

Section Three: Cultural Preservation

The Denver Museum of Nature & Science Repatriation Initiative

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Project Background

Native American groups have for decades expressed their concerns about the long history of looting of their graves, cultural items, and other material heritage. In 1990, the U.S. Congress finally took action, and enacted the Native American Graves Protection and Repatriation Act (NAGPRA). The act established the rights of Native American tribes to assert claims to ancestral remains, funerary and other sacred objects, and items of cultural patrimony repatriated from museums and federal agencies.

Not long after NAGPRA was signed into law, the Denver Museum of Nature & Science (DMNS) held dozens of consultations with Native American tribes and began to return cultural items and human remains to them when and if repatriation claims were submitted. By the end of the 1990s, however, DMNS had fallen out of legal compliance with NAGPRA. Those troubles reached a climax in 2002 when a Native American community leader sent a letter of complaint about DMNS to the U.S. Secretary of the Interior (who oversees NAGPRA compliance).

Four years after that complaint was filed, the DMNS Department of Anthropology underwent a near-total staff turnover. Isabel Tovar, a new collections manager, was hired in February 2006. Dr. Stephen E. Nash was hired in October 2006 as curator of archaeology and museum department chair. Dr. Chip Colwell joined the team in mid-2007 as curator of anthropology and NAGPRA officer. Along with Dr. Steven R. Holen, another curator of archaeology, the anthropology team began to rethink their approach to NAGPRA in particular and repatriation in general.

They decided to boldly confront the museum's collecting history, for they did not believe it was ethically appropriate for the museum to just hold on to what it had, simply waiting for the Native American tribes to approach the museum about repatriating their own cultural heritage, ancestors, and belongings. After all, it was the museum's own policies and collecting practices that had led to the institution's repatriation crisis in the first place. Why should the burden to rectify that situation fall on the tribes? The team felt strongly it should be the museum's burden, and opportunity, to make things right. We decided to start by picking up the phone—proactively reaching out to and talking with the tribes to whom the collections and ancestors belonged.

Thus, in 2007, the museum's newly reconstituted Department of Anthropology established the Repatriation Initiative, a comprehensive and systematic effort to address the museum's backlog of repatriation claims and, perhaps more importantly, to proactively address the issue of repatriation from

a broader, ethical perspective. That effort launched the Denver Museum of Nature & Science to the forefront of the museum decolonization movement and debates surrounding the care and return of cultural items and human remains. The Repatriation Initiative used anthropological understandings of sacred and inalienable property, ethical values surrounding the dead, collaborative methodologies, and restorative justice to proactively grapple with the tangled history of museum collections.

The team penned an ambitious and audacious mission statement: *We seek to curate the best understood and most ethically held anthropology collection in North America.* “Best understood” meant having total intellectual control over the collections. Too many major museums have vast, uncatalogued collections and literally do not know what they curate, nor explicitly why. Nash and the team wanted to completely document the DMNS collection for the first time in its history. After all, why should a museum expend resources if it did not clearly understand the collection’s identity, value, history, and importance? “Most ethically held” meant that the team wanted to curate only those objects that were ethically and legally obtained—meaning they were collected with consent from Indigenous communities and in compliance with U.S. and international laws. Too many museums have collections that were acquired in ethically compromised ways, including deceptive practices and outright theft. Colwell and the team wanted to cull the collections of such ethically challenged materials. Finally, the team wanted to ensure that the collection served to foster positive relationships with communities from where they came. Too many museums have collections of Native American material culture and almost no formal relationships with tribes, elders, and cultural experts.

Project Description

From the start, the team realized the mission statement was unachievable. Collections are large; histories and provenance can be murky, and tribes have many other pressing needs beyond the difficult work of repatriation. Nevertheless, the team felt the aspiration statement would guide their work on a day-to-day basis, and inform their strategic planning over the long term. The team also hoped that by publicly stating and working toward such an aspiration, the museum might lead the way for other institutions.

