

**NAGPRA - POLICIES AND PROCEDURES AT THE
PHOEBE HEARST MUSEUM OF ANTHROPOLOGY
UNIVERSITY OF CALIFORNIA BERKELEY
[HTTP://HEARSTMUSEUM.BERKELEY.EDU/](http://hearstmuseum.berkeley.edu/)
FEBRUARY 08**

Requests for repatriation related information should be directed to:

Repatriation Coordinator
University of California Berkeley
Phoebe Hearst Museum of Anthropology
103 Kroeber Hall # 3712
Berkeley, CA 94720-3712
Phone: 510-642-3682

Collection information requests and visit arrangements should be directed to:

North American Collections Manager
Natasha Johnson
(510) 642-6840
email: johnsonnl@berkeley.edu

REPATRIATION POLICY STATEMENT

The Phoebe Hearst Museum of Anthropology (PAHMA) is in full compliance with all provisions of Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). The last of our required Inventories was filed with the National Park Service before the officially extended deadline of June 30, 2000. Our "Summaries" were completed prior to the original deadline of November 16, 1993, fulfilling our reporting obligations under NAGPRA. Indeed, PAHMA exceeded the federal statute requirement of a single Inventory list for culturally unidentifiable human remains and associated funerary objects by reporting 150 separate Inventories of Culturally Unidentifiable remains, broken down by County, which will facilitate our compliance with the California State Repatriation Act AB-978. Since that time, we have continued to consult with tribes throughout the United States, not only regarding human remains and associated funerary objects, but also regarding unassociated funerary objects, sacred objects, and objects of cultural patrimony. It is the intention of the Phoebe A. Hearst Museum of Anthropology to make the repatriation process work well and in a user-friendly fashion.

During the mandated Inventory process, the PAHMA provided a total of over 200 separate Inventories to the National Park Service. These completed Inventories were also mailed to Culturally Affiliated federally recognized tribes. These Inventories included over 9,600 catalogue records of human remains, many of which represent more than one individual. In addition, approximately 13,800 catalogue records of associated funerary objects were reported. Many of the latter records also contain more than one object, often comprising hundreds of individual items. The proveniences included in these Inventories contained an additional estimated 118,500 catalogue records of objects that were not associated funerary objects and, therefore, not subject to NAGPRA inventory. In addition to the items covered under inventory provisions of NAGPRA, the PAHMA has approximately 198,000 total ethnographic and archaeological catalogue records with attributions to Native American groups, which are covered under the summary provisions of NAGPRA.

Some of the inventory notices have been published, and others are in process, please contact National NAGPRA for further details.

http://www.nps.gov/history/nagpra/fed_notices/nagpradir/index.htm

A full reporting of all remains reported to the Department of Interior as Culturally Unidentifiable is found at

<http://64.241.25.6/CUI/index.cfm>.

Consultation visits with native groups are a major ongoing part of the NAGPRA process. In the last two fiscal years combined, the PAHMA has hosted over 50 tribal visits to view the collections and to obtain documentary information in order to support NAGPRA claims. The staff time devoted to these visits exceeded 3,600 hours. In the current fiscal year, the Museum is projecting 36 visits, with a staff time of approximately 2,700 hours. Each of these visits takes place over a 3- to 4-day period and consists not only of viewing collections, but also of reviewing Museum documents to discover how and where the collections were obtained. The Museum staff also introduces the visitors to other campus resources such as the Bancroft Library, the Anthropology Library, and the Ethnic Studies Library, where further information may be obtained relevant to any claim that a tribe may wish to file. In addition to campus visits, consultation also takes the form of written and oral communications, such as e-mail, letters, and telephone conversations. Through consultation, the visiting tribe and the PAHMA staff are able to assist each other in understanding the breadth and scope of the collections. Tribes can advise staff on how to proceed in the care of sensitive items and remains and PAHMA staff can provide advice on the variety of repatriation solutions available, including continued curation at the Museum, and repatriating items to tribal custody.

