16 February 2023 / Fight at the Museum

[HALF SECOND OF SILENCE]

[BILLBOARD]

SEAN RAMESWARAM (host): We could start this episode of *Today, Explained* in lots of places.

SCORING IN <JCM\_JM\_0294\_04101\_Orange\_into\_Blue\_\_a\_60\_\_APM>

SEAN: We could start in January 2024, when museums across the country all of a sudden just shut down exhibits.

*<CLIP> CBS Chicago, Field Museum covers some Native American displays*

*Field Museum Rep: We have taken off display or covered the cases with objects that are of cultural sensitivity.*

SEAN: Or we could start with the 1990 law they’re attempting to comply with. *<CLIP>PBS NewsHour, Berkeley repatriates cultural artifacts*

*The Native American Graves Protection and Repatriation Act.*

SEAN: Or we could start in the decades prior to the passage of that law when Native American tribes were clamoring for it.

*<CLIP> News 5 Cleveland, Cleveland Museum of Art conceals Native American pieces*

*It wasn’t just given. Some Cheyenne woman didn’t make that dress and say ‘Here you go.’ Those were gotten in a really violent, genocidal manner.*

SEAN: Or we could go to the 19th century, when some of the country’s most prestigious archaeologists spent their time grave robbing.On the show today, we’re going to talk about how all the affected tribes might finally get their ancestors and their stuff back.

[THEME]

SEAN: This might be hard to believe or maybe to you it’s totally believable — that American museums to this day, in 2024, hold hundreds of thousands of stolen Native American objects and even ancestral remains. But they do. Mary Hudetz has been writing all about it for ProPublica.

MARY HUDETZ (TRIBAL REPORTER, PROPUBLICA): I'm also Apsáalooke, which means I'm a member of the Crow tribe, which is in Montana.

SEAN: But thanks to new regulations inserted into a 30-ish year old law called NAGPRA–the Native American Graves Protection and Repatriation Act–that’s all starting to change right now.

MARY: So a lot actually has been happening lately.

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MARY: Museums have been issuing apologies in the past year.

*<CLIP> University of North Dakota, Repatriation Message:*

*University Rep: First I must begin by apologizing to all of our Native American colleagues, both on campus and in the Native American communities, for the actions of our university over many decades.*

*<CLIP> PBS NewsHour, University of California, Berkeley repatriates cultural artifacts*

*Berkeley NAGPRA Rep: I think we’ve had a shift in realizing we’re not the experts, right? It’s the people that – whose history that we are interested in which are the experts. And if they’re still alive they’re the people that we need to learn from and listen to.*

MARY: They've started to file federal notices, which appear publicly online, saying that they're ready to repatriate thousands of ancestors that they had held.

*<CLIP> WMUR-TV, Unreported remains of Native Americans*

*Anchor: forensic experts are now working with Dartmouth college after finding Native American remains. Those remains were previously unreported.*

MARY: And then, most probably most significantly, in the past month, new federal regulations went into effect.

*<CLIP> News 5 Cleveland, Cleveland Museum of Art conceals Native American pieces*

*Anchor: the provision now requires museums and federal agencies to obtain consent of lineal descendants, Indian tribes or Native Hawaiian organizations to display cultural items.*

MARY: They require museums to reassess their collections, review them. In the next, you know, several years they're going to have to, make determinations about their origins, and the regulations, now require museums to get informed consent from tribes to conduct scientific research on them.

SCORING OUT

SEAN: So tell me what happened. The federal government, Deb Haaland, the Biden administration, they, they add some regulations to this law, NAGPRA, about a month ago. And what, is it like flipping a switch all of a sudden museums start complying. How does it turn out?

MARY: It feels at the moment like a flip of the switch. I think one of the most dramatic things that happened is that museums, very large ones in major cities, started to close exhibits, that featured Native cultures.

*<CLIP> NBC New York, NYC museum is closing TWO Native American halls*

*Anchor: Two exhibition halls at the American Museum of Natural History are now closing because of new federal rules.*

*<CLIP> News 5 Cleveland, Cleveland Museum of Art conceals Native American pieces*

*Reporter: The Cleveland Museum of Art brings in people from far and wide, but today, not all artifacts are on display*

MARY: And, that I think came as a big surprise to the public, especially if they hadn't, you know, been following repatriation and, and NAGPRA.

SEAN: Which let's be honest, the public was not doing. <laughs>

MARY: Correct. <laughs> Yeah.