In early 2008, the DMNS board of trustees revised the institution’s ethics and collections policies; the anthropology team rewrote the statements pertaining to their collections to set the tone for their new approach. The new ethics policy explicitly stated that the museum would not accept illegally collected objects, that repatriation claims would be evaluated on the claimant community’s own standards, and that the dignity of claimants mattered.

The NAGPRA section was straightforward, assigning operational responsibilities to ensure transparent and consistent processes in the museum’s compliance-related work. The anthropology team recognized, however, that the collection involved international and other repatriation issues beyond the purview of NAGPRA. It therefore wrote into the new policy a broad process for the consideration of international repatriation claims based on the principles of “respect, reciprocity, justice, and dialogue.”

To summarize, the museum agreed, in written policy, that it would not accept illegally acquired objects or those that were received under circumstances that encourage irresponsible destruction. It agreed that decisions regarding repatriation claims would be based not on Western museum and scientific standards, but on the legal and ethical frameworks of a claimant’s own community. The museum’s repatriation work would be guided by publicly stated, morally driven virtues. Cross-cultural respect would be paramount in any evaluation. To some of the team’s colleagues, both inside and outside the

museum, this was (and is) radical stuff. But the trustees approved these policies in 2008 and they remain official museum policy.

At roughly the same time that the ethics and collection policies were being codified, the museum's Research and Collections Division decided to write and publish its first Long-Term Collections and Research Plan. That document included histories, summary overviews, and critical evaluations of each of the museum's 24 major sub-collections, as well as five-year research and collections plans written by individual curators. At the department level, the anthropology team documented their new approach as follows:

The new guiding principles of the (anthropology) collections at the DMNS will be respect, reciprocity, justice, and dialogue. *Respect* is honoring people and the things that make up their social lives and showing deep consideration of their personal autonomy and collective welfare. *Reciprocity* is creating relationships that are based on parity, the cooperative exchange of ideas and things. *Justice* is to repair past wrongs and to treat all people fairly. *Dialogue* is a commitment to open, democratic, and sustained conversation.

These principles do not entail the abandonment of "traditional" anthropological research, but rather a new commitment to the ideal of benevolence—acknowledging anthropology's complicated legacy—that the discipline can and should do social good. The scientific use and long-term preservation of the... collection will be pursued while embracing the respectful treatment of Native Americans, the mutual benefit for myriad stakeholders, and the evenhanded treatment of all people through open and sincere dialogue.

With the anthropology department thus remade, new ethics, collections, and repatriation policies in place, and long-term collections and research plans fully documented, Nash, Colwell, and the rest of the team set out, through the Repatriation Initiative, to bring DMNS back into compliance with NAGPRA. They sought to go further by embracing the spirit, not just the letter, of the law. That meant they would go beyond NAGPRA's basic requirements to advance an anthropologically and ethically informed agenda to proactively collaborate with tribes and other stakeholders to address the often-odious legacies of museum collecting activities over the last century and more. The team pledged to address international repatriation issues as well.

Implementation and Anthropologists' Roles

Work proceeded on two fronts. First, as of 2006, DMNS had a number of outstanding NAGPRA claims for sacred and communally owned objects. These claims had been submitted, and in some cases were already found to be valid by museum officials, but they had not yet been acted upon. This part of the effort was relatively straightforward: Simply reevaluate the legal basis for each claim under NAGPRA, make a decision, and follow through on it. Between 2006 and 2008, the team completed 13 repatriations of 41 objects—hardly enough to empty the storerooms, much less end science as we know it, as some shrill archaeologists and curators feared would happen under NAGPRA.¹²

Second, the team focused on the Native American human remains in the collection. Some of these cases were also straightforward because NAGPRA claims had been previously submitted. Again, all the team

¹² For example, see: Meighan, C.W. 1992. "Some Scholars' Views on Reburial." *American Antiquity* 57(4):704-710; Turner, Christy G. 1986. "What is Lost with Skeletal Reburial." *Quarterly Review of Archaeology* 7(1):1-3.

