

The Denver Museum of Nature and Science and the Denver Art Museum:

A Comparative Study of Repatriation

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A thesis submitted in partial fulfillment of the requirement for the degree of

Bachelor of the Arts in Art History with honors

University of Colorado, Boulder

April 2017

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ACKNOWLEDGEMENTS

I would like to thank Drs. Robert Nauman and Greg Johnson for their advice, guidance and invaluable resources throughout this process. I would especially like to thank Dr. Annette de Stecher, without whom this thesis would not exist. Her patience, knowledge, and companionship are the foundations upon which I was able to navigate this process.

I would also like to thank my family and friends for their unwavering support. Thank you for listening to me as I whined my way through the research and writing process, and for helping me edit my drafts, from the earliest to the final stages. I couldn't have done it without your love and encouragement.

ABSTRACT

In the nineteenth and early twentieth centuries, anthropologists, archaeologists, and hobbyists removed over 200,000 human bodies and 1 million of Native American cultural items, including sacred objects, and burial objects, from Indigenous village and burial sites.¹ The Native American Graves Protection and Repatriation Act (NAGPRA) was enacted in 1990 to address and redress this human rights issue. NAGPRA requires all U.S. museums that receive federal government financial support to inventory their collections, consult with tribal nations, and return all materials that meet NAGPRA criteria, including sacred objects, burial objects, human remains, and objects of cultural patrimony to their tribal homelands.²

My research focuses on the history of repatriation and NAGPRA at the Denver Museum of Nature and Science (DMNS) and the Denver Art Museum (DAM). The DMNS has been a leader in repatriation. DMNS staff interprets NAGPRA in a way that places Indigenous communities as a priority in an effort to decolonize the museum. The DAM was not only a leader in moving away from conventional fine arts hierarchies to include substantial holdings of Indigenous material culture, but was also a leader in repatriation. It was one of the first museums to repatriate Indigenous material culture, even before the passage of NAGPRA. In this thesis, I will discuss how the NAGPRA consultation process has created lasting bonds between Native communities and the DMNS and the DAM.

¹ Chip Colwell, *Plundered Skulls and Stolen Spirits: Inside the Fight to Reclaim Native America's Culture* (Chicago: University of Chicago Press, 2017), 4.

² NAGPRA also covers issues of indigenous graves protection, but this thesis will focus on repatriation disputes covered by the law.

Introduction

From the late nineteenth century, anthropologists, archaeologists, and hobbyists collected Native American human remains and material goods from Indigenous burial sites and communities to place in museums and private collections. These unethical collecting practices have created tension and distrust between museums and Native communities. The Native American Graves Protection and Repatriation Act (NAGPRA), passed in 1990, addresses and redresses this human rights issue. NAGPRA requires all American museums that receive federal government financial support to inventory their collections, consult with tribal nations, and return, or repatriate, all materials that meet NAGPRA criteria, including sacred materials, burial items, human remains, and objects of cultural patrimony, to their tribal homelands. In this thesis I explore the leading role of the Denver Museum of Nature and Science and the Denver Art Museum in the repatriation process. I study the historical and contemporary practices of these two museums and I argue that their models of repatriation and interpretation of NAGPRA legislation, following its ethical intent, are examples of how art and natural history museums alike can work to build relationships with Native communities. I argue that their model suggests potential amendments to NAGPRA, to address issues in how this legislation is applied.

Denver is the largest city center within the Rocky Mountain territory, and thus represents an entire region, as opposed to a single state. Historically, this created a feeling of cultural responsibility for both museums, a sense that they must accurately represent and reflect a special tradition of their own, specifically the “untamed West”.³ I explore how this feeling of responsibility led to a strong tradition of collecting Native American goods and materials in the twentieth century, specifically from tribes that of the American Southwest. Both museums

³ Neil Harris, "Searching for Form: The Denver Art Museum in Context," in *The Denver Art Museum: The First Hundred Years* (Denver: Denver Art Museum, 1996), 21-22.

followed unethical, but historically standard, collecting practices, but even before the passing of NAGPRA there was a shift toward repatriation. In 1979 the DAM began a shift toward repatriating as many objects as possible, and in 1990 the DMNS followed a similar practice, to repair the damages done by former collectors and museum curators. The histories of these two museums and the repatriation process are the focus of study. I discuss how the DMNS and the DAM are addressing their histories as colonial institutions. By concentrating their efforts on the consultation process required by NAGPRA, interpreted in a way that expresses the spirit of repatriation, they have improved relationships with Native communities over the twenty-seven years since NAGPRA was passed, and before.⁴ This is a process to decolonize the museum.

Linda Tuhiwai Smith describes decolonization as more than

Deconstructing western scholarship simply by our (native) own retelling or by sharing indigenous horror stories about research. In a decolonizing framework, deconstruction is part of a much larger intent...in other words, research is not an innocent or distant academic exercise but an activity that has something at stake and that occurs in a set of political and social conditions.⁵

NAGPRA, and the research surrounding it, aims to decolonize museums and bring scholarly research into the social political sphere.

Literary Review

My research draws on literature in the areas of Indigenous research methodologies, museum studies, and the NAGPRA repatriation process. From the literature on Indigenous research methodologies, Maori scholar Linda Tuhiwai Smith's foundational text, *Decolonizing Methodologies*, is central to my work. She addresses the colonial origins of museums and identifies decolonizing approaches to research. Tuhiwai Smith identifies issues in the history of anthropological and ethnographic collecting and research, and sets out decolonizing research

⁴ Chip Colwell, "Native American Artifacts and Lessons Learned in Colorado," *Denver Post*, March 15, 2017.

⁵ Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed, 2012), 3.

methods that prioritize Indigenous community values and voice, through collaboration and direct consultation, placing community interests in the foreground in all areas that concern their culture. Tuhiwai Smith states that decolonizing methodologies “ensure that research with Indigenous peoples can be more respectful, ethical, sympathetic and useful.”⁶ These research methods emphasize Native voice and scholarship.

In the field of museum studies, art historian Carol Duncan’s, “From the Princely Gallery to the Public Art Museum⁷,” is a central text in my discussion of the history of Western museums. She focuses on the history of the public museum, which is central to understanding the history of the museums, that NAGPRA addresses. Museum director Annie E. Coombes, in, “Museums and the Formation of National and Cultural Identities⁸,” critiques colonialism and ethnographic museum collecting practices from the late eighteenth century. I draw from these two texts to explore the role that museums have played as colonial institutions. I also draw on Ruth Phillips’ *Museum Pieces*.⁹ Phillips reimagines the museum as a place to embrace global interconnectedness and situates museum within an Indigenous context. Phillips outlines the historical process of decolonization, and emphasizes the transformative powers of museum controversy.

⁶ Ibid., 9.

⁷ Duncan, Carol. "From the Princely Gallery to the Public Art Museum: The Louvre Museum and the National Gallery, London." In *Grasping the World: The Idea of the Museum*, edited by Donald Preziosi and Claire J. Farago. Burlington, VT: Ashgate, 2003.

⁸ Coombes, Annie E. "Museums and the Formation of National and Cultural Identities." *Oxford Art Journal* 11, no. 2 (1988): 57-68. doi:10.1093/oxartj/11.2.57.

⁹ Phillips, Ruth B. *Museum Pieces: Toward the Indigenization of Canadian Museums*. Montréal: McGill-Queen's University Press, 2014.

I draw from several key sources in my discussion of NAGPRA. Greg Johnson's book, *Sacred Claims*¹⁰, details the history of NAGPRA, specifically how religious discourse is used to articulate repatriation claims. Johnson uses Indigenous methodologies, citing Indigenous scholars as well as his own experience. Pawnee scholar Roger Echo-Hawk writes in detail about NAGPRA in *Keepers of Culture*¹¹. He presents guidelines for how museums and Native communities can follow and interpret this law, how NAGPRA works in practice, and how to write successful repatriation claims. His book clarifies how the DMNS and the DAM interpret and follow NAGPRA.

The work of curator Chip Colwell, who has worked extensively in the NAGPRA repatriation process and in collaborative work, in particular his research in *Plundered Skulls and Stolen Spirits* and "The Sacred and the Museum"¹², is central to my study. Colwell has worked extensively in the NAGPRA repatriation process in collaboration with Indigenous communities. Dawn Rewolinski who has also worked extensively with NAGPRA processes at the DMNS, provides important material for my research in *Remains to Be Seen: The Disparate Disposition of Culturally Unidentified Human Remains under NAGPRA's Final Rule*. She writes about the Final Rule of 2010, which requires museums and federal agencies to inventory, register, and ultimately return all culturally unidentifiable human remains (CUHR) and associated funerary objects to tribes.¹³ I draw from her discussion of how NAGPRA is interpreted differently at

¹⁰ Johnson, Greg. *Sacred Claims: Repatriation and Living Tradition*. Charlottesville: University of Virginia Press, 2007.

¹¹ Echo-Hawk, Roger. *Keepers of Culture: Repatriating Cultural Items under the Native American Graves Protection and Repatriation Act*. Denver: Denver Art Museum, 2002.

¹² Colwell, Chip. "The Sacred and the Museum: Repatriation and the Trajectories of Inalienable Possessions." *Museum Worlds* 2, no. 1 (2014). doi:10.3167/armw.2014.020102.

