Digitization as Repatriation?

The National Museum of the American Indian’s Fourth Museum Project

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Note: This paper will follow the convention found in many Native American–authored texts and in the press releases of NMAI of identifying tribal affiliation in parentheses after a personal name, as in Kevin Gover (Pawnee/Comanchee).

Abstract

On February 2, 2009, the Smithsonian’s National Museum of the American Indian (NMAI) announced the launch of its searchable online collection, part of an ongoing effort to digitize all of its artifacts and photographs. This event marked a milestone in the institution’s “Fourth Museum” project—a reference to the “museum without walls” that serves the public outside of its three facilities in New York, Maryland, and D.C. (NMAI, 2009). With a particular focus on the digitization of the museum’s photographic archives, this paper will situate the Fourth Museum in an historical context, and then explore the possibilities and problematic issues of making these materials available on the Internet.
**Introduction**

On February 2, 2009, the Smithsonian’s National Museum of the American Indian (NMAI) announced the launch of its searchable online collection, part of an ongoing effort to digitize all of its artifacts and photographs. This event marked a milestone in the institution’s “Fourth Museum” project—a reference to the “museum without walls” that serves the public outside of its three facilities in New York, Maryland, and D.C. (NMAI, 2009). With a particular focus on the digitization of the museum’s photographic archives, this essay situates the Fourth Museum in its historical context, and then explores the possibilities and problematic issues of making these materials available on the Internet.

**NMAI and NAGPRA**

The creation of the Fourth Museum is only the latest in a series of dramatic changes that NMAI has undergone in its ninety-three years of existence. NMAI began as the pet project of wealthy industrialist George G. Heye. The museum, arranged on the model of other established anthropology and natural history museums, displayed his personal collection of over 800,000 Native American artifacts purchased or collected on archaeological expeditions he financed. Many of the photographs were taken on these expeditions. The level of documentation of the acquisition of these objects varied, often depending on whether Heye purchased a large preexisting collection (in which case any prior documentation was often lost) or whether his field researchers collected the objects individually (in which case he required the inclusion of field notes) (Jacknis, 2008, p. 10).

Initially displayed at the University of Pennsylvania Museum of Archeology and Anthropology, Heye moved his collection to New York and formally founded the Museum of the American Indian as an independent entity in 1916. During the Great Depression and the Second World War, the museum fell into a period of stagnation and financial troubles that lasted until Heye’s death in 1956. These problems plagued successive directors over the next three decades. Frederick J. Dockstader, who served as director from 1960 to 1975, was accused of unethically deaccessioning and selling portions of the collection in order to fund new acquisitions (NMAI, n.d.).

Over the second half of the twentieth century, the fields of history and anthropology underwent radical changes; new historians presented the experiences and stories of underrepresented groups—told in their own words—as a challenge to the focus on the “Great Man” in history. Ethnographic observations of “exotic” cultures recorded by Westerners came into question. Politi-
cal activism was often tied into ethnic identity and representation; the Red Power movement, for example, sought greater respect and equal treatment for Native Americans. This shift towards multiculturalism affected the traditional conception of the museum as well. Many essays on the topic reflect a post-modern self-consciousness in the museum world, a desire to draw attention to the “constructedness” of the exhibit and give a voice to “members of the community represented in exhibitions,” in addition to the traditional voice of the curator (Lavine, 1991, p. 151).

In 1989, the Smithsonian Institution acquired the MAI, at which point “National” was appended to its title. The reopening of the museum reflected a fundamentally different attitude towards its collection — with W. Richard West Jr. (Southern Cheyenne) as director, the mission shifted towards collaborating with indigenous groups and documenting their contemporary lives as well as their history. This necessitated a change in almost all collection and exhibition policies. After shuttering the original location, the Smithsonian opened the George G. Heye Center in New York City in 1994 and the Cultural Resource Center in Suitland, Maryland in 1999. It has been the addition of the National Museum of the American Indian on the National Mall in Washington D.C., opened to the public in 2004, that has attracted the most attention, however, and generally mentions of the NMAI refer primarily to the exhibitions and facilities of this building. As noted by Ira Jacknis, the “new” NMAI is part of a larger trend of “ethnically marked museums,” although it differs in that most of these museums are not part of the Smithsonian or located on the Mall, e.g., the Japanese American National Museum in Los Angeles (Jacknis, 2008, p. 24). Thus the NMAI is more directly linked to the federal government both in terms of funding and geographic association than other museums of its genre.

