippewa Tribe and the Bay Mills Indian Community. The remains were from Mackinac Island in northern Michigan and had been collected from an archaeological site by an Army Surgeon between 1882 and 1884. The remains had been sent to the Army Medical Museum in 1884 and they were transferred to the U.S. National Museum, now the NMNH, in 1904. Sault Ste. Marie Chippewa Cultural Repatriation Specialist Cecil Pavlat traveled to the Smithsonian to receive the remains on behalf of both tribes. A pipe ceremony for the remains was held on the grounds of the NMNH's Museum Support Center followed by a feast for the dead. The event was attended by NMNH repatriation, collections and archives staff as well as invited staff from NMAI's Repatriation Department and Smithsonian facilities. After the repatriation at the Smithsonian, NMNH Repatriation Case Officer Eric Hollinger escorted Cecil Pavlat and the remains back to Michigan where the remains were buried with ceremony in a cemetery within sight of Mackinac Island.



Sault Ste. Marie Chippewa Cultural Repatriation Specialist Cecil Pavlat conducting repatriation ceremony at the NMNH's Museum Support Center for remains from Mackinac Island, Michigan being repatriated to the Sault Ste. Marie Tribe and the Bay Mills Indian Community. The ceremony was held April 12, 2011 and staff from the NMAI's Repatriation Department joined NMNH staff for the ceremony. (Image used with permission of Cecil Pavlat.)

## VI. CASE STUDY: NATIONAL MUSEUM OF AMERICAN INDIAN

### Multi-tribal/Multi-case Consultation

On January 18-20, 2011, NMAI repatriation staff consulted with the Caddo, Kaw, Osage, Quapaw, Wichita, and Ponca Tribes of Oklahoma. As a convenience, the NMAI staff traveled to Oklahoma City to consult with these tribes directly on four proactive human remains cases, one newly discovered culturally unaffiliated human remains case from Arkansas, and one claim-based case. As recommended in the respective reports, these tribes were identified as being potentially culturally affiliated to human remains from one or more of the counties where they were excavated in Arkansas, Missouri and Oklahoma. As a result of this meeting, the tribes made a group decision about who would take the lead for the respectful disposition of ancestral remains for the four proactive cases and the one newly discovered culturally unaffiliated case. In 2011 the Osage and Caddo completed repatriations for the remains they accepted responsibility for and the Quapaw plan to set a date for the repatriation of the human remains they have accepted responsibility for in the near future. The claim-based case was withdrawn by the claimant in April of 2011.



Lauren Sieg (NMAI Repatriation Research Specialist), Henry Rhodd (Ponca of OK), Bobby Gonzales (Caddo), Robert Cast (Caddo), Andrea Hunter (Osage), Crystal Douglas (Kaw), Jackie Swift (NMAI Repatriation Manager), Stanley Smith Ponca of OK, Lonnie Burnett (Kaw), not pictured Jean Ann Lambert (Quapaw), Gary McAdams (Wichita & Affiliated Tribes), and Terry Snowball (NMAI Repatriation Coordinator).

## VII. ADDITIONAL INFORMATION

For additional information on the repatriation activities of the Smithsonian Institution, please contact the individuals listed below.

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