¹³ Dawn Rewolinski, *Remains to Be Seen: The Disparate Disposition of Culturally Unidentified Human Remains under NAGPRA's Final Rule*, Master's thesis, New York University, 2014, 4.

various institutions, focusing specifically on the University of California (UC) education system and the DMNS. Colwell and Rewolinski's research allows me to situate the DMNS in context of other natural history museums.

In my study of the DAM and the repatriation process, I draw on several texts, including Roger Echo-Hawk's *Keepers of Culture*. Echo-Hawk was curator of Native Arts at the DAM and he uses the DAM as a case study for his book. In his article, *Searching for Form: The DAM in Context*¹⁴, Neil Harris explores the framework of the Denver Art Museum and the importance Native collections have played in the history of the museum. Lewis Wingfield Story's *Building a Collection*¹⁵ investigates the history of collecting at the DAM, and describes how the DAM participated in salvage anthropology, within the context of an art museum as opposed to a natural history museum.

Methodology

Interviews with curators, collections management, and NAGPRA coordinators in addition to collections visits at both the DMNS and DAM are the foundation of my research. I draw on these interviews to discuss the importance of the DAM and the DMNS as museum leaders in their practices and interpretations of NAGPRA, while the visits allowed me to view collections in the NAGPRA process and gather information directly.

The research methodologies outlined by Tuhiwai Smith emphasize the importance of consultation and collaboration with Indigenous community members in any research project concerning Indigenous cultures.¹⁶ However, given the scope of my project, in my discussion of

¹⁴ Harris, Neil. "Searching for Form: The Denver Art Museum in Context." In *The Denver Art Museum: The First Hundred Years*, 20-58. Denver: Denver Art Museum, 1996.

¹⁵ Story, Lewis Wingfield. "Building a Collection." In *The Denver Art Museum: The First Hundred Years*. Denver: Denver Art Museum, 1996.

¹⁶ Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed, 2012), 2.

repatriation and community engagement, my study is informed by the voice of community members drawn from Colwell's work in *Plundered Skulls and Broken Spirits*. Colwell carried out interviews with Indigenous community members in collaborative work during the repatriation process at the Denver Museum of Nature and Science. He foregrounds Native voice in his research; Indigenous communities are recognized as the experts regarding their cultures and speak for themselves.

Chapter Outline

In Chapter 1, I discuss the history of salvage anthropology and demonstrate how the theft of Native cultural patrimony removed Indigenous peoples' inherent human rights. I outline the history and importance of NAGPRA and current issues in the application of NAGPRA legislation. I conclude the chapter with a discussion of Indigenous agency in the implementation of NAGPRA in the late twentieth century and the significance of the legislation in how it has begun to repair relationships between museums and Native communities.

In the second and third chapters, I will present two case studies of NAGPRA in practice, the Denver Museum of Nature and Science (DMNS) in Chapter 2 and the Denver Art Museum (DAM) in Chapter 3. In Chapter 2, I discuss the history behind the DMNS founding collection, donated by Francis and Mary Crane, and how since the early 1990s, curators at the DMNS have had the mission to repatriate all human remains and associated burial materials. In Chapter 3, I explore the unique, forward-thinking collecting practices at the DAM in the early twentieth century, and how this led to their liberal interpretation of NAGPRA and a desire to repair relationships with Native communities.

Chapter 1: The History of Indigenous Collections and the Native American Graves Protection and Repatriation Act

In the late nineteenth century, anthropologists began their collecting treks to the Western United States. Vine Deloria Jr. describes the typical anthropologist as “a tall gaunt white man wearing Bermuda shorts, a World War II Army Air Force Flying Jacket, an Australian bush hat, tennis shoes, and packing a large knapsack incorrectly strapped to his back.”¹⁷ Throughout the nineteenth and well into the twentieth century, anthropologists set out to collect as much Native American material culture as possible, with the hope of saving “cultural materials endangered,” within the, “time schedule of their impending destiny.”¹⁸ Anthropologists referred to Indigenous peoples as the “vanishing race,” and predicted their eminent disappearance due to colonization and disease. Anthropologists collected human remains and artifacts for the purpose of research, their purpose to record the histories of Native peoples within the paradigm of the vanishing race.

In this chapter I discuss the history of salvage anthropology and museum-collecting techniques that led to the NAGPRA legislation. This history is important for an understanding of NAGPRA and the importance of the law to Indigenous communities. I describe how Native activists brought about the passing of NAGPRA, in response to colonial museum collection practices in the United States. This discussion foregrounds Native agency, and how laws such as NAGPRA were passed through concerted efforts of Indigenous scholars and lawyers. Cooperation between U.S. lawmakers and Indigenous activists is at the center of NAGPRA. Because of this collaboration, a critical outcome of NAGPRA legislation is the required consultation between museums and Native communities. This consultation process is the spirit of NAGPRA, and is the process that repairs relations between museums and Indigenous groups. It

¹⁷ Vine Deloria, *Custer Died for Your Sins: An Indian Manifesto; with New Pref.* (Norman: Univ. of Oklahoma Press, 1988), 79.

¹⁸ James J. Hester, "Pioneer Methods in Salvage Anthropology," *Anthropological Quarterly* 41, no. 3 (1968): pg. #132-142, accessed February 10, 2017, JSTOR [JSTOR].

is the spirit of this intention, going beyond the letter of the law that I argue is inherent to how the DMNS and the DAM work with communities in the repatriation process.

Anthropological and Ethnographic Collections

Tuhiwai Smith describes how “anthropologist” and “research” have become a dirty words within Native vocabulary: “when mentioned in many Indigenous contexts, it stirs up a silence, it conjures up bad memories, it raises a smile that is knowing and distrustful.”¹⁹ In what they saw as salvage collecting, not only were anthropologists concerned with saving what was seen as the dying race, but in the 1800s, academics in the field became fascinated with the human skull. They argued that the size, shape and capacity of a skull could determine the intelligence and superiority of a race of people—specifically the white man. Through the study of Native skulls and other human remains, they argued for proof of the inferiority of Native peoples, which was a justification for destroying Native cultures and lands.²⁰ For this reason, in the Missouri River Basin alone, physical anthropologists excavated a total of 2,500 Indian skeletons in a single excavation.²¹

This drive to collect was enabled by the deep poverty of many Native reservations in the early twentieth century. Native peoples sold their cultural property in order to survive. Stewart Culin, a salvage anthropologist and curator for the Brooklyn Museum, amassed one of the largest collections of Zuni War Gods owned by a museum. Culin traveled to New Mexico in 1903 to increase the museum’s collection, but when he arrived at the Zuni pueblo he was disheartened by what he saw. The Zuni were under assimilation pressures from the government and missionaries.

¹⁹ Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed, 2012), 1.

²⁰ Chip Colwell, *Plundered Skulls and Stolen Spirits: Inside the Fight to Reclaim Native America's Culture* (Chicago: University of Chicago Press, 2017), 5.

²¹ James J. Hester, "Pioneer Methods in Salvage Anthropology," 142.

Culin initially protested orders by the Bureau of Indian Affairs that prohibited many religious traditions, simply because these actions would end Zuni customs before he could complete his studies of the people. However, Culin used this period of distress to his advantage. During his collecting trips of 1903, 1904 and 1907 Culin reported that the Zuni were “crazy to sell,” and in 1903 he returned to Brooklyn with 4,615 objects.²² The Zuni and other Native communities were desperate. Their way of life was changing and becoming increasingly Westernized. They were forbidden to practice many of their religious traditions, and forced to succumb to western, capitalist economics. Yet at the same time, anthropologists were studying them relentlessly as what museum collectors saw as a dying culture and the Indigenous traditional possessions were being bought to preserve the very way of life they were being forced to abandon.

Sherman Alexie, a Spokane and Coeur D’Alene Indian poet writes of this paradox in his poem, “Evolution”.

Buffalo Bill opens a pawnshop on the reservation
 Right across the border from the liquor store
 And he stays open 24 hours a day, 7 days a week

And the Indians come running in with jewelry
 Television sets, a VCR, a full-length beaded buckskin outfit
 It took Inez Muse 12 years to finish. Buffalo Bill

Takes everything the Indians have to offer, keeps it
 All catalogued and filed in a storage room. The Indians
 Pawn their hands, saving their thumbs for last, they pawn

Their skeletons, falling endlessly from the skin
 And when the last Indian has pawned everything
 But his heart, Buffalo Bill takes that for twenty bucks

Closes up the pawnshop, paints a new sign over the old
 Calls his venture THE MUSEUM OF NATIVE AMERICAN CULTURE

²² Chip Colwell, *Plundered Skulls and Stolen Spirits: Inside the Fight to Reclaim Native America's Culture* (Chicago: University of Chicago Press, 2017), 16-18.