The same year that the Smithsonian acquired NMAI and appointed its first Indian director, Congress passed the Native American Graves and Repatriation Act (NAGPRA), which mandates that all repositories receiving federal funds notify tribes of holdings of remains, funerary objects, or other important cultural artifacts and repatriate the objects to the tribe if members formally request their return. In some instances this has led to the repatriation of artifacts, and in some cases tribes have decided to let other institutions keep the artifacts because of better storage conditions. As Michael Brown notes, the Act has mostly been received by museum curators and the public as a positive development (2003). Yet others, primarily private collectors and artifact dealers, decry the law as “antithetical to the basis of Western culture” and a violation of church-state separation (Vincent, 2005, p. 35). Some of the debates over cultural property that have arisen in NAGPRA’s wake (Brown cites the example of the Zia Pueblo’s demands for reparations for the state of New Mexico’s use of their religious sun symbol in the state flag) have become thorny
issues demonstrating that conflicts over native ownership of artifacts, photographs, practices, and ideas are far from resolved (Brown, 2003, p. 70).

The Smithsonian is exempt from NAGPRA, falling instead under the National Museum of the American Indian Act of 1989, which requires the Smithsonian (already in the possession of 14,000 Indian remains before it acquired Heye’s collection) to inventory its human remains and funerary artifacts and, if requested, repatriate any that can be identified with a particular tribe (Public Law 101-185, 1989). Essentially, this Act is a shortened version of NAGPRA, which includes “sacred objects” and “cultural patrimony” as items that may be requested for repatriation (Public Law 101-601, 1990). Although not required to repatriate such objects, the NMAI Act states that the museum must give priority to Native American groups when lending objects or arranging traveling exhibitions.

Reactions to NMAI since the opening of the museum on the Mall in 2004 have been varied. Elizabeth Archuleta (Yaqui/Chicana) praises the web-like structure of exhibits as an expression of the non-linear storytelling tradition of the Pueblo, contradicting a writer from the Washington Post who likened the museum to a confusing “trade-show” (2008, p. 187). Sonya Atalay (Ojibwa), on the other hand, finds that the exhibits lack a sense of struggle or a sufficient critique of colonization (2008, pp. 266–289). Because of its history, its aims, and its relationships to the U.S. government and tribal governments, NMAI remains a site for criticism, discussion, and celebration.

West retired at the end of 2007. The current director of NMAI, Kevin Gover (Pawnee/Comanchee), has stated that he hopes the museum will become more of a center for scholarship and that the exhibits will be “more interactive” (Pogrebin, 2008). The Fourth Museum project is a large component of the mission to bring an interactive museum experience even to those who cannot visit the NMAI site in Washington.

Archives and Indigenous Cultures

The preceding section addresses NMAI’s collections from the perspective of museum studies; it is also informative to look at the Photographic Archives from an archival perspective. The same social changes that influenced the adoption of NAGPRA influenced the archival community as well; leftist historian Howard Zinn addressed the Society of American Archivists (SAA) in 1970, marking a new era of concern about the documentation of underrepresented groups and the power of the archive to control representation — and thus history. F. Gerald Ham, in his 1974 SAA presidential address, states, “archival holdings too often reflected narrow research interests rather than the broad spectrum of human experience” (1975, p. 8).

As William T. Hagan wrote shortly thereafter, “To be an Indian is having
non–Indians control the documents from which other non–Indians write their history “(1978, p. 135). He cites several challenges in rectifying this power imbalance: first, most archival records concerning Native Americans were created by white colonizers (agency reports, missionary’s diaries, and school records) who did not have the interest or cultural knowledge required to accurately represent these cultures. Secondly, the conception of the record varies greatly between Eurocentric western culture and indigenous cultures; there has long been a tendency to treat Indian nations as ahistorical and unchanging due to a lack of written records, when in fact history and traditional knowledge have been transmitted in non-paper-based forms. A handmade object that a museum curator considers an artifact may be seen as a record of traditional knowledge by its creator.