*<CLIP> CBS Chicago, Field Museum covers some Native American displays*

*Reporter: Black curtains and covered displays inside Chicago's Field Museum. Moves the museum had to make to follow changes to the Native american graves protection and repatriation act.*

*Fields Rep: We have taken off display, or covered the cases with objects that are of cultural sensitivity.*

MARY: Museums need to take time to understand what they had in their exhibits that were sacred, and that many tribal cultures would prefer not to have an exhibit. So now I think many of the closures are temporary. Some of them involve simply closing a door. And so it is, it is really dramatic what the public is seeing in certain instances.

SEAN: Okay. Now let's talk about the work of sorting all of these ancestral remains and these objects out. So how exactly does it work? Does a tribe or family approach these institutions and say, ‘Hey, we think these are our ancestors’, or ‘We think these are our objects, here's our proof’? Is there some sort of third party who's going to decide where, where objects and ancestral remains go?

MARY: There is not a third party. But yes, NAGPRA does allow tribes to make claims. In fact, it's very much sometimes called a claims law. So if a tribe makes a claim to their ancestors held at a major institution, that institution had like three months to offer an initial response. And then at some point offer a decision. But until these new regulations went into effect, museums had been able to tell tribes that items in their collection were culturally unidentifiable, which means they could say they didn't know where items came from. They didn't they couldn't decide if the tribe's claim was a rightful one. And I think NAGPRA wasn't written in a way that required museums to have definitive proof. It understood that when museums took from Native graves, they did it in such an aggressive way that they didn't document everything. They took so much at a time. But now the new regulations, I think they require museums to give more deference to tribes and their histories. One of the things that's sort of been missing for some had been missing for so many decades in the museum world was, you know, not enough credence was given to Native people about their understanding of who they are, and, and where they come from and the time they had in their homelands.

SEAN: Do any serious offenders come to mind?

MARY: So we analyzed the data and found that ten institutions held half of the ancestors that had yet to be repatriated, which is worth noting. But the museums that get the most scrutiny are very often the very big ones that we hear about, like the Field Museum, the American Museum of Natural History, even though they're not in that group of ten. Harvard University has the third highest number of ancestral remains.

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SEAN: Well, we don't like to punch down here at *Today, Explained*, so let's, let's punch up. Let's talk about Harvard. How did Harvard wind up with so many ancestral remains?

MARY: Harvard is a very influential institution, including in anthropology. And in the mid-to-late-1800s their Peabody Museum of Archeology and Ethnology set out to collect ancestors from all across the globe, really. But, the, the collecting happened also very aggressively in the United States. And so we have a map of collecting that happened by Harvard, where human remains are taken from. It's pretty much every state in the country.

SEAN: Hm!

MAY: And, their work also influenced other institutions, state universities that wanted to be like Harvard. Today, Harvard continues to hold, more than 5000 ancestors. They're making progress. But I think a lot of tribes feel like they still have maybe more atoning to do or a ways to go in mending their relationships, given that harsh history.

SCORING OUT

MARY: And I would say I think people also feel in more modern times that under NAGPRA, since 1990, Harvard had been – Harvard may dispute this – but had been one of the more, resistant institutions to NAGPRA, or had acted the slowest, in responding to tribes claims, Which was also sort of seen as influential for other institutions. When we first started on reporting on repatriation, Harvard University’s record came up repeatedly, not only the numbers, and the fact that they’ve repatriated fewer than half of the ancestors they initially reported holding. But we also heard of stories that the tribes were asked to submit large numbers of documents, or their claims to their ancestors were rejected for different reasons, in ways that seemed very painful for tribes. And one of the stories that came to us that started to really highlight, how slow the NAGPRA process can be and just how resistant Harvard may have been to tribes in the past, was the story of the Wabanaki tribes in Maine, who spent 30 years asking Harvard to return ancestors.

SCORING IN <08 Orange into Blue (a)>

MARY: The tribes make repeated claims, each time Harvard would tell the Wabanaki tribes that they didn't have enough evidence to show, I believe, that they were, the ancestors they sought to claim that were taken from Maine in around the 1930s could be people that they had any sort of affiliation to cultural affiliation to. And so initially Harvard gave the evidence arguments. Then they gave it again when the tribes came back and asked, you know, a second and a third time. But what we found, which I think might have helped us really understand why NAGPRA has taken so long in some, in some places was, the fact that Harvard, not to the tribes, it was what they weren't saying to the tribes, it was what they're saying in, in emails, exchanged with other institutions and among staff was they believed at least some in Harvard believed the remains were maybe too important to science or just too old to be affiliated with the tribes of Maine, which today are the only tribes. The Wabanaki tribes are the only tribes of the federally recognized tribes of Maine. So no one else could make really a claim to them.