Charges Indians five bucks a head to enter²³

Alexie's poem is biting in its depiction of museums and their unethical collecting practices that preyed on the economically weak and hungry. As Colwell observes, "Museums suddenly seemed to me less a triumph of Western science and more a breach of Native American human rights."²⁴

Museums and the Law

The American law supported museums in their collecting activities for most of the twentieth century. The Federal Antiquities Act of 1906 protected burials as archaeological sites. This law defined Native American remains and their associated objects as, "Archaeological resources, objects of historic or significant interest and property that could be excavated, disinterred, sent to museums, and otherwise managed only with the proper federal permits in hand."²⁵ This Federal Antiquities Act enforced the idea that Native American remains were the property of science, rather than property of the tribes. A little over seventy years later in 1979 the Archaeological Resources Protection Act of 1979 (ARPA) was passed. This was essentially an updated version of the Antiquities Act, it continued to view burial remains and cultural materials as scientific evidence and required Native Americans to obtain a permit to access federal Native American collections.²⁶ The passage of ARPA makes Sherman Alexie's "Evolution" even more relevant and bitter.

However, in the 1960s, a new political movement emerged. A handful of Native American activists began a crusade for repatriation. Repatriation derives from the Latin word

²³ Sherman Alexie., "Evolution," PoemHunter.com, July 21, 2006, section goes here, accessed January 27, 2017, <https://www.poemhunter.com/poem/evolution-4/>.

²⁴ Colwell, *Plundered Skulls and Broken Spirits*, 5.

²⁵ Dawn Rewolinski, *Remains to Be Seen: The Disparate Disposition of Culturally Unidentified Human Remains under NAGPRA's Final Rule*, Master's thesis, New York University, 2014, 21.

²⁶ *Ibid.*, 22

repatriatus meaning to go home again.²⁷ This is what the people who initiated this movement aimed to do: to bring their ancestors and belongings home. By the 1970s, Native voices were being heard and influencing federal government policy. In 1978 the American Indian Religious Freedom Act (AIRFA) was passed. This legislation “provided that freedom of religion is an inherent fundamental right guaranteed to all Americans by the First Amendment to the U.S. Constitution, and that the religious practices of Native peoples are an integral part of their culture and form the basis of Native identity.”²⁸ However although revolutionary on paper, there were no legal mechanisms in force to regulate or implement AIRFA. Once this became evident, Native leaders gathered again in the 1980s and decided to promote more specific and defensible legislation, specifically repatriation and graves protection, which resulted in the passage of NAGPRA.²⁹

The Native American Graves Protections and Repatriation Act was passed by Congress in 1990, but not without great effort by Native communities. Pawnee lawyer Walter Echo-Hawk of the Native American Rights Fund (NARF) was a leader in the repatriation movement. Echo-Hawk states, “This modern-day Indian war (repatriation) was fought not on a battlefield, but around conference tables, in courtrooms, and in the halls of congress.”³⁰ He began his battle for repatriation with the case *Nebraska State Historical Society v. Pawnee Tribe and the State of*

²⁷ Merriam-Webster, s.v. "Repatriation," accessed December 2, 2016, <https://www.merriam-webster.com/dictionary/repatriation>.

²⁸ United States., Congress., Senate., *Religious Freedom Act: Hearing before the Committee on Indian Affairs, United States Senate, One Hundred Eighth Congress, Second Session, on Oversight Hearing on American Indian Religious Freedom Act of 1978, July 14, 2004, Washington, DC* (Washington: U.S. G.P.O., 2004), 1.

²⁹ Greg Johnson, *Sacred Claims: Repatriation and Living Tradition* (Charlottesville: University of Virginia Press, 2007), 10.

³⁰ John R. Wunder, "Walter Echo-Hawk," in *The New Warriors: Native American Leaders since 1900*, ed. R. David Edmunds (Lincoln: University of Nebraska Press, 2004), 316.

Nebraska. The Nebraska State Historical Society (NSHS) had over one thousand skeletons, where many of them were Pawnee ancestors. When Lawrence Goodfox Jr., the president of the Pawnee Business Council and an esteemed elder, requested that they be returned to their home, the NSHS refused. The Society denied Pawnees access to the public record; this began a series of legal actions that led to the Nebraska State Law LB340, one of the strictest Indian repatriation laws in the U.S. at that time.

Echo-Hawk worked on behalf of NARF during this case, representing the Pawnees and the Winnebagos, who also had ancestral remains housed at the NSHS. During this time Echo-Hawk played a major role in lobbying legislators for the passage of Nebraska's repatriation law. In the end the courts ruled that NSHS was a state entity, meaning it was subject to state open-record laws. Echo-Hawk also won a grant awarded under the new Nebraska repatriation legislation, which was used to determine the identity of over four-hundred human remains, and burial objects that NSHS had initially refused to return.

Echo-Hawk's repatriation work continued into the 1990s. He represented the Pawnee Tribe, the Larson Bay Tribal Council, and a cultural rights coalition composed of NARF, the National Congress of American Indians (NCAI) and the American Association of Indian Affairs in lobbying for the passage of the National Museum of the American Indian Act.³¹ This act is similar to NAGPRA, in that museums must repatriate Native American remains and funerary objects to culturally affiliated tribes; however it is specific to the Smithsonian Institute and museums that fall under its jurisdiction. Finally, Echo-Hawk assisted in drafting the Native American Graves Protection and Repatriation Act and testified before Congress in support of the

³¹ Ibid., 315.

act.³² Echo-Hawk is one of many Native American lawmakers, scholars and warriors who have been fighting for Indigenous rights, and the passage of NAGPRA was a small step forward.

Once NAGPRA was passed, Native American communities could reclaim skeletal remains and funerary objects, sacred objects, and objects of cultural patrimony. Initially, NAGPRA caused great concern to museum professionals, who worried that it would clear their shelves and be the end of the museum enterprise.³³ James E. G. Smith, curator at the Brooklyn Museum put it simply, “We’re not in the business of giving things away.”³⁴ However, NAGPRA established a range of required compliance activities for museums, and standards that tribes must meet when seeking the return of objects. Because the term “museum” is so broad, the law defines it as, “Any institution or State or local government agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items. Such terms do not include the Smithsonian Institution or any other Federal agency.”³⁵ NAGPRA is written in a way that attempts to honor Native American rights while still upholding American ideas about ownership and property.³⁶

For museums, the process to begin repatriation is lengthy. First, museums must inventory their collections in a clear and precise manner. Before NAGPRA, many collection inventories were vague and didn’t provide much information, which made the identification of the origin of

³² Ibid., 316.

³³ Colwell, *Plundered Skulls and Broken Spirits*, 263.

³⁴ Ibid., 46-47.

³⁵ United States of America, National Parks Service, *NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT*, section goes here, accessed January 10, 2017, www.nps.gov.

³⁶ Roger Echo-Hawk, *Keepers of Culture: Repatriating Cultural Items under the Native American Graves Protection and Repatriation Act* (Denver: Denver Art Museum, 2002), 11.

objects in the collections difficult.³⁷ Following Section 6 of NAGPRA, museums and Federal Institutions are required to share a written summary of information about their collections that are affiliated with tribes; this includes cultural patrimony as well as human remains. The National Parks Service, the office in charge of NAGPRA services, advises that since it can be difficult for museums to accurately identify sacred objects on their own, institutions should send out letters summarizing the entire collection and its sections that are relevant to each tribe and then invite them to visit for further consultation. The law set a deadline that all summaries must be sent out to tribes by November 1993.³⁸

Once these records are completed, they must be shared with affiliated tribes and then tribes can choose if they would like to make a repatriation claim. These claims must be in writing and include, “enough information to sustain the claim’s conclusions, and lineal descendants, tribal NAGPRA representatives, and religious leaders must share information to clarify their standing for consultation.”³⁹ Claims must address three primary questions when preparing claims for unassociated funerary objects, sacred objects, and objects of cultural patrimony. First, tribes must show evidence that the item being reclaimed originated from a group that is culturally affiliated with the applicant. Secondly, the claimant must prove that the item meets the definition for one or more of the NAGPRA categories of unassociated funerary object, sacred object and objects of sacred patrimony. Thirdly, the tribe must provide evidence that raises a challenge to the museum’s right of possession.⁴⁰ Once a claim has been received the museum has sixty days

³⁷ Chip Colwell, "Chip Colwell Interview," telephone interview by author, December 16, 2016.

³⁸ Ibid.

³⁹ Echo-Hawk, *Keepers of Culture*, 18.

⁴⁰ Ibid., 152-153.

to evaluate it and decide if it is legitimate or not. Submission of a claim does not guarantee repatriation. It is the museum's task to be sure that the claim meets all NAGPRA standards.⁴¹

While NAGPRA strengthens the rights of Native American communities in the U.S., there are issues in how the Act is applied, and it appears that museums still have the stronger hand in the repatriation process. Dawn Rewolinski argues that, “despite seemingly noble intentions, NAGPRA (and the Final Rule) do not effectively manage the intended spirit of Congress that purports to honor the basic human rights of Native American communities. The liberties ordered by this law are not applied universally or uniformly.”⁴² She argues that NAGPRA is malleable and is subject to the discretion of the institution. She argues that this allows many organizations, such as the University of California, to be much more conservative with their practices of the law, while others, such as the Denver Museum of Nature and Science choose to support Native American rights and follow the law more closely and in its spirit and intention.⁴³ It is the very interpretability of NAGPRA, that all federally-funded museums are not held to the same standards, in the latitude in how museums can apply NAGPRA that demonstrates my argument, that the DMNS and the DAM are leaders in repatriation.