had to do was (re-)evaluate the claims, make decisions, and follow through. Holen had begun this important work in 2004, when he published the museum's first Notices of Inventory Completion. These are summaries of culturally affiliated human remains and associated funerary objects that get published in the *Federal Register*, the U.S. Government's public newspaper. Between 2004 and 2007, Holen published eight notices describing the remains of 11 individuals. Once published, control over the remains of these individuals was given over to their descendant tribes. By 2008, the museum was back in full compliance with NAGPRA.

With the museum in compliance, the team turned its attention to addressing the remaining Native American ancestors in the collections. All of them had previously been determined to be "culturally unaffiliated," which meant they could not be connected to any living tribe or descendant, most of which were thus subject to NAGPRA section 43 CFR 10.11, a section that provides guidance on how to determine the disposition of human remains that could not be affiliated with a federally recognized tribe or lineal descendants. The goal of this project phase was not to return the remains *per se*, but rather to enter into meaningful consultation with all interested tribes and parties in such a way that a collective decision about the future of these remains could be made. Significantly, when the team began this work, section 43 CFR 10.11 was held "in reserve," meaning the section had yet to be written and formalized into law. Nevertheless, the team felt it had an obligation to proactively explore how it could move forward in addressing the problems raised by curating these human remains. When the final draft of 43 CFR 10.11 was promulgated in early 2010, in the midst of their efforts, the curators were uniquely positioned to contribute to the public debate about the merits and shortcomings of this new part of the law.

Between 2008 and 2010, the team applied for and received three National Park Service (NPS) grants, totaling nearly \$200,000, to address the future of 67 unaffiliated human remains subject to 43 CFR 10.11. They used the museum's (then) novel satellite video teleconferencing technology as a basis to facilitate consultation with 142 tribes across the United States. These consultations led to formal disposition (the legal term for repatriation of unaffiliated remains) agreements, which involved the return of all 67 individuals to tribes for reburial in four geographic areas: West Coast, Southwest, Plains, and Northeast.

With this work complete, the DMNS only had the remains of 15 Native American individuals left to address. These last 15 were not subject to section 43 CFR 10.11 because, although the museum believed them to be "Native American" under the law, they had no geographic information and thus were subject to 43 CFR 10.15(b) of NAGPRA—a section of the law intended to address all other human remains and items that fell beyond the culturally affiliated and unaffiliated provisions. In 2012, the museum received its fourth NPS grant under the Repatriation Initiative. At the time, only a small number of museums had even attempted to return human remains subject to 43 CFR 10.15(b), so the team developed a new approach that began with key regional partners and eventually reached out to all 565 of the then-federally recognized tribes, as well as all relevant Native Hawaiian organizations and Native Alaskan groups, to seek their input. If all proceeded according to plan, the ancestors would be reburied with collective approval and specific leadership provided by regional tribes (see below).

The Repatriation Initiative was designed to work in conjunction with another related project, the DMNS anthropology department's Native American Sciences Initiative (NASI). Also established in 2008, NASI sought to reformulate the museum's engagement with Native American communities, particularly seeking to provide mission-specific research and educational opportunities to Native Americans. NASI is therefore an important complementary program because repatriation is often a backward-looking

endeavor (trying to fix historical problems), while these outreach and research efforts are forward-looking (trying to build a new future). Specifically, NASI included five components:

- **Native American Annual Scholarship Program:** The museum awards annual scholarships to Native American high school, college, and graduate students who have demonstrated leadership, academic achievement, and an interest in science.
- **Native American Science Career Day:** The museum hosted a day-long event in which notable Native American scientists and health care professionals come together with Native American middle school students to discuss science-related careers.
- **Native American Internship Program:** The museum hosts annual, paid internships for up to three Native American college or graduate students each year, with potential funding for up to three years per student.
- **Indigenous Fellowship Program:** The museum sporadically hosts Native American artists, elders, curators, scholars, and other professionals to study the 60,000-piece anthropology collection or participate in some other aspect of the museum's work.
- **Indigenous Film Program:** In partnership with the Indigenous Film and Arts Festival of Denver, the museum hosts a monthly viewing and discussion of a Native American-made film, often with the director, producer, or actors present.