REPATRIATION WORK AT THE HEARST MUSEUM

Ongoing NAGPRA-related activity and research is conducted by the Phoebe Hearst Museum of Anthropology (Hearst Museum) staff, which produces reports on all NAGPRA-related claims that the museum receives. These reports, along with recommendations, are presented to University of California Berkeley Repatriation Review Committee for further deliberation. The committee's recommendations are advisory to the PAHMA Director, who forwards a recommendation to the University of California, Office of the President, System-wide NAGPRA Review Committee, which has sole authority (on behalf of the Regents of the University) over the disposition of all UC Museum holdings.

The Hearst Museum's Repatriation Coordinator and North American Collections Manager oversee all repatriation activity with tribes/native communities. Through continuous dialogue with tribes/native communities, the Museum's Repatriation Coordinator and North American Collections Manager receive specific recommendations for the care and management of culturally sensitive collections in the Museum's possession. A priority of the Hearst Museum is to incorporate and sustain various forms of traditional knowledge related to the care and management of culturally sensitive material. This information is integrated into the Hearst Museum collections management procedures.

All human remains and their associated funerary objects in Hearst Museum's collections are cared for and managed on campus in a minimally invasive environment. Access to human remains in the Hearst Museum's possession is exclusive to the staff members who care for them and, for Culturally Affiliated remains, to official representatives of the Culturally Affiliated Tribe(s)/Native communities. Any requests received from the research community for access to Culturally Affiliated materials and

remains are forwarded to the Culturally Affiliated Tribe(s)/Native community for their approval or denial.

THE NAGPRA / REPATRIATION PROCESS AT THE HEARST MUSEUM

The repatriation process involving items and/or remains reported to the Department of Interior as Culturally Affiliated is outlined in NAGPRA regulations <http://www.nps.gov/history/nagpra/>.

Both NAGPRA legislation and Museum practice view the consultation process as open-ended. Therefore, Tribes or Native Communities may request a re-evaluation of the original Inventory Cultural Affiliations or Identifications at any time. To do so, these steps are followed:

1. Informational request letter from the Tribe / Native community
2. Formal request by the Tribe / Native community for a visit and collections review
3. Consultation visit and collections review by the Tribe / Native community
4. Formal repatriation request by the Tribe / Native community
5. Repatriation research and reporting by Museum staff
6. Berkeley's Review Committee deliberations and recommendation to the Museum Director
7. University of California Office of the President Review Committee and Determination
8. Communication to Tribe/Native community

One: Informational Request Letter

Any Tribe/Native community or individual interested in pursuing repatriation at the Hearst Museum of Anthropology may write or telephone the Repatriation Coordinator to request information about culturally affiliated objects in the Museum's collections (see sample request for information, Attachment #1). The initial request should be submitted by an official Tribal/Native community representative, including Tribal Historic Preservation Officer (THPO), Historic Preservation Officer (HPO), Tribal NAGPRA representative, or other authorized parties officially identified by their Tribe/Native community.

Two: Formal Request for a Visit and Collections Review

Native communities wishing to visit the Hearst Museum, to review and document collections should submit a request to the Repatriation Coordinator on official tribal letterhead, signed by the head of the Tribe/Native community government (see sample letter for a consultation visit, as Attachment #2). The letter should name the officially appointed tribal repatriation officer and those individuals who will accompany him or her during the visit. It is helpful to include information about objects of interest from the inventory list, such as the museum catalog numbers and a brief description of the items. Requests for any follow-up visits should be sent directly to the Hearst Museum's North American Collections Manager.

Three: Consultation Visit and Collections Review

The Hearst Museum strongly recommends that Tribal/Native community representative(s) carefully review the museum collections and consult with the museum's Repatriation Coordinator or North American Collections Manager before submitting an official repatriation request. This ensures that items claimed for repatriation are consistent with Inventory descriptions and museum catalog records.