Another issue with NAGPRA is that it only applies to federally-funded institutions within the United States. In the nineteenth and twentieth century, collectors of Native American materials made their way to Canada, the United Kingdom, Germany, and France.⁴⁴ There is little

⁴¹ Ibid., 155.

⁴² Rewolinski, *Remains to Be Seen*, 4.

⁴³ The University of California tends to favor the value of skeletal research over the repatriation of Native American remains. Gaps in wording and oversight of NAGPRA have enabled UC to withhold Native American cultural material and human remains from tribes. The narrow and tendentious application of NAGPRA by the University relies on the unclear definitions of “Native American” and “cultural affiliation” as well as a lack of accountability; Ibid., 5.

⁴⁴ Colwell, *Plundered Skulls and Stolen Spirits: Inside the Fight to Reclaim Native America's Culture*, 56.

to no precedent for international repatriation disputes; Native communities can only hope for the goodwill of museums in another countries, in efforts to repatriate. A few museums have ethical repatriation policies, most notably in Canada. Canada had a similar reconceptualization of the ways in which Canadian museums and Indigenous peoples should work together in the 1990s. Their path towards communication and collaboration was different from the United States, however with similar results. The national Task Force on Museums on First Peoples was formed in 1992, and had a bicultural structure, bringing together Aboriginal and non-Aboriginal professionals, working in museums, cultural centers, and heritage organizations, with the goal of creating a bridge between museums and First Nations People.⁴⁵ This mutual understanding of the importance of repatriation between Canada and the United States led to the voluntary repatriation of a Zuni War God from the Winnipeg Art Gallery in 1990, and the Vancouver Museum of Anthropology in 1997.⁴⁶

Greg Johnson, Professor of Religious Studies at the University of Colorado, presents another major issue with NAGPRA. NAGPRA defines sacred objects in narrow terms: “Sacred objects shall mean specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents.”⁴⁷ Johnson asks, “How can an absent object be central and essential to a tradition without the tradition ending or changing?”⁴⁸ NAGPRA upholds the role of religion as a form of

⁴⁵ In Canada, First Nations Peoples are federally recognized Native peoples, representing 634 individual governments or bands; Ruth B. Phillips, *Museum Pieces: Toward the Indigenization of Canadian Museums* (Montréal: McGill-Queen's University Press, 2014), 12.

⁴⁶ Ibid., 56.

⁴⁷ National Parks Service, "Native American Graves Protection and Repatriation Act."

⁴⁸ Johnson, *Sacred Claims*, 22.

evidence, however in doing so it has opened a myriad of problems when interpreting the law. All religious discourse is human, meaning it is ideological, so on what grounds can the law reject some claims as politically opportunistic while commend others as evidence?⁴⁹ How do lawmakers decide which claims of evidence carry more weight? These questions are not explicitly stated within NAGPRA and are interpreted case by case by review committees. Specifically lawmakers created a NAGPRA Review Committee. This committee is made up of seven members,

Three of whom shall be appointed by the Secretary from nominations submitted by Indian tribes, Native Hawaiian organization, and traditional Native American religious leaders with at least two of such persons being traditional Indian religious leaders; three of whom shall be appointed by the Secretary from nominations submitted by national museum organizations and scientific organizations; and one who shall be appointed by Secretary from a list of persons developed and consented to by all of the (other) members.⁵⁰

The charge of this committee is to hold public meetings when needed, usually twice a year, to work out details of the law and hear disputes. Verbatim transcripts of these meetings are taken and made available online on the National Parks Service website. These transcripts tell stories of rich, moving reports of tribal histories, rituals and contemporary ambitions and often remind communities of the positive impact that NAGPRA has created within tribal communities.⁵¹

Despite all of the work still to be done to advance Native American rights, NAGPRA has made a major impact in improving relations between Indigenous communities and museums and federal agencies. Although there are still ambiguities with how strictly institutions must follow the law, they still nonetheless must comply. NAGPRA's influences are powerful; "NAGPRA has

⁴⁹ Ibid., 23.

⁵⁰ Greg Johnson, "Indigenous Sacred Objects after NAGPRA: In and Out of Circulation," 11.

⁵¹ Ibid.

impacted more than 1,500 museums, a dozen federal agencies, and essentially all of the nation's 566 tribes. It established the human rights of more than 5 million Native Americans living in the United States today."⁵² The final stages of NAGPRA took form through dialogue between indigenous leaders and leaders within museum communities and this set a precedent for the law and its proceedings. Through these discussions the law promotes consultation and information sharing, which encourages an adoption of partnership and collaboration between Indigenous and museum communities.⁵³ NAGPRA, which mandates that museums inventory and consult with Native communities, has created a dialogue between these two formerly oppositional communities. Because of NAGPRA, museums have become more transparent and communicative, willing to work collaboratively with Indigenous communities. Similarly, it has created a new generation of tribal cultural affairs offices that are more legally oriented, to work with NAGPRA and museums.⁵⁴ There are gaps within the law and issues with implementation, but these issues have created a younger generation of political activists who are aiming to fill these gaps and continue fighting for Native rights, including issues of burial protection, international repatriation, and pushing the government to enable self-determination agendas.⁵⁵

In Chapters 2 and 3, I present case studies of two museums that have been at the forefront of the repatriation movement, the Denver Museum of Nature and Science and the Denver Art Museum. These museums differ in type, one being a museum of nature and science, while the other is an art museum, however they share a common ground in their treatment of

⁵² Colwell, *Plundered Skulls and Broken Spirits*, 7.

⁵³ Echo-Hawk, *Keepers of Culture*, 17.

⁵⁴ Johnson, "In and Out of Circulation", 25.

⁵⁵ *Ibid.*, 25.

Native patrimony and implementation of NAGPRA, and I argue, follow the ethical intent of NAGPRA.

Chapter 2: The Denver Museum of Nature and Science

Introduction

The Denver Museum of Nature and Science, as a natural history museum, is part of a long tradition of anthropological, ethnographic and archaeological collecting. I open the chapter by outlining the history of natural history museums in order to contextualize to DMNS and its collecting practices. I then explore the history of the Cranes Collection, the founding collection at the DMNS, through which the DMNS acquired most of their anthropology department's holdings of Indigenous material culture. With this background, I discuss the NAGPRA process at the DMNS and present examples of repatriation at the museum, to argue that the collaborative process, when followed in the spirit and intention of the legislation, can be effective and build strong partnerships between museums and Indigenous communities. The goal of the DMNS is to address the problems of historical museum collection practices, in the way it deals with repatriation and consultation with Native communities.⁵⁶ Today, the DMNS Anthropology Department states its mission: “[T]o curate the best-understood and most ethically held anthropology collection in North America. We seek to document and understand the human communities of the Rocky Mountain region and beyond through the study of their material cultures while adhering to the guiding principles of respect, reciprocity and dialogue.”⁵⁷

⁵⁶ Dawn Rewolinski, *Remains to Be Seen: The Disparate Disposition of Culturally Unidentified Human Remains under NAGPRA's Final Rule*, Master's thesis, New York University, 2014, 51.

⁵⁷ *Ibid.*

Early Natural History Museums: "Cabinets of Curiosity" and Hobbyists

The beginnings of European collection practices were restricted to the aristocracy and monarchs. In the eighteenth century, these collections were private; access was granted by permission of the owner. Michael Ames explains in, "Cannibal Tours and Glass Boxes: The Anthropology of Museums," that, "many collections of natural and cultural materials began as private trophies, curiosities and booty of the wealthy."⁵⁸ These were described as "cabinets of curiosity," the private collections of wealthy scientists and travelers.⁵⁹ These cabinets would contain exotic imports, gifts from foreign ambassadors and "other goods royalty seized as their natural right."⁶⁰ The objects would then represent the worldwide power and interests of the owner, presumably a monarch or prince.⁶¹ These curiosity cabinets became the foundation collections of today's public museums.⁶²

In the late eighteenth century there was a shift from the private display of the curiosity cabinet to the public museum, and this developed further in the early twentieth century. Between 1876 and 1916, both Great Britain and the United States hosted a number of National and International, Trade and Colonial exhibitions, which displayed wonders from all over the world⁶³. These were designed as both "scientific demonstrations," and "popular entertainment."⁶⁴

⁵⁸ Michael M. Ames, "Cannibal Tours and Glass Boxes: The Anthropology of Museums," ed. Susan M. Pearce, *American Anthropologist* 95, no. 3 (1993): 15-17.

⁵⁹ *Ibid.*, 15-17

⁶⁰ *Ibid.*, 17.

⁶¹ *Ibid.*, 17.

⁶² *Ibid.*, 18.

⁶³ Robert W. Rydell, *All the World's a Fair: Visions of Empire at American International Expositions, 1876 - 1916* (Chicago, Ill.: Univ. of Chicago Press, 1999).

⁶⁴ Annie E. Coombes, "Museums and the Formation of National and Cultural Identities," *Oxford Art Journal* 11, no. 2 (1988): 279, doi:10.1093/oxartj/11.2.57.