A final component of the Repatriation Initiative is the effort to explore how repatriation can work outside of NAGPRA's mandates, as well as to consider the broader ethical stakes of repatriation debates for museums. Two projects exemplify this aspect of the team's work.

First, the museum sought to return 30 remarkable memorial statues to Kenya called *vigango* (singular: *kikango*). Carved out of wood in the form of decorated and abstract human males, with long, rectangular bodies and circular heads, *vigango* are publicly held memorials erected near the graves of notable men in the community. *Vigango* are more than just grave markers in the Western sense. The nine tribes of the Mijikenda, who carve *vigango*, believe they are living objects and the physical embodiment of a dead person's soul. Like totem poles in the Northwest Coast of North America, once erected, *vigango* are to be left alone to decay through natural forces. Although made by individuals, *vigango* serve to protect entire communities of the Mijikenda culture.

The team used Weiner's¹³ concept of "inalienable possessions" to argue that, without an entire community's express consent, the *vigango* were by definition stolen, for they are inalienable. Most assuredly, *vigango* are not works of art to be held by or displayed in museums. The team knew they should return the *vigango* to the Mijikenda, even though they were not legally bound to do so. (NAGPRA does not apply to objects from Kenya because, among other things, the U.S. Government has no jurisdiction over Kenyan property and people, and rightfully so. The flip side is also true—the Kenyan government cannot simply pass a law declaring that foreign entities like U.S. museums have to repatriate *vigango*. The team struggled unsuccessfully to find anthropological colleagues or other museum and heritage professionals in Kenya with whom to collaborate, and also failed to identify the specific communities in southeastern Kenya from which the *vigango* had been stolen. Nevertheless, the

¹³ Weiner, Annette B. 1985. "Inalienable Wealth." *American Ethnologist* 12(2):210-227.

team's work on the wigango issue raised the visibility of the ethical and moral nature of repatriation work within the museum and beyond.

For the second project, in the summer of 2009, members of four grassroots 9/11 family advocacy groups reached out to several museum professionals, including Colwell, about the National September 11 Memorial and Museum being built at Ground Zero in New York City. Based on lengthy discussions with the 9/11 family members, several key problems emerged concerning how the new museum was proposing to help care for thousands of fragments of unidentified human remains. Drawing on his experiences with the repatriation debates as they have impacted Native American communities and broader anthropological and cross-cultural views of death and dying, Colwell became an informal advisor to the four 9/11 family groups. Although the groups and Colwell had little success shifting the 9/11 museum's plans, their efforts helped create a public dialogue about these controversies and problems.

Public awareness and scholarly engagement have been a vital part of the DMNS Repatriation Initiative for several reasons. First, the anthropology team believes its unique experiences can contribute to better public policy. Second, the public has a stake in how our nation's museums present the past and sustain living cultures. Publications resulting from this project vary from academic articles to op-ed contributions. Also, in their role as editors of the journal *Museum Anthropology* from 2009 through 2012, Nash and Colwell edited a special issue on the theme of NAGPRA's 20th anniversary. By speaking openly—contributing to the academic literature and public debates—the Repatriation Initiative has sought to illuminate the profound impacts of repatriation on both museums and descendant communities.

