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Society of American Archivists Annual Meeting, New Orleans, LA
August 17, 2013

Developing Successful Partnerships between Tribal Communities and Non-Tribal Cultural Heritage Institutions

I was recently privileged to attend the first performance of a historic stage play entitled “What About Those Promises.” The play, presented by the Lummi Nation told the story of the Lummi’s historical relations with the United States Government, beginning with the 1855 Treaty of Point Elliott. This was a tale of unfulfilled promises, but also one of intense pride in the Lummi way of life...as documented through stories, artifacts, archival records, and photographs—expressions of cultural heritage, that in some instances, has been digitally repatriated to the tribe from local historical organizations, including my own, WWU, and now managed by the Lummi Nation Archives. This was a powerful moment for the Bellingham community as we came to a common understanding of our shared past, and I was honored to be a witness to this important cultural event. I’ll play a short trailer that features the play and then tell the broader story of my organization’s collaboration with the Lummi Nation and other regional tribes, and my evolution in thinking about cultural heritage, indigenous knowledge, and the stewardship of Native American materials.

The 1855 Treaty of Point Elliott was one of many treaties that year exchanged large areas of land in the West to the U.S. government who promised cash, reservations, health care and schools. The 82 Coast Salish leaders who signed the treaty in the winter of that year, also reserved the rights of their people to fish, harvest and hunt in their “usual and accustomed grounds.” The treaty was ratified on April 11, 1859 and quickly set off a historical battle for fishing rights, with Indigenous peoples increasingly restricted from fishing or exerting their rights under the treaty. In 1974, Judge George Boldt issued a decision that affirmed the rights of Indian tribes in Washington State as specified under the Point Elliott Treaty. But for the Lummi this fight continues, and in many instances, documentation central to the history of this struggle is archived in non-tribal archives, museums and libraries.

Our small intersection with this story relates to the Native American material held in Western’s archival and special collections, and in our early efforts, in the 1990’s, to collaborate with the

Lummi Nation Archives. I do not claim that my thoughts or interpretation of this story reflects the viewpoint of the Native American Tribes I may mention. It merely reflects the evolution of my own thinking and education as I've searched for guidance in ethical and moral practice when working with native American cultural materials, as well as honoring indigenous knowledge in the stewardship of these resources.

So, I want to begin with a bit of background about my organization and the collections we hold. I am the Director of Heritage Resources at WWU. This division encompasses the University Archives, Records Center, the Libraries' Special Collections and the Center for Pacific NW Studies. The Center, in particular, collects materials documenting economic, social, cultural and political trends significant to the Pacific Northwest. And with that mission, The CPNWS has acquired a substantial body of cultural heritage materials relevant to the history and culture of Indigenous peoples throughout the NW. These materials came to us in several ways, but primarily this is documentation collected by others and donated to Western—either by local and regional historians with an interest native tribal culture, or faculty who conducted academic research while associated with the University. And, I am certain this provenance trajectory is familiar to many of you in this audience.

Those who accumulated these collections of photographs, oral histories, research materials, and survey information considered it their right to donate these materials to WWU, but I would speculate that the acquisition and assemblage of these resources was rarely conducted with the free and informed consent of the individuals involved. There were no formal or informal agreements about who could (or would) access this documentation and the participants were certainly not aware that the information they provided might one day be available through Western's open access policies. Nor, could they anticipate the advent of the Internet. Even in instances where the transfer appears voluntary, there may have been an underlying element of coercion or false promises made to participants, particularly in relation to the early anthropological studies and surveys. Often the contextual information we obtained upon acquisition was biased, unbalanced, or incomplete. In particular, documentation developed by local historians was prejudiced by a limited understanding of the cultures from which it was appropriated. As such, the ethical management of these collections presents a range of concerns, including the need for tribal knowledge and perspective to correct any misinterpretation, the development of a balanced and fair record of documentation, and the determination of appropriate levels of access for culturally sensitive information—and by that I mean information that is not considered to be in the public domain by associated tribal members.

At the 2003 WIPO meeting, the Tulalip Tribes of Washington delivered a statement on Folklore, Indigenous Knowledge and the Public Domain that stated, and I paraphrase here-- In tribal

culture-- “Knowledge is a gift from the Creator. There is no public domain in traditional knowledge. Although individuals might hold knowledge, their right is collectively determined, and it is rare that individuals have the right to use knowledge in a free and unconstrained manner. They are bound by the laws of their tribe and of the Creator. Even knowledge shared and used widely does not fall into the public domain.”