Museums attempted to gain the same mass audience of the Exhibitions, and began to transition from cabinets of curiosity, to ethnographically organized, educational exhibits that were modeled on the educational, yet entertaining exhibits at the Exhibitions.⁶⁵ This shift displayed the same objects found in cabinets of curiosity in a way that gave the appearance of scientific understanding. Early museums placed history, nature and traditional societies under glass, to be observed by the European public so that they may feel worldly and educated. However, from an early age, museums created a commodity out of the “Other.” The “Other” is an imperialistic idea that all non-Western European peoples are simply, “Other,” opposed to peoples with viewpoints of their own. This idea has been, “perpetuated through ways in which Indigenous peoples were collected, classified and then represented in various ways back to the West.”⁶⁶ Ames states, “When we ‘museumify’ other cultures and our own past, we exercise a conceptual control over them.”⁶⁷ The museum was a colonial project; it created a control over the histories of Indigenous peoples, however NAGPRA is a step towards decolonizing the museums and releasing the control from the museums and giving it back to Native peoples.

In the United States, natural history collections of wealthy American businessmen in several instances became the foundation for some of today’s natural history museums. For example, the National Museum of the American Indian, a Smithsonian Museum, has its foundation in the collection of an investment banker, George Gustav Heye.⁶⁸ When their collections became too large, filling entire apartments and warehouses, private collectors such as

⁶⁵ Ibid., 281.

⁶⁶ Tuhiwai Smith, *Decolonizing Methodologies*, 2.

⁶⁷ Ibid., 23.

⁶⁸ "History of the Collections," National Museum of the American Indian, section goes here, accessed December 15, 2016, <http://www.nmai.si.edu>.

Heye donated them to existing museums, or created their own museums to house them. Often wealthy collectors would hire anthropologists to collect Indigenous materials.⁶⁹

The beginnings of Denver Museum of Nature and Science: The Crane Collection

Wealthy collectors are often considered “hobbyists”. Many had little or no anthropological background, but were drawn by a fascination with Native American materials and culture. Hobbyists Francis and Mary Winslow Allen Crane happened upon Native American collecting in 1951 while on a road trip in the United States. This trip began as a way to see the country before moving from their home in Massachusetts to Florida, however their lives changed when they paid 25 cents for admission into the Smith’s Museum in California.⁷⁰ Here they bought a collection of baskets and arrowheads for \$55 and this modest purchase became the start of a passion for Native American materials. Over the next month the Cranes traveled across the West and Southwest region of the United States, spending hundreds of dollars a day, completely clearing out trading posts and finding Native American artists so they may buy from them directly.⁷¹

By the time the Cranes returned home in late summer they had collected 2,864 Native American objects.⁷² The Cranes continued to collect for the next seventeen years, creating a nonprofit organization in 1959, the Southeast Museum of the North American Indian, on their property in Marathon, Florida. Unfortunately tourists visiting that area were not interested in visiting museums, they preferred to fish and spend their time outdoors. The Crane collection continued to grow, but, their museum was not doing well financially and they were increasingly

⁶⁹ Ibid.

⁷⁰ Ibid., 27.

⁷¹ Ibid., 28.

⁷² Ibid.

aware that Florida's humid climate was not ideal for delicate materials.⁷³ Mary met Roy E. Coy, at the time a museum director in Missouri. The Cranes hoped to move their collection to Arizona where the climate was drier, and have Coy run it. However around the same time Coy was offered a job as the assistant director of Denver's natural history museum. Coy had a grand idea however; the Denver Museum of Nature and Science had just built a new hall but had nothing to fill it with. In the fall of 1968 the Cranes shipped their collection to Denver, this became the foundation of the DMNS Anthropological Department.

Just after the Crane collection moved to Denver in fall of 1968 the Cranes received a letter from Claire Morrill from the Taos Book Shop. Morrill recalled, "Remembering your wish to be advised of any old Indian ceremonial objects of really special importance, we think we should tell you of a group of Zuni War Gods we have just acquired."⁷⁴ The Cranes responded, explaining that although their collection had recently been moved to Denver, they were still collecting objects; their additions would now just need approval from the Denver museum staff. Morrill was hesitant, she had hoped the objects could go somewhere far away, "the Zuni are somewhat sensitive about ceremonial objects of this kind," and she warned them that they be bought, "at the purchaser's risk and with the stipulation that they are not to be publicly displayed for ten years." Morrill assured the Cranes that this practice was common, museums in Santa Fe and nearby assumed that, "the time will come when ceremonialism will break down to the point where such figures can be safely displayed."⁷⁵ This demonstrates that a hundred years after the beginnings of salvage anthropology, collectors were still wrapped up in the salvage paradigm

⁷³ Ibid., 29.

⁷⁴ Ibid.

⁷⁵ Ibid.

and the myth of the vanishing race. It was the repatriation of these sacred objects that would begin the DMNS shift toward a new understanding of collections and their responsibility to Indigenous communities.

Repatriation in Action at the DMNS

American collectors sought to purchase Zuni War Gods, properly called Ahayu:da, from the early 1900s, and they were especially cherished by the arts community. Artists such as Man Ray, Paul Klee, and later Andy Warhol were all inspired by the Ahayu:da and wished to acquire them. By the 1970s War Gods were priced in the thousands of dollars.⁷⁶ The story of the Ahayu:da was described to Colwell by numerous members of the Zuni tribes. To the Zuni, the Ahayu:da are essential to their peoples' protection and continuation. The Ahayu:da are twins; the children of Father-Sun and Mother-Water. The war gods "became the Zuni's invincible guardians and created a society of warriors called the Bow Priesthood."⁷⁷ Every winter solstice wooden images of the twins are made, and after a series of ceremonies they are placed in their shrine home in the mountains, one in the east and one in the west. The twins stay there to protect the Zuni people. This process is repeated every year, and the "retired" Ahayu:da are laid adjacent to the shrine. Contrary to Western collecting practices, these sacred objects are intended to gradually return to the earth rather than be preserved in a collections facility.⁷⁸ Octavius Seowtewa, a Zuni jewelry maker and elder, explained the importance of the Ahayu:da to Colwell, "They (Ahayu:da) are unlike "sacred" artifacts most Americans might be familiar with (the Liberty Bell, for example) because they are not historical things whose meanings can evolve

⁷⁶ Colwell, *Plundered Skulls and Broken Spirits*, 34.

⁷⁷ *Ibid.*, 21.

⁷⁸ Colwell, *Plundered Skulls and Broken Spirits*, 14.

over time, but living beings who have one enduring, spiritually sanctioned function.”⁷⁹ Despite the importance they serve for Zuni religious traditions, by the 1910s there were War God shrines that were completely empty even though new Ahayu:da were being created every year. In the spirit of salvage anthropology, collectors assumed the Zuni, as a race, would no longer need these “dolls.”⁸⁰

In 1978, Zuni leaders decided to bring the Ahayu:da home. Leaders worked together to develop a strategy, however decisions were difficult. One way to know if a religious tradition is thriving is to look at the divisions within the religion—if people are willing to argue about specifics, it shows the tradition is active and alive, and discussion among tribal leaders demonstrates the strength of Zuni customs.⁸¹ At the time of these meetings there were six kivas, twelve medicine societies, fourteen clans, and several more priesthoods and religious fraternities at the pueblo. Each group had their own responsibilities and agendas, getting everyone to agree on a strategy for repatriation was no easy task.⁸² Finally the council established six points:

1. Religious objects are important to Zuni religion.
2. Through religious knowledge, a living spiritual life can be imbued in inanimate objects.
3. Communally owned objects cannot be removed from Zuni land.
4. The removal of objects and religious persecution (starting with the Spanish conquistadors) has created a “spiritual imbalance” that can be restored through the return of stolen objects.
5. Thefts have happened because the art world and museums want the objects, and thus these institutions bear primary responsibility.
6. Museums and others should return stolen items and help prevent future thefts.⁸³

⁷⁹ Ibid., 22.

⁸⁰ Colwell, *Plundered Skulls and Broken Spirits*, 34.

⁸¹ Greg Johnson, "Native American Religious Traditions" (lecture, University of Colorado, Boulder).

⁸² Colwell, *Plundered Skulls and Broken Spirits*, 34.

⁸³ Ibid., 34-35.

Zuni leaders used these six principles to retrieve the Ahayu:da from museums across the country. Before this, only a few Native Americans groups had tried to reclaim objects, without much success.

The first museum the Zuni contacted was the Denver Art Museum, which I will discuss in Chapter 3. However the longest, and most important struggle for repatriation was with the Smithsonian. The negotiations took nine months and eventually on January 3, 1979, the Smithsonian returned two Ahayu:da to the Zuni. This repatriation was vital because it set a precedent for other museums. Once this prestigious, national museum decided to return the War Gods, others followed. This repatriation helped the Zuni achieve their ultimate goal of stopping the trade of Ahayu:da all together. After the repatriation of an Ahayu:da once owned by Andy Warhol, a Sotheby's official bitterly stated, "There is no market for Zuni war gods anymore. They are simply too much trouble to handle."⁸⁴

Joyce Herold, curator of the DMNS Crane collection for thirty-six years, was eventually persuaded by the Smithsonian's decision, and the fact that the language in NAGPRA matched the DMNS's mission statement. She persuaded DMNS administrators to repatriated six Zuni Ahayu:da in 1991. This was the second largest collection in the U.S.⁸⁵ The repatriation happened the year after NAGPRA was passed. It is important to note that the process accelerated; the DMNS followed the intention of the new legislation. Bob Pickering, who was hired as curator in 1990, explained that he did not want to delay the process unnecessarily, "Part of my attitude," he said, "was if there are things that we have that are sacred to the tribe and they

⁸⁴ Ibid., 47.