Outcomes

The innovative and forward-looking Repatriation Initiative was a wide-ranging and ground-breaking project that illustrates how the tools of applied anthropology can work within museum anthropology. This pioneering, systematic, and comprehensive effort creatively confronted, head-on, one of the most difficult and polarizing issues facing museums in recent decades—providing solutions to past problems while establishing the foundation for new and better relations with Indigenous communities in the future. The specific and tangible accomplishments of this program through 2013 included:

- Establishment of formal ethics and collections policies and research and collections plans that embrace not just the letter, but the spirit of repatriation law through the principles of respect, reciprocity, justice, and dialogue with all potential claimants.
- Successful implementation of three NPS grants totaling nearly \$200,000, using novel satellite video-conferencing technology to consult with 142 tribes, leading to disposition agreements for 67 unaffiliated human remains subject to section 43 CFR 10.11.
- Acquisition of a fourth NPS grant of nearly \$40,000 to address the future of 15 human remains, leading to repatriation and reburial in 2015.
- Successful implementation of the Native American Sciences Initiative, which has provided educational opportunities and financial support for Native American students, artists, professionals, and community members.

- Proactive grappling with the theft of and efforts to return 30 vigango from the Mijikenda of southeastern Kenya.
- Assisted four 9/11 family advocacy groups articulate their concerns about the care of unidentifiable human remains in the 9/11 museum complex at Ground Zero.
- Made substantial contributions to the scholarly literature as well as active participation in public dialogues on these contentious matters.

One lesson learned through all of this was how legal frameworks mattered far less than the good will of museum administrators and tribal colleagues. While NAGPRA provided a straight-forward process for uncontentious claims, it became clear to us over the years that many scenarios fall through the law's yawning chasms. To create a bridge over those gaps requires institutional and personal commitments about which the legislation says nothing.

For instance, we saw how the museum's president and its vice presidents over the last dozen years were genuinely unsettled by the knowledge that the museum held stolen objects, how many Native communities felt our beloved institution violated their dignity and human rights. They did not hesitate to support the anthropology department in trying to set things right, to make amends and find common ground. They were not directed by the law in this desire to fix what was morally broken; it was their commitment to community and basic human decency.

The Anthropological Difference

The Repatriation Initiative specifically sought to bring anthropological viewpoints to bear on the questions of museum collections care. For human remains, the team specifically sought to situate the possession of Native American ancestors in the context of broad cross-cultural values of death, as well as to respect specific cultural practices and religious beliefs. To be blunt, the team viewed human remains not as specimens to be curated in perpetuity, but as ancestors of various Native American communities, none of whom had granted informed consent for their ancestors to be curated. In contrast, it is easy to understand how, for example, geneticists studying ancient DNA often struggle to find common ground with Native communities because their starting point is rarely traditional cultural beliefs and the historical context of scientific colonialism.

Our anthropological perspective allowed the museum to consult with hundreds of tribes with the general goal of addressing the respectful care of human remains while simultaneously following the particular goals and beliefs of individual tribes. For sacred and communally owned objects, the team used anthropological understandings of cultural items that could work within the confines of NAGPRA as well as outside of its purview. This allowed the museum to have flexibility to negotiate with all potential claimants whether or not repatriation law would strictly apply, as was the case with the vigango funerary statues from Kenya (see below).

Based on Colwell's research on collaborative methodologies, the department used a consultation model that went beyond legalistic strictures. Consultation at DMNS placed, and continues to place, as much emphasis on process as on results—based on anthropological insights on the importance of relationship-building (leading to trust, respect, and honesty) and strong cross-cultural partnerships. Just as significantly, the museum staff see repatriation as a form of social justice required for true reconciliation between tribes and museums. Although they recognize that returning stolen items or ancestral remains

is neither punishment nor reparation, they see repatriation as an important step toward restorative justice, a way of coming to terms with the darker side of anthropology's history.

Epilogue

The DMNS Repatriation Initiative led to the reburial of 97 sets of human remains, 317 associated funerary objects, 11 unassociated funerary objects, and repatriation of 231 sacred objects and objects of cultural patrimony. The museum is now out of the human remains business—it will no longer curate human remains in the absence of informed consent. It is also a recognized leader in the museum decolonization movement. Since submitting the successful Praxis Award application in 2013, a number of projects have been completed.