When knowledge is shared, it is shared among those who are trusted to know their roles and responsibilities. Misuse of this knowledge can cause severe physical or spiritual harm to the individual caretakers of the knowledge, or their entire tribe. For this reason, misappropriation and misuse is not simply a violation of “moral rights” leading to a collective offense, but a matter of cultural survival for many indigenous peoples.”

Obviously, this perspective is not reflective of the Western legal tradition, particularly as it pertains to archival principals of ownership, access, and use. The Protocols for Native American Archival Materials developed in 2006 by Native and non-Native representatives, attempts to address this collision of ideals by promoting an understanding of indigenous values and perspectives and by articulating contexts for Native American materials. The summary provided the introduction highlights several legal and policy areas that emerged in their discussions.

These are:

- The importance of consultation with and concurrence of tribal communities in decisions and policies.
- The need to recognize and provide special treatment for culturally sensitive materials. (ie. the removal of works, reclassification, intentional non-preservation)
- Rethinking public accessibility and use of some materials
- The role of intellectual and cultural property rights
- The need to consider copying, sharing and/or repatriation of certain materials
- The recognition of community-based research protocols and contracts
- Reciprocal education and training
- Raising awareness of these issues within the profession.

As you know, the archival profession is hardly in agreement on the intent and purpose of the Protocols and several of my colleagues have written persuasively on this issue. I won't focus on that broader discussion here, but I will suggest that in the absence of endorsed protocols, I believe it is incumbent on those of us with significant holdings of Native American materials to develop internal guidelines or best practices for the management of these resources. These efforts create unique and beneficial alliances that can grow into important sustainable partnerships over time. But how do we successfully collaborate when often our core beliefs, such as intellectual freedom, ownership, intellectual control, and open access can have different meanings across cultural groups? How do we build and maintain digital collections that reflect accurate indigenous viewpoints? That balance access to heritage resources within the context of cultural protocols, and that incorporate sensitive and appropriate approaches to

knowledge management through cataloging, metadata, and the use of technology? While I don't have the answers to these questions, I can share my organization's early efforts to address some of these concerns, again noting that this is an ongoing learning process.

As an overview, my department holds resources related to over 30 tribes and nations from throughout the Pacific Northwest, British Columbia and Alaska represented in nearly 20% of our holdings. In the 1990's we began putting our finding aids on line, first on our website and later as a partner in the Northwest Digital Archives. And, we were also actively digitizing our photograph collection. Thus, we were aware that our collections would have a much higher regional and national profile in an online environment.

One of our heaviest used collections is comprised of the of research material assembled by Howard Buswell, a self-trained historian. The collection includes unique historical documentation of the Northwest corner of Washington State from the time of the first contact through the middle of the twentieth century. For much of his life, Buswell lived adjacent to the Lummi Reservation and was obsessively interested in Lummi culture. In 1975, his brother donated his papers to WWU with a significant body of source material related to the Lummi Nation and its peoples.

The collection includes oral history interviews with pioneers and tribal elders, photographs, maps, census documentation, reservation land allotments, court cases, and Buswell's handwritten notes about Lummi culture, art, history and genealogy. At the point of donation, few members of the Lummi Nation were aware that this collection documenting their history was housed at Western, a University built on their traditional lands.

As we were developing descriptive metadata, we realized that the information compiled by Buswell was in many instances inappropriate, particularly for dissemination over the Internet. Simultaneously, the Lummi's were developing their tribal archives and cultural center and were seeking relevant documentation in regional repositories. With assistance from the Lummi Nation Archives and other tribal leaders we learned a great deal about the sensitivity and cultural importance of several collections in our holdings to the Lummi Nation.

Our first collaboration involved the scanning of photographs in the Buswell collection for deposit in the Lummi Nation Archives. The MOU we developed states that the project is designed to "facilitate and increase access for the Lummi Nation to certain photographs in the CPNWS collections. Employees of the Lummi Nation have identified approximately 60 photographs as valuable both culturally and historically to the Lummi community. This project will allow for the identified photos to be scanned by Lummi Nation Archives employees--on site. These photographs can be used (with restriction as detailed below) at the Lummi Archives."