⁸⁵ Ibid., 48.

want it back, take it now.”⁸⁶ Although the return of the Ahayu:da was inevitable because of NAGPRA, the museum chose to repatriate them voluntarily, which “demonstrated proper professional conduct. It simply was the right thing to do, by any civilized standard,” as stated in a *Denver Post* editorial.⁸⁷

This initiative by the staff at the DMNS set a precedent for the museum’s future as a leader in the repatriation process. Following NAGPRA requirements, a summary of the entire collection was sent to affected tribes in 1993. The first official DMNS repatriation under NAGPRA was completed in 1997: a Tlingit robe.⁸⁸ Quickly, a process was put in place for deaccessioning objects and today this process is well established. When a claim arrives in writing, Chip Colwell evaluates it. The DMNS has interpreted the law that they have sixty days to tell the tribe yes or no regarding their claim. If Colwell believes the claim to be legitimate, it is passed to the Cultural Repatriation Committee (CRC). The CRC is composed of all the DMNS curators, and once a claim is reviewed they vote to decide if it can be legally repatriated.⁸⁹ However, not all curators support repatriation. Curators in fields that do not work with living peoples, for example, zoology, and paleontology, are not as certain that what they see as scientific artifacts should be taken out of the museum. However, rather than hindering the repatriation process, they abstain from voting, again demonstrating how the museum follows the intention of NAGPRA.⁹⁰ Once the CRC has reached their decision, they contact the tribe.

⁸⁶ Ibid., 49.

⁸⁷ Ibid.

⁸⁸ Colwell, Chip. "Chip Colwell Interview." Telephone interview. 16 Dec. 2016.

⁸⁹ Ibid.

⁹⁰ Dawn Rewolinski, "Dawn Rewolinski DMNS Interview," interview by author, December 16, 2016.

Although the DMNS process is streamlined, repatriation is slow. Only in the past year has the DMNS fully repatriated all human remains in their collections.⁹¹ Now, the museum is focusing on consultations regarding sacred objects. The DMNS recently had new storage facilities built to replace their outdated ones. Their new facilities will store Indigenous materials by tribe and geographical region, as opposed to being organized by object type or material. Currently all objects that are considered sacred are kept in a separate, closed off storage facility that is locked and have limited access⁹². These objects have been defined as sacred through research done by the curatorial staff, as well as through consultations with tribes.⁹³

The Effect of Repatriation: 27 years after NAGPRA

At the DMNS, dialogues with Native communities do not end after repatriation, which is what sets this museum apart from many others. Colwell is largely responsible for the dialogues that continue with Native communities, as well as with their museum visitors. When an object is removed from display cases to be repatriated, the DMNS creates a conversation about it. In the North Pacific West gallery there is a short video that shows a repatriation ceremony with the Tlingit people of Alaska. Under the video screen the text panel states, “When the Museum finds that an object was taken inappropriately, it is returned through the Native American Graves Protection and Repatriation Act of 1990. This brief video shows part of a repatriation ceremony.”⁹⁴ The DMNS Anthropology Department stays true to their mission statement by

⁹¹ Chip Colwell, "Chip Colwell Interview," telephone interview by author, December 16, 2016.

⁹² If groups would like to visit their culturally sacred objects or come and pray with them, they are welcome to do so within the facilities; Rewolinski, Dawn Rewolinski, DMNS Interview.

⁹³ Ibid.

⁹⁴ Wall Text, *North American Indian Cultures*, Denver Museum of Nature and Science, Denver, CO.

guiding principles of “respect, (and) reciprocity,” by creating a discussion with their visitors about the repatriation process and how Native peoples are regaining their basic human rights.

The video of the Tlingit repatriation is important not only because of the conversation it instigates, but because of the ceremony it shows. The Tlingit people were a focus of collecting by anthropologists from the early 1800s, and since then have been persecuted under strict governmental laws that forbid them from practicing traditional potlatch ceremonies. With the help of one Tlingit man, Harold Jacobs, the Tlingit have slowly begun the repatriation process, rediscovering their Native culture.⁹⁵ The influence of missionaries throughout Alaska and Canada almost entirely wiped out Native Tlingit languages and customs.⁹⁶ Jacobs recovered anthropologist notes from the Library of Congress, which had recorded traditional potlatch songs. Jacobs recounted to Colwell that in 2008, the Tlingit held the first potlatch in Wrangell, Alaska in sixty-eight years and it was the first time these songs had been sung at a potlatch in 104 years.⁹⁷ This party was a celebration of the return of a Killer Whale Flotilla Robe that had been sold to the DMNS a generation earlier. John Feller, a descendant of the robe’s caretaker and the great- grandson of the singer recorded in 1904, received the robe.⁹⁸

Through NAGPRA not only have ancestral remains and cultural objects been returned to their homes, but these materials facilitate recovery of Native traditions. Museums like the DMNS are vital because through their interpretation of the spirit of NAGPRA, in their collaboration and ongoing conversations with Native groups, they have helped repair the relationships between museums and Native communities, which has led to cultural revitalization.

⁹⁵ Colwell, *Plundered Skulls and Stolen Spirits*, 132.

⁹⁶ *Ibid.*, 139.

⁹⁷ *Ibid.*, 133.

⁹⁸ *Ibid.*

Chapter 3: The Denver Art Museum

Introduction

The Denver Art Museum (DAM) is unusual as an art museum, in that its early collections consisted mainly of Native American art. In this chapter, I will situate the DAM within the scope of NAGPRA and the repatriation process, beginning with their first repatriation case in 1979, one of the earliest repatriations of Indigenous materials by an art museum. This repatriation example is important because it set a precedent for the DAM as well as other art and natural history museums, which were dealing with similar issues during the same period. I present several examples of repatriation at the DAM and explore how these cases have helped to develop lasting relationships between the DAM and Native communities in the twenty-first century, and illustrate how the DAM, like the DMNS, follows the ethical intent and spirit of NAGPRA.

Creating a new Identity: The Idea of Native Art at the Denver Art Museum

The Native American arts collection at the DAM is one of this museum's defining features. DAM curators collected Indigenous material culture at a time when this was considered the field of anthropological and natural historical research.⁹⁹ Historically, art museums, unlike natural history museums, had no interest in collecting Native American artifacts. While this may seem like a positive outlook in comparison to the invasive collecting practices of natural history museums, the categories of Western art hierarchies that lay behind the absence of Indigenous historical work in art museums was not benevolent. Art museums did not consider Native American materials as "art" within the Western context. Immanuel Kant's aesthetic theory in the eighteenth century regarding the definition of "art" relegated Indigenous creative production to a lower place in the art hierarchy. He believed that, "the creative freedom of the artist was

⁹⁹ Janet Catherine Berlo and Ruth B. Phillips, *Native North American Art* (Oxford: Oxford University Press, 1998), 11.

curtailed when objects had to serve functional purposes and that the highest intellectual and aesthetic achievements were therefore to be found in the “fine” arts of painting and sculpture.”¹⁰⁰ According to this definition the majority of Native American materials would not be considered “art,” because their creative expression occurs in the making of useful items such as pots, clothing, or weapons, which would be defined as “applied art” or “craft.”¹⁰¹ Art museums did not collect Indigenous materials, even though they were finely worked, aesthetically complex, and culturally significant, because they were considered “artifact,” and thought to only be valuable within the context of natural history museums.¹⁰²

The DAM initiated a new direction with the founding of the 1893 Artist’s Club of Denver, a small group of men and women who were interested in sponsoring lectures and exhibitions within the newly budding city of Denver.¹⁰³ Through the 1920s the club changed in theory and name, transitioning from the Artist’s Club, to the Denver Art Association and finally settling on the Denver Art Museum in 1923.¹⁰⁴

In 1925 the museum made a tentative step towards defining a collection policy—the museum bought a group of forty-six Navajo textiles for \$3,100.¹⁰⁵ The DAM’s approach was to add, “aesthetic criteria to historical and anthropological standards in evaluations of its Indian collections, a conviction that they could hold their own way with very different kinds of

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid., 8.

¹⁰³ Neil Harris, "Searching for Form: The Denver Art Museum in Context," in *The Denver Art Museum: The First Hundred Years* (Denver: Denver Art Museum, 1996), 22-23.

¹⁰⁴ Ibid., 23.