SCORING BUMP

MARY: As time went along new generations of Wabanaki were starting to become interested in repatriation. And so they tried to use archeology to convince the archeologists that they could have a claim to the ancestors. Harvard still denied them. And those claims of archeology included, like, explaining the tribe's time on the land, that they have known to be theirs or where they had established their cultures many, many, many, many centuries ago. And trying to explain how maybe certain burial practices were not necessarily different from certain burial practices that they might have today. And still, I think, Harvard decided in the end that the ancestors could not be repatriated to the tribes.

SCORING OUT

MARY: In the end, Harvard did return the human remains to the tribes. Again, it took 30 years.

SEAN: So what was it that finally convinced Harvard?

MARY: It's hard to know again, because Harvard did not speak with us. But what we can tell from our timeline and understanding Harvard and its history in it, too, finally started to arrive at a reckoning. At the highest levels of the institution …

SEAN: Mm.

MARY: … to understand its history of sort of harming communities of color, and its poor repatriation rate. And they started to issue a series of apologies. But there are very broad apologies. They were public apologies. And when they started to do that around 2020 and 2021, the Wabanaki tribes decided to take advantage of that moment and remind Harvard …

SEAN: <laughs>

MARY: … they still held the remains of their ancestors that had spent 30 years, asking for through repatriation.

SEAN: Nuts. Amazing. So basically, it wasn't the Wabanaki tribes pleading, proving, bringing receipts to Harvard. It was George Floyd.

MARY: Yeah, it was, uh, Harvard facing new public pressure over its past following the murder of George Floyd.

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SEAN: As a member of the Crow tribe in Montana. I want to ask you what it's felt like to report on these stories as an indigenous person. And also, if you don't mind sharing, how it feels now to see, after 30 years NAGPRA, being taken more seriously by the federal government, by museums and institutions across the country.

MARY: It was really difficult to start to decide whether to even embark on the reporting, knowing how massive it was. Six hundred museums must comply with NAGPRA. We are going to review the records for all of them. But in addition, I think, we talk, and I know it's not just Native people, but, we speak of the deceased, I think in a way, with such care and respect and there are ways that we do it that are different, than maybe the mainstream culture would, so just to even sort of embrace a topic that was about people who have passed on took a lot of, you know, thought for me and I'm, you know, I think now that we're here, on sort of the other side of our reporting, It's it's gratifying to see the reward. But, I like to be careful with the tone because there's still nearly 100,000 ancestors in museums. There could be a long ways to go. And it's worth, whether you're a reporter or the public, to kind of keep the scrutiny in mind. Because I think this issue may still be with us for a while.

SCORING BUMP

SEAN: Mary Hudetz is a reporter at ProPublica. You can find all her reporting on repatriation at ProPublica dot org.

When we’re back on *Today, Explained* we’re going straight to the source to hear how museums are dealing with these new repatriation regulations.

[BREAK]

[BUMPER]

SEAN: *Today, Explained* is back. I’m Sean Rameswaram. And in another life I used to report on new exhibits at museums. And let me tell you, when a museum has a new exhibit, they want to talk about it. But what we discovered in the making of this episode is that when museums across the country are being forced by the federal government to *close* exhibits, museum people are much less excited to talk. But Cat Shteynberg was brave enough to join us.

CAT SHTEYNBERG (ASSISTANT DIRECTOR, CURATOR MCCLUNG MUSEUM): I'm the assistant director and curator of exhibitions at the McClung Museum, which is at the University of Tennessee here in Knoxville, Tennessee.  
  
SEAN: Now, per ProPublica’s reporting this past November, the University of Tennessee has the sixth largest collection of unrepatriated Native American remains in the country. So Cat’s kinda working at ground zero. We asked her what a stroll through the McClung Museum might have looked like in, say, 2019.

CAT: Yeah, I think you'd see what you'd see a lot of museums. I think you would see something that felt familiar, which was a very time-based narrative that sort of walks people through archeological practice. You would probably also, at that point, have seen belongings, which are funerary objects, and it would be focused on archeology, but not on Native perspectives.

SEAN: And then we asked her what it might look like now.

CAT: We actually had an exhibition that was about repatriation and was sort of focused on that removal of objects, that sort of emptiness. That exhibition opened in August of 2022, and it closed in December of 2023. So funny enough, if you were here in January – last month basically – that exhibit would’ve been gone already.