On the positive side, I believe we were doing some of the first digital repatriation in the region. On the negative side, the MOU was quite strident concerning restrictions that limited access, use, citation, and publication of images identified by the Lummi community as culturally relevant, including photographs depicting their ancestors and internal cultural practices. In retrospect, this was a first step, but also suggests that we still had a lot to learn.

In the development of the finding aid, we also attempted to address concerns of context and balance. For example, the scope and content note states that “researchers must pay particular attention to the fact that in his collecting efforts and in his writings Buswell provides an interpretation of history that reflects his own biases and the time period in which he lived.”

This project quickly led to another important collaboration between the Lummi Nation and the Center for Pacific Northwest Studies. In 1998, Stacy Rasmus, of the Lummi Language and Cultural Department described and digitally reformatted the Buswell oral history interviews that were recorded on fragile reel to reel tape. Stacy was a MA student in WWU’s Anthropology Department and a Lummi by descent.

That project also addressed the Northwest Tribal Oral History Collection, a set of recorded interviews conducted by two professors of history with elders and members of Native American tribes throughout Washington State. The recordings focus on a range of topics, including language, religion, education, genealogy, songs, hunting and fishing, and political activity. With the assistance of the Lummi Indian Business Council, Stacy transcribed some of the interviews and produced numerous abstracts for online access. Collaboratively, we chose not to transcribe certain interviews based on content, and for others she created very brief abstracts that essentially serve to limit access. The Lummi Nation provided duplication services with each organization receiving access copies of the tapes and the transcripts. But, more importantly, the Center received critical tribal knowledge in support of our descriptive efforts. The MOU we developed remained equally onerous, but going back to the files, I note it was never signed.

The Northwest Ethnohistory Collection is another body of sensitive materials that is heavily used by researchers, including representatives from tribal organizations. This artificially assembled collection was created by several generations of Western anthropology professors and was archived in the department for many years. Upon acquisition it augmented several other faculty research archives on Native American history and culture. The collection totaling 72 lf of material, documents the social life and customs of numerous cultural groups throughout the NW, BC and Alaska. It includes ground breaking research on language, material culture, legends, rites and ceremonies, as well as indigenous fishing, hunting, and whaling practices. There is also significant research on government relations, social conditions, the legal status of tribes, land tenure and treaties. The most sensitive records are anthropological studies on kinship and family organization, courtship, marriage, divorce, morality, and sexuality. Often this information was acquired through household surveys and is deeply personal in nature. Those involved assumed or were promised that their responses would not be available for public access, but there is no documentation to that effect. Because of commitments made to the Anthropology Department, and the value of this archive to tribal organizations and others, we have opted to keep the collection open, but we have restricted access permanently to the certain surveys. Destruction is a possibility, but not one we have taken yet.

I want to mention one final collaborative effort that involved the repatriation of original materials to the Stillaquamish Tribe. In 2007, we returned a Record Book listing tribal

enrollments from 1924 to 1967. In this case, our contact was a consultant from the Skagit Tribe who was assisting the Stillaquamish in the development of their tribal archive. In her research, she discovered the record book in our holdings and recognized the importance of the documentation in establishing tribal membership status, and thus a source of considerable value for their newly formed Tribal Archive. After consultations with tribal representatives, we developed our first transfer agreement. That document states, "The CPNWS hereby transfers the materials listed below to the Stillaquamish Tribe to be recognized as the absolute and unrestricted property of the tribe." In this instance the decision to repatriate was obvious and somewhat simplified by the fact that we were transferring to an established tribal archive. In this case, a government to government transfer.

In conclusion, I will confess that our quest to provide responsible and sensitive stewardship of indigenous cultural resources has not been without challenges and difficulties, and it continues to be a learning process. To date, we have not developed a written policy for dealing with Native American Archival Materials, but instead, we've responded to requests, discoveries, and concerns on a case by case basis. Over the years, that response has recognized the importance of consultation with tribal communities, the need to provide special treatment for culturally sensitive materials, the incorporation of indigenous knowledge in the development of metadata and other descriptive information, rethinking public accessibility and use of some materials, and the digital and physical repatriation of holdings. But, most importantly, as the Lummi elders stated so eloquently in the video, it involves working together and continuing to learn together.