Culturally Unaffiliated Native American Remains without Geographic Information

Following the consultative process established under the NPS NAGPRA grants, the museum completed repatriations and reburials of all Native American human remains under its legal control. This included the difficult but important work of reaching out to every federally recognized tribe, Alaskan Native corporation, and Native Hawaiian organization, seeking their advice and consent on human remains that were “Native American” but without any geographical context. The only Native American ancestral remains left in the museum have been repatriated to two culturally affiliated tribes who have yet to find a suitable reburial location.

Non-Native American Human Remains

The museum had in the collections the remains of 27 individuals who the team believed were not “Native American” under NAGPRA, so the law did not apply in this context. Rather than let these unstudied, poorly provenienced remains sit on shelves, in 2015 the team held what they affectionately called the Bad Bar Joke Conference: they convened a rabbi, a priest, an imam, an agnostic, an atheist, a physical anthropologist, an archaeologist, a lawyer, a Cherokee tribal member, a professor of religious studies, and various and sundry museum staff. They collectively addressed the question of what to do with these remains, morally, legally, and ethically. In the end, attendees decided to bury the remains in a natural (i.e., no boxes, no chemicals) burial plot with a non-denominational ceremony. The team followed through with that pledge in two burial ceremonies held in late 2015 and mid-2016 in Crestone, Colorado.

Vigango

The vigango finally made it to the National Museums of Kenya in Nairobi in 2019. From there, they went to the Fort Jesus Museum in Mombasa, Kenya, near the Mijikenda's many sacred forests, from which the vigango were stolen. The effort to repatriate the vigango took many years and proceeded in fits and starts for a range of bureaucratic reasons. In the end, however, Nash visited the Mijikenda in October 2019, to celebrate with them the long-awaited return of their ancestors. Disturbingly, the total number of vigango still held by U.S. museums is at least 400; it is hoped that those institutions will follow the DMNS lead in repatriating these culturally important objects.

The 9/11 Museum

Colwell continued his work with those 9/11 families who objected to the 9/11 Museum and Memorial's efforts to incorporate their loved ones into the museum experience. Unfortunately, all efforts failed, and the human remains room was incorporated into the museum's exhibition gallery.

Native American Sciences Initiative

NASI was designed as a corollary to the Repatriation Initiative, created because the team felt a strong moral obligation to the source communities for the DMNS anthropology collections. Over the last dozen years, NASI has directly benefitted various communities and talented individuals through scholarships, internships, and fellowships.

The museum has awarded \$68,000 in scholarships to 30 high school, college, and graduate students representing nearly a dozen tribes. It has granted \$110,000 in internships to nearly a dozen graduate and undergraduate students (two former interns are now university professors; one is a tribal historic preservation officer). It has hosted professional artists, elders, educators, and other professionals from various tribes. It continues to host the monthly Indigenous Film Festival at the museum.

Repatriation is far more than a bureaucratic process, which is why the museum's Repatriation Initiative must be considered with its Native American Sciences Initiative. Repatriation involves a long chain of events that unfold over many years—from shaping policies to holding meetings, from writing endless emails to sending letters, from making difficult phone calls to navigating arguments, and from sharing meals to shedding tears. All these activities lead to the repatriation and reburial of Native American peoples and their possessions. For many Native Americans and the museum staff who do this important work, repatriations never quite end. Memories of reburied people linger; new relationships formed among the living continue.

That being said, the team knows that many of their museological and scholarly colleagues have whispered about their repatriation efforts. Many of the decisions that they have made were intentionally radical—made to demonstrate an alternative pathway for museums to confront their histories and reshape the field's future. Simply put, the team felt it was important for a major natural history museum to play a leadership role in repatriation, and to demonstrate that a progressive approach to repatriation does not decimate a collection. Rather, it leads to better, more informed, and more inclusive anthropology, archaeology, exhibitions, art, and science.