¹⁰⁵ Lewis Wingfield. Story, "Building a Collection," in *The Denver Art Museum: The First Hundred Years* (Denver: Denver Art Museum, 1996), 81.

materials.”¹⁰⁶ This purchase was no accident; the director at the time, Arnold Ronneback, assured readers of the *Rocky Mountain News*, that “exotic pots, masks, blankets, basketry and rugs could be displayed on the basis of artistic significance.”¹⁰⁷ He also argued that the DAM was, “one of the first, if not the first,” museum in American to take this step.¹⁰⁸

The DAM’s movement towards a different understanding of the art museum was not well received by everyone. Many conservative Denver citizens complained about this new collecting technique, calling it “dead academicism.” However, the DAM curators held fast and asserted that this advancement emphasized the fact that Denver should build on local strengths rather than on anthropological ambitions.¹⁰⁹ In 1928, only a few years after their first acquisition of Native art, the DAM established its Indian Arts Committee. The main work of this committee was to grow its base of contributors by forming a permanent support group to study and build their Indigenous collections.¹¹⁰

Building a Collection: Frederic H. Douglas and Beyond

In addition to its distinct collecting practices, the DAM is unusual in that no single patron or transforming event shaped the institution. Many museums have a single patron, for example, Henry Clay Frick and the Frick Museum, or George Heye and the National Museum of the American Indian, or are transformed by events such as a World’s Fair, as seen with the Chicago Arts Institute in Chicago.¹¹¹ However an amateur tradition and local artists shaped the DAM.

¹⁰⁶ Harris, “Searching for Form,” 27.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid., 27.

¹¹⁰ Ibid., 81.

¹¹¹ Ibid., 21-22.

This being said, there is one major figure that influenced the development of the DAM Native American arts collection: Frederic H. Douglas. Douglas was the first curator of Indigenous art; he began his career at the DAM in 1930, and donated and funded thousands of works.¹¹² Only five years after the first purchase of Navajo textiles and by the time Douglas began as curator, the DAM had already collected over 800 Native American works of art.¹¹³ Douglas and the rest of the Indian Art Committee were not only committed to collecting historical works of Native art, but also contemporary Indigenous art. In the early 1930s the museum collected 143 paintings of contemporary Pueblo artists, which helped draw attention to the School of American Research in Santa Fe, an art institute that aimed to help young Indigenous artists create without subjecting their creativity to Western European influence.¹¹⁴ This showed the devotion of the DAM to celebrating living, Native cultures, a far cry from the salvage anthropology that was taking place at this time in the anthropology sector.

Douglas was a visionary, and I argue that is through his actions in this time that the DAM is still a contemporary leader in Indigenous relations, in its interpretation of NAGPRA that emphasizes the interests of Indigenous communities. He focused explicitly on the aesthetic value of Native art. Douglas narrated a fashion show, “Indian Style Show,” that featured volunteer models wearing some of the museum’s finest Native clothing. He focused on the aesthetic property of the clothing, rather than their significance as ethnographic or anthropological specimen.¹¹⁵ Douglas argued that the products of Indigenous peoples showed, “large aesthetic

¹¹² Ibid., 82.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Nancy Perez and Nancy Blomberg, "Indian Chic: The Denver Art Museum's Indian Style Show," *American Indian Art Magazine*, 1997.

value,” and thus, had “the right to be considered worthy of inclusion at the museum of art.”¹¹⁶ Douglas was responsible for a major turning point in the DAM’s history, the 1939-1940 Golden Gate International Exposition in San Francisco. Douglas curated a show, displaying their collection, which was exhibited in San Francisco and then traveled to the Museum of Modern Art (MoMA) in 1941. René d’Harnoncourt, director of the New York MoMA stated that, “the fact that a prestigious fine-arts institution like MoMA would devote its public space to the works of American Indians had a telling effect within the museum world.”¹¹⁷ By the mid-twentieth century, the DAM was not only receiving national visibility but was now influencing other museums within the art world.

While Douglas remained at the DAM, the Native Arts collection continued to grow, to the extent that when the DAM hired director, Otto Karl Bach, in 1944, 95% of the works in the museum’s collections were from Indigenous cultures of North America.¹¹⁸ At this point the American Indian department had grown so large that it began to resemble a museum of its own, separate from the DAM. In 1945, Jean Chappell Cranmer, a cultural leader in Denver and member of DAM’s board, observed, “[the] Indian Department had grown so much more rapidly than other departments and... everything had been concentrated for a long time, [it seemed] wise to equalize the various departments.”¹¹⁹ This is precisely what Bach decided to do. In 1947, his administrative amendments he corrected the imbalance created by Douglas’s energetic ambitions for the Native collections. The DAM focused on collecting genres other than Indigenous art.¹²⁰

¹¹⁶ Ibid.,

¹¹⁷ Ibid., 83.

¹¹⁸ Ibid., 82.

¹¹⁹ Ibid., 95.

¹²⁰ Ibid., 96.

A Pioneer in Repatriation: the DAM and NAGPRA

Douglas's early twentieth century collecting was remarkable because for the first time someone was collecting Indigenous materials to be displayed as art instead of artifact. However his collecting was not always done with Native peoples in mind. Because Douglas was so focused on the aesthetic value of the objects he collected, he did not research the function or use of the objects, and it is not certain that this information would have affected his collection decisions. As a result, many of the items collected by the DAM were sacred materials, objects of cultural patrimony, or burial items.¹²¹

The DAM had a small collection of Zuni War Gods, or Ahayu:da. I discussed the repatriation of these sacred materials from the Smithsonian and the DMNS in Chapter 2. The Ahayu:da at the DAM was considered "to be one of the finest examples of its kind in a public collection."¹²² However to the Zuni people these were sacred objects that belonged in Zuni communities. In 1977 Zuni Bear Clan leader, Alonzo Hustito, and his son, learned that the DAM had their Ahayu:da and were determined to recover them. This Ahayu:da had come to the DAM through a donation from a wealthy Oklahoma art collector, who purchased the War God from Arthur C. Clark, a government surveyor. Clark took the Ahayu:da from a shrine between 1899 and 1901.¹²³ Zuni Governor, Edison Laselute, sent a letter to the DAM in 1978 describing the importance of the War Gods to the Zuni, asking to discuss the future of the Gods at the DAM. The DAM's curator Richard Conn responded explaining that the image was on display and the tribal leaders were welcome to visit it during the museum's regular hours.

¹²¹ John Lukavic, "John Lukavic Interview," interview by author, November 9, 2016.

¹²² Colwell, *Plundered Skulls and Broken Spirits*, 32.

¹²³ *Ibid.*, 33.

In response, three Zuni representatives and a lawyer from the Native American Rights Fund traveled to Denver to meet with Conn, the DAM's director, Thomas Maytham, and the DAM's lawyer to discuss repatriation—a dialogue that had rarely happened in the history of American museums.¹²⁴ This discussion did not go well. The Zuni did not realize the extensive legal workings that must be done to deaccession an object from a museum collection, and the DAM staff insisted that the “object has in reality entered the public realm of world art” and thus the museum could not “deprive the world public of further access to it.”¹²⁵ The DAM persuaded the Zuni to look elsewhere for their War Gods, for there were far more Zuni War Gods in other museums, including the Smithsonian. It was then that the Zuni pursued the repatriation of Zuni Ahayud:da from the Smithsonian, discussed in Chapter 2.

After the victory with the Smithsonian, the Zuni again contacted the DAM, writing that, “We would now like to resolve this matter in as quiet and as dignified way as possible.”¹²⁶ This was not a proud moment in the DAM's history: Conn and his colleagues began strategizing to keep the Ahayud:da. At one point Conn even suggested that the Zuni were targeting the DAM because they were believed to have the most expensive War God and that the Zuni would just sell it once they got it back.¹²⁷ Despite the DAM's reluctance, members of the Zuni tribe, Alonzo Hustito, Chester Mahooty, Edmund Ladd, Victor Niiha, and T. J. Ferguson were joined by their lawyer and came back to Denver to discuss the Ahayud:da repatriation.¹²⁸ Once again, the consultations resolved nothing. A month later after a DAM press release, a *Rocky Mountain*

¹²⁴ Ibid.

¹²⁵ Ibid., 37.

¹²⁶ Ibid., 40.

¹²⁷ Ibid.

¹²⁸ Ibid., 41.

News article titled “Zuni War God Spurs Clash” outlined the yearlong dispute over a “27-inch piece of wood.” In this article the Zuni argued that a War God was communal property, and under Federal law, “communal property cannot be sold without the consent of the plural owners.” The museum’s counter-argument was that the Ahayud:da was “part of the museum’s collection, the object is owned communally by all the people of Denver.”¹²⁹

After the passing of AIRFA in 1978 the Zuni wrote to the DAM stating that under the new law, if the DAM did not return the object then it could be subject to cuts from federal grants. Along with this threat the DAM was under pressure from the Colorado public to return the Ahayud:da—and the entire mission of the museum was to serve the Rocky Mountain Region. Through letters, phone calls and editorials, Colorado residents pressed the museum. One Denver resident wrote, “It seems peculiar to me, that your museum could display American Indian art and at the same time have little or no concern for the creators of this art.”¹³⁰ It is uncertain what exactly swayed the decision of the DAM’s board of trustees, but on March 21, 1979, they decided to return the Ahayud:da. In a statement they said, “It is true that the War God is a deity and a present, animated object of worship rather than a symbol or an art object.”¹³¹ Upon further research, the DAM found two additional Ahayud:da in their collections and returned those as well. The Ahayud:da were finally returned to Zuni territory, in their newly constructed, high-security shrine in 1980. Later that year the DAM received an award from the Americans for Indian Opportunity, “for the excellent job for the safe return of the Zuni War God to the Zuni people.”¹³²

¹²⁹ *Ibid.*, 41-42.

¹³⁰ *Ibid.*

¹³¹ *Ibid.*, 44.