A third challenge comes from the tendency of mainstream America to regard Native American culture as monolithic. If such a thing were true, it would be much easier to develop a one-size-fits-all solution to the handling of Native American archival materials. Each tribe, however, may have a different response to questions of which records should be preserved, created, restricted, returned, or destroyed.

The development of tribal-run libraries, archives, and museums has been one response to the problem at hand; a recent directory lists over 150 such institutions (Arizona State Museum, 2005). The Institute of Museum and Library Services (IMLS) funded the first National Tribal Archives, Libraries, and Museums Conference in 2007, with another scheduled for October 2009 (Conference History, n.d.). Yet since it remains unlikely that these tribal archives will ever come into physical custody of all the records pertaining to their nation, strategies for non-tribal organizations holding Native American materials, including NMAI, are necessary.

The first coordinated effort to develop such strategies began in 2006, when nineteen Native American and non–Native American archivists, librarians, museum curators, historians, and anthropologists gathered to “identify best professional practices for culturally responsive care and use of American Indian archival material held by non-tribal organizations” (First Archivists Circle [FAC], 2007). The language and concepts were drawn in part from the Aboriginal and Torres Strait Islander Protocols for Libraries, Archives, and Information Services (2000).

The Protocols outline specific ways in which archivists (and the users of archives) and Native American communities can develop respectful working relationships that satisfy the needs of both groups. Recommendations include greater education on American Indian issues for librarians or archivists whose institutions hold related materials, providing increased context about the records to researchers, and collaboration with Native communities to develop special access policies for culturally sensitive materials.

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One important section addresses the implications of NAGPRA for archival materials. No courts have yet reviewed a case relating to the repatriation of documents rather than objects, but the Protocols describe how archivists may apply similar strategies to their own holdings that document Native American peoples. Possible actions include providing copies for community use and retention, allowing community control or co-custody of records in certain circumstances, and repatriating records that were illegally obtained or which pertain to repatriated objects or remains. Most provocatively, the Protocols ask archives to “[p]articipate in ‘knowledge repatriation.’ Who was the information intended to serve? What is the natural life cycle of the information?” (FAC, 2007).

The open-ended nature of such questions has clearly made some archivists uncomfortable. SAA has yet to formally endorse the Protocols, although a task force and a forum have been convened and will continue to meet for discussion at annual conferences at least through 2011. Comments from a 2008 report can help elucidate the response of various groups within the archival community. Many individuals and most SAA Roundtable groups support the continuing dialogue. However, committee members express concerns primarily about the language (the Reference, Access, and Outreach section requests a clarified definition of “culturally sensitive material”; the Privacy and Confidentiality Roundtable is concerned about the term “questionable use”) or how the Protocols relate to traditional archival theory (Boles, George-Shongo, & Weideman, 2008, p. 6). Some individual respondents are concerned that endorsement would set a precedent for “other racial, ethnic, or religious minorities [to] claim similar special privilege,” belying an assumption that all minority groups have an identical relationship to the dominant culture (Boles et al., 2008, pp. 10–11).

Such statements raise the question of whether the commentators fully understand the intent of the Protocols. Just as Hagan noted thirty years ago, Native American cultures are not a monolithic entity, and no stringently detailed policy could incorporate all perspectives. The Protocols do not demand that archivists restrict access to every sensitive document immediately (as some seem to fear). Rather, they provide guidelines for how the tribe and the archivists should collaborate to work out the best policy for the situation, which could be something as simple as including a note with the document stating the traditional restrictions, and allowing researchers to make their own decisions. One of the authors, David George-Shongo, Jr. (Seneca), has likened the Protocols to “a map as to how to get to a certain destination” (in a lecture given at the University of Pittsburgh School of Information Sciences on February 20, 2009). The endorsement of the Protocols by SAA would not force archivists into a specific course of action other than what develops organically from a respectful discussion. Although the continuing attention and dialogue generated by
the Working Group is perhaps more important than an official statement from SAA, the organization has nothing to lose by endorsing the Protocols.