It would be helpful to consider the following in preparation for a collections review and repatriation consultation visit:

- Review the museum's Inventory list that the Hearst Museum or National NAGPRA program has provided you and identify objects that would be of significant interest and/or concern.
- Review the repatriation object category definitions that were provided by National NAGPRA.
- Review repatriation (NAGPRA) procedures, and make a list of questions or concerns.
- A delegation may include a traditional or religious leader who has the knowledge and skills to identify objects that may not be properly identified in the museum's records.
- Please inform us of any special needs that your delegation may have (wheelchair accessibility, or specific object handling, etc.).
- Should you require a private place for traditional preparation the Hearst Museum can make arrangements to accommodate this and other related activity.

Photography of selected objects in the Hearst Museum collection by official Tribal/native community visitors is encouraged under the agreement that copies of the images are provided to the Museum and notification is given to the Museum of any intent of publishing the images. Tribal visitors are encouraged to share with Hearst Museum staff any information related to the storage, handling, or care of culturally sensitive objects.

Four: Formal Repatriation Request

Tribes/Native communities wishing to request repatriation of certain objects should submit a letter on official tribal letterhead, signed by the head of the Tribe/Native community government (see sample letter for repatriation claim, Attachment #3).

Repatriation requests should include the museum catalog number(s) of the objects; a brief description of the objects; and the category under which the Tribe/Native community is requesting repatriation (i.e., a funerary object, an object of cultural patrimony, skeletal remains, or a sacred and/or ceremonial object). The letter should provide a specific reason for the category chosen for each object and should include as much evidence as possible regarding claimed Cultural Affiliation and identification.

Five: Repatriation Research and Reporting

Repatriation claims are researched by a Hearst Museum scientist with the assistance of the Repatriation Coordinator and the North American Collection Manager. Repatriation-related research includes gathering all pertinent information from Museum records, archives, manuscripts and other historical sources, including specialized publications and other professional resources that help determine the identity and history of the objects. Documentation may also involve consultation with Native experts on Tribal history and oral traditions, as well as with other campus scholars and legal advisors. A report is prepared and the relevant facts and recommendations regarding Cultural Affiliation and other identification are transmitted to the University of California Berkeley's Repatriation Review Committee for consideration.

Six: Berkeley's Hearst Museum Review Committee

This committee votes and delivers a recommendation to the Museum Director, who then forwards the official PAHMA recommendation to the University of California's Office of the President, which has control over all University campuses.

Seven: University of California Office of the President Review Committee and Determination

The University of California Systemwide committee reviews the Tribe/Native community claim and may ask for more information from the PAHMA before making its final determination. The Systemwide review committee has final authority (delegated by the Regents of the University of California) over the disposition of all UC Museum collections. When a final determination is made on a Tribal claim, that information is transmitted to the Hearst Museum and to the claimant.

Eight: Communication and Disposition to Tribe/Native Community

For all cases in which a decision to Culturally Affiliate is made, this result is reported by the University of California Office of the President to the Department of Interior, National Park Service, national NAGPRA program, and to the claimant Tribe / Native community. At that point, all mandated repatriation procedures are duly followed by the Museum. The ultimate disposition of Culturally Affiliated items or remains is determined by the Tribe/Native community, as prescribed by federal law (NAGPRA).

In all cases of Cultural Affiliation, the Hearst Museum will work closely with the Tribe through the process of publication in the Federal Register as prescribed in NAGPRA law. During this process, the Hearst Museum shall identify and discuss with the Tribe / Native community all possible dispositions of the Culturally Affiliated items or remains. Such dispositions include:

1. Continued curation at the Hearst Museum with the assent of the Culturally Affiliated Tribe / Native community, for a mutually agreed-upon period of time.
2. Curation at a facility of the Tribe / Native community's choosing.
3. Co-curation at a location to be specified by the Tribe / Native community.
4. Repatriation and reburial without further Hearst Museum involvement.

For cases in which the Tribe / Native community decides that repatriation is the alternative it favors, such repatriation is carried out according to the Tribe / Native community's wishes. During this process, in consultation with Tribal/Native community representatives, the Hearst Museum may provide the following services:

- Secure, prepare, and pack the objects for shipment by mutual agreement of carrier to the location designated by the Tribe/Native community representatives.
- Organize the transfer of objects to the tribal representative at the museum facility.
- Assign museum staff to hand carry or escort the objects to the point of transfer or other predetermined destination.