¹³² *Ibid.*

Shortly after this repatriation many other museums followed suit. In 1980 the Wheelwright Museum of the American Indian and the Museum of New Mexico in Santa Fe returned six Ahayu:da altogether. In 1981 the Millicent Rogers Museum in Taos, New Mexico, returned one, followed by the University of Iowa Museum of Art. There were now a dozen Ahayu:da back at Zuni.¹³³ After its initial reluctance, the DAM had set a precedent for other museums and rapidly became a leader in Native American repatriation, ten years before the passing of NAGPRA.

“That’s DAM Good Repatriation”

Today, twenty-seven years after NAGPRA was passed, the DAM still receives the occasional repatriation claim, however they are few and far between, because the museum’s staff has worked intensely on the repatriation process. John Lukavic, Assistant Curator of Native American Art, explained that in the past five years during his time working at the DAM, only two objects, Kachina dolls belonging to the Pueblo of Laguna have been repatriated, because there has been so much Native material repatriated in the past twenty-seven years.¹³⁴

Currently the goal of the DAM’s Native American Arts Department is to assist all communities with the repatriation process, because ultimately they want tribes to be successful with their repatriation claims.¹³⁵ Repatriation procedures at the DAM are laid out in Roger Echo-Hawks book, *Keepers of Culture*. In 2002 the DAM published this book, so it could be a, “great resource to help anyone understand what the law actually says, but also give case studies and

¹³³ Ibid.

¹³⁴ Lukavic, “John Lukavic Interview.”

¹³⁵ Ibid.

how to actually implement it (NAGPRA).”¹³⁶ When the book was first published, the DAM sent a copy to all of the tribal communities that they had worked with. Now the book is available free online.¹³⁷ This is one way in which the DAM has worked to make the repatriation accessible as possible for tribal communities. Lukavic explains that because NAGPRA is a law, the museum must treat it as such. Because there are very specific procedures that must be taken to repatriate an object, when a tribe comes to them with a potential claim the DAM provides them with not only all research materials the museum may have regarding the object, but also a claim template. This template is essentially a list that the tribe must follow step by step to make sure that a claim is submitted properly and thus is successful. These resources provided by the DAM, ensure that tribes can repatriate materials quickly and easily. This demonstrates the DAM’s dedication to decolonizing museums and their efforts in repairing relationships between themselves and Native communities.

Lukavic explained that when tribes file a claim for cultural patrimony the DAM interprets the objects based on if the object was considered cultural patrimony at the time of removal because, “there certainly are instances where perceptions within a community have changed since it was alienated, but we have to judge it by the time it left the community, not what it is today.”¹³⁸ The DAM recognizes the issues posed by NAGPRA and strives to fix them.

Another way in which the DAM has addressed these issues created by NAGPRA is they will repatriate objects internationally, not under NAGPRA law. Nancy Blomberg explained that although the law does not cover international claims, the DAM realizes that these types of

¹³⁶ Ibid.

¹³⁷ <http://denverartmuseum.org/sites/all/themes/dam/files/nagpra.pdf>; Nancy Blomberg, "Nancy Blomberg Interview," interview by author, December 5, 2016.

¹³⁸ John Lukavic, "John Lukavic Interview," interview by author, November 9, 2016.

repatriation are necessary to decolonizing the museum, and are simply, “the right thing to do.”¹³⁹

The DAM has made multiple “repatriations” to First Nations Tribes of Canada, however these were posed as gifts, opposed to obligations made by the law.

Creating Lasting Relationships

The long-term objective of the DAM is to create lasting relationships with Native communities. The DAM curators and collections staff continues to create new ways to maintain these positive connections. Lukavic states that, “ultimately going into any NAGPRA consultation we view it as a way of developing future relationships and strong, partnerships with tribal communities where we can benefit from their knowledge and they can benefit through access and the resources the museum has to offer.”¹⁴⁰ Since the repatriation of the Ahayud:da in the 1970s the DAM has continued a partnership with the Zuni pueblo, including a recent digital repatriation program. Portions of the DAM’s Zuni collection are available on computer monitors at the A:shiwi A:wam Museum and Heritage Center. Zuni community members can access the materials and leave comments if they have information to share about an object.¹⁴¹ This type of modern repatriation creates a symbiotic relationship between the Zuni people and the DAM; both benefit from this collaboration.

The DAM not only continues lasting relationships with Native communities through the repatriation process, but also through community activities and artist programs. The DAM hosts contemporary Native artists as a part of their Artist in Residence program. The purpose of the program is to, “highlight the ongoing creativity and artistic diversity of the American Indian

¹³⁹ Nancy Blomberg, "Nancy Blomberg Interview," interview by author, December 5, 2016.

¹⁴⁰ Lukavic, “John Lukavic Interview.”

¹⁴¹ Ibid.

community with an aim towards engaging museum visitors through each artist's creative process."¹⁴² This allows living Native artists to come to the DAM and create works of art in a studio that is housed within the Native Arts gallery—this demonstrates to visitors that Native art is alive and continues in the present, disproving the theory of the vanishing race.

One of the DAM's longest running events is the annual Friendship Powwow and American Indian Cultural Celebration. This event began in 1989 and is a celebration of the vitality of Native American Indian cultures.¹⁴³ At the 2016 powwow, artists such as Mary Young Bear, Alistair Bane, Verla Howell, and Andy Cozad were featured at a Handmade Powwow Regalia tent, and local beaders Tawny Herrera, Bronte Martzloff, and Katja Pinkepank gave demonstrations on beading techniques.¹⁴⁴ This event creates a connection between living Native artists and communities and the museum, and also with the visitors of the DAM and American Indian communities.

The DAM is a leader in repatriation and also in repairing and maintaining relationships with Native communities, and a model for other museums to build similar practices. The DAM's interpretation of NAGPRA and forward thinking outlook on Native American art can be a platform for other museums to look to in improving their relationships with Native communities. As I have shown, the DAM did not always have positive relationships with Indigenous peoples, but through collaborative communications they were able to repair these tensions and bridge the gap between a once colonial institution and Native American peoples.

¹⁴² "Native Arts Artist-in-Residence," Denver Art Museum, January 01, 1970, section goes here, accessed March 12, 2017, <http://denverartmuseum.org>.

¹⁴³ "27th Annual Friendship Powwow and American Indian Cultural Celebration," Westword, accessed March 12, 2017, <http://www.westword.com>.

¹⁴⁴ Natalie Thomas, "Family Guide to the 2016 Friendship Powwow," Denver Art Museum, September 6, 2016, section goes here, accessed March 12, 2017, <http://denverartmuseum.org>.

Conclusion

“NAGPRA doesn’t heal...The process does.”
-Joe Big Medicine, Southern Cheyenne chief and museum director¹⁴⁵

The DAM and the DMNS are leading museums in repatriation. Their interpretation of NAGPRA, as well as their commitment to collaboration has gone beyond repairing relationships between museums and Native communities. In the first chapter I discussed issues that NAGPRA poses and the problems that remain unsolved with Native American repatriation. Three major issues that I discussed are interpretability of the law, the definition of “sacred object” as defined by NAGPRA, and international repatriation disputes. My research demonstrates that the DMNS and DAM interpret NAGPRA according to its ethical intent. The DMNS and DAM go above and beyond with their understandings of NAGPRA and has striven to resolve issues in how the legislation is applied. Johnson asserts that there are issues with defining a “sacred object” as objects that are necessary to continue religious ceremonies by their “present day adherents”¹⁴⁶ because religions are adaptable and change throughout time, especially when an object is missing for several generations.¹⁴⁷ The DAM realizes this issue within the law and instead of ignoring this gap, or using it to their advantage, they have decided to interpret NAGPRA in a way that benefits Native communities. This is demonstrated in their international return of Indigenous objects, and their interpretations of cultural patrimony.

NAGPRA has made major steps towards decolonizing museums, however further work can be done to improve NAGPRA and relationships between museums and Native communities. I suggest that the DAM and DMNS models are examples that could guide ethical museum

¹⁴⁵ Colwell, *Plundered Skulls and Broken Spirits*, 32.

¹⁴⁶ National Parks Service, "Native American Graves Protection and Repatriation Act."

¹⁴⁷ Johnson, *Sacred Claims*, 22.

practices and inform adjustments to the existing NAGPRA regulations. A productive area for future research would be to consult with the Native communities that have worked directly with both museums, to get their perspective on the repatriation processes at the DAM and DMNS, and how their practices could influence amendments to NAGPRA and how NAGPRA is interpreted by other museums.

It has been twenty-seven years since NAGPRA was enacted and yet there is still much to be done, to repairing the damage made by colonial museum practices. Museums like the DAM and the DMNS are furthering the healing process by not only following laws like NAGPRA to their fullest extent, but also by engaging in ongoing discussions and lasting relations with Native communities. These conversations were happening before NAGPRA was passed, however after Congress passed the law these consultations were being facilitated legally and legitimized by the federal government. The DAM and DMNS are leaders because they go beyond what is required of them by the law, and this model is what is now repairing the wounds created by anthropologists and museum collectors in the nineteenth and twentieth century. NAGPRA is a major step towards mending these relationships, however it cannot fully address these human rights issues alone. Museums must make an effort to go beyond the legal requirements of NAGPRA as the DAM and DMNS have done.

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