SEAN: We asked Cat how the McClung Museum went from focusing on the familiar to exhibiting emptiness.

CAT: So what happened is in 2019, we had a NAGPRA assessment of all of the archeological objects on display in our museum. And in August of 2021, our university's office repatriation invited 21 tribes associated with the state of Tennessee to a meeting to officially consult about the museum's Nagpra assessment of its exhibitions. And then in December of 2021, there was a virtual consultation. And at that time, tribes expressed their frustration that belongings or funerary objects were still on display. So from January to March of 2022, we took down 142 known belongings, as well as 164 belongings with limited provenance from view. And then we started putting together text that we thought would describe NAGPRA and repatriation to the public. So there's been a lot of great reporting lately that has brought repatriation to the fore. But for the average member of the public, they've still never heard of that law. And we decided to put the emptiness of our cases on display as a way to sort of make a point about that.

SEAN: So you're just displaying nothing?

CAT: <chortles> In some cases, yes. There was also a lot of text, maybe too much text. Now, looking back on it, but as you might imagine, explaining the complexities of the law, explaining basic concepts like sovereignty, how it's a civil rights issue. But there were a lot of empty cases, and there were a lot of cases that were simply covered because they had information that we knew was inappropriate or offensive to our tribal partners.

SEAN: When people come into the museum and see a lot of text, but maybe not a lot of artifacts or objects. Are they disappointed? What do you hear from people when they come in and see a sort of history lesson?

CAT: It's a mixed bag. I will say that certainly there were some people that didn't understand why we were doing it, didn't read the text, that we're disappointed that objects that had been there before had come down. But again, we felt like it was really important to be transparent about it. You know, a lot of museums are covering up spaces, but there still might not be some of these explanations of why that's happening. And we just felt that that would be more confusing in a lot of ways to leave the empty spaces, but to not have any explanation of why we were doing it.

SEAN: Hm. Did this approach of displaying blank space and lots of text explaining why people were seeing blank space, when you guys came up with that approach, did it feel radical? It's kind of like John Cage-y, right?

CAT: It did feel radical. Yeah. We were very influenced by another museum scholar whose name is Steven Lubar, and he had a Medium post called Exhibiting Absence that definitely influenced us. He was talking a lot about a lot of different situations in which museums might have to put the emptiness of a display sort of on display itself, like that's literally a part of the exhibition. And something else that really influenced me was there's a Chickasaw scholar and curator, her name is Heather Ahtone, and she developed a methodology called the Core Tenets of Indigenous Methodologies. And basically those would be respect, reciprocity, relationships and responsibility. You know, at that time, still sort of Covid times. We were thinking a lot about responsibility in the museum, responsibility to ourselves, responsibility to others, responsibility to our collections, and that sort of another gauge that we use to develop the exhibition.

SEAN: I haven't personally heard or read about this particular pushback in articles about NAGPRA, but are there people out there who say, ‘Hey, if you take all these things off display, you're robbing children, adults, whomever of, of education, on, on Native history,’ whatever it might be. And if so, what, what would you say to that museum visitor who maybe felt that way?

CAT: I think that the goal with all this work is to center and to share Native perspectives. And so everything that we do has to go back to that question is, are we centering Native perspectives here? And we need to do everything that we can to do that. So that can't just be one sided. I can't just be like, well, I need this data or I need this. And so I'm going to ignore the rest of this. Being ready to return belongings to Native communities has been a law for over 30 years. And so at some point, it feels very frustrating for folks to say, ‘Well, I don't, I don't like a federal law that was passed, you know, over thirty years ago.’ It's sort of a frustrating conversation to have.

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CAT: I will tell you, though, it still is a conversation that is had. And that's why I think so much attention has been drawn to it in the past few years, is because this still happens in museums and, you know, in institutions all the time. And this is a basic human rights conversation as well. And of course, it was after years and years of, you know, Native protest and activism that the law passed. And yeah, I guess at this point I don't really think that we need to revisit that.

SCORING BUMP

SEAN: That was Cat Shteynberg. She’s a curator at the McClung Museum of Natural History and Culture at the University of Tennessee in Knoxville. Our program today was produced by Laura Bullard and Hady Mawajdeh. We were edited by Matthew Collette, mixed by Rob Byers and David Herman, and fact checked by Kim Eggleston. Thanks, Kim! And thank *you* for listening to *Today, Explained*.

[10 SECONDS OF SILENCE]