For cases in which the claim of Cultural Affiliation is denied by the University of California, the Tribe / Native community can appeal through the National NAGPRA review panel.

Attachment #1

SAMPLE REQUEST LETTER FOR INFORMATION

*ABC Tribe of Indians
ABC Tribal Council Building
123 Main Street
Anytown, California 74000
987-123-1234*

January 1, 2008

Repatriation Coordinator
University of California Berkeley
Phoebe Hearst Museum of Anthropology
103 Kroeber Hall
Berkeley, CA 94720-3712

Dear (name), Repatriation Coordinator:

This letter serves as a request for inventory listings and digital images of objects in your museum that pertain to the ABC Tribe or that come from the geographic area of ABC tribe (specify). Please send this documentation to my attention at the address above. I will contact you directly after reviewing them with President or Chairman (name) and other tribal representatives. Thank you for assisting us in this way.

Sincerely,

John Doe
THPO/HPO/NAGPRA representative
ABC Tribe of Indians

Attachment #2

SAMPLE REQUEST LETTER FOR A CONSULTATION VISIT

*ABC Tribe of Indians
ABC Tribal Council Building
123 Main Street
Anytown, California 74000
987-123-1234*

January 1, 2008

Repatriation Coordinator
University of California Berkeley
Phoebe Hearst Museum of Anthropology
103 Kroeber Hall
Berkeley, CA 94720-3712

Dear (name), Repatriation Coordinator:

Please consider this letter as a request for a repatriation consultation visit at your earliest convenience, preferably no later than March 15, 2008. Mr. John Doe will be traveling to the University of California at Berkeley Hearst Museum to discuss the repatriation process with you and to review objects affiliated with our tribe. I would like to confirm also that Mr. Doe, as our tribe's NAGPRA Representative, is our official contact for all repatriation related matters.

We would like to view all the objects on your Inventory, with special attention to the items highlighted on the attached copies of the Inventory lists, which include shield covers, dance sticks, pouches decorated with beadwork, a knife and sheath, a painted hide shirt, and bags or pouches. The catalog numbers for these items are highlighted for your reference. Please contact Mr. Doe with possible dates for our visit and if you need any specific information from us for travel purposes. Thank you for the assistance.

Sincerely,

President or Chairman (name)
ABC Tribe of Indians

Attachment #3

SAMPLE REQUEST LETTER FOR REPATRIATION CLAIM

*ABC Tribe of Indians
ABC Tribal Council Building
123 Main Street
Anytown, California 74000
987-123-1234*

January 1, 2008

Museum Director
c/o Repatriation Coordinator
University of California Berkeley
Phoebe Hearst Museum of Anthropology
103 Kroeber Hall
Berkeley, CA 94720-3712

Dear Museum Director
c/o Repatriation Coordinator:

Please consider this letter a formal request for the repatriation of the following objects:

Painted hide shield cover with three eagle feathers
catalog number 12-3456

Knife with beaded handle, in beaded leather sheath
catalog numbers 23-4567a and 23/4567b

Wooden stick wrapped in red stroud cloth, with beaded ornaments and feathers
catalog number 2-5678

We are requesting these materials as ceremonial objects that have religious significance in the practice of a traditional ceremony. The objects are needed for the continued observance of that ceremony. Our tribe has continually practiced these ceremonies per oral history as revealed by Jane Black, a spiritual leader within her clan. Ms. Black states that these items are essential for her clan to continue this important ceremony.

This ceremony is documented in Bob Smith's ethnographic writings "Tribal Ceremonies." Bob Smith outlines these items as instrumental parts of this ceremony.

Please direct any inquiries to me at the phone number listed above or by email to the address I have already provided.

Thank you for your help in this important matter, and I look forward to working with you.

Sincerely,

(name) THPO/HPO/NAGPRA representative

ABC Tribe of Indians