Community input is a repeated theme in calls for similar models of participatory appraisal and arrangement for all multicultural archives (Shilton & Srinivasan, 2007). NMAI has certainly attempted to involve Native Americans in the design and content of exhibits in a way that seems to be in accordance with the Protocols, and states that it does not exhibit or photograph artifacts that are deemed sacred or inappropriate for display (Trescott, 2009). Photography, indeed, can be a particularly contested type of document. Who has more rights, the photographer or the subject? Is a photograph tantamount to evidence? How much contextual information should accompany the image? The online availability of NMAI’s Photo Archives adds another layer to these ethical questions.

**Digital Possibilities**

Merely days before the launch of NMAI’s searchable collections, Chris Anderson, editor-in-chief of Wired and author of The Long Tail, spoke to a group of Smithsonian staff and digital evangelists at an event called “Smithsonian 2.0.” His message to the Museum leaders was that “the best curators of any given artifact do not work here, and you do not know them.... Not only that, but you can’t find them. They can find you, but you can’t find them. The only way to find them is to put stuff out there and let them reveal themselves as being an expert” (Garreau, 2009). Although he was speaking to the Smithsonian Institution—“America’s Attic”—at large, these comments are particularly relevant to NMAI’s collections. Anne McMullen, chief curator of the Fourth Museum project, has described her efforts to uncover the names of some of the anonymous photographic subjects (Trescott, 2009). An approach based on soliciting information from users, such as described by Anderson, would both lessen the burden of this gargantuan task on the Smithsonian staff and create a more democratic, participatory descriptive process.

James Opp’s critique of the Arnold Lupson Photograph Collection provides a useful model for analyzing the effectiveness of online exhibits concerning indigenous groups. Through close examination of two photographs and their accompanying description, Opp finds that the online display preserves the language of the colonizer by retaining the original caption while obscuring its author and context (2007). At the same time, the ability to search the collection with keywords can lead to new juxtapositions that enhance the image.

This example (see next page) from NMAI’s website shows the issue of context is being taken seriously. To the right of the photo, the headings include

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the name of the photographer and the specification that he was non–Indian, as well as a paragraph about the provenance of the object. A survey conducted by NMAI in the planning stages of the project indicated that one of the main interests of museum visitors was more information on how the museum acquired its collections. This concern about provenance and context is reflected in the Protocols recommendation that institutions “[c]onsider the potential impact of worldwide digital access to resources once only available onsite at the collecting institution. Will the information be presented with sufficient context?” (FAC, 2007). Clicking on the “Contact” button on the top right of the screen brings the user to a form for providing or requesting more information about the image.

Much like any other image available on the Internet, a simple right-click over the picture allows the user to save it to his or her hard drive. What are the implications of this level of access? Users are able to manipulate the image at their will, anything as simple as reversing it from left to right to serious alterations of content in programs like Photoshop. The alteration of photographic images is nothing new — take the famous example of photographs of Stalin in which other subjects have been cropped out after they fell out of favor with the Soviet leader. And perhaps current generations have reached a threshold of skepticism, due to the prevalence of digitally altered images, so high that they no longer consider photographs a conclusive form of evidence. The fact remains that uploading the photographs to the website makes them more available to tamperers than ever before.
The images are also more available to the Native American communities with the most at stake in their exhibition. The Protocols recommend the development of “new models for shared stewardship and reciprocity” of cultural materials (FAC, 2007). The Smithsonian still owns the right to the image, but it has less control over what happens to the image after digitization than when a user had to request a print copy in person or through the mail. This diffuse loss of control is not the same as repatriating an object or document. Rather, it represents a new sort of negotiation between the institution, the document, and the documented subject. As Fiona Cameron has discussed, the rise of digital surrogates challenges long-held Western cultural beliefs about what is the real or authentic version of an object, and has the potential to “liberate digital historical objects from materialist sensibilities and categories of value accorded to them and engage new roles” (2007, p. 54).

And yet, perhaps this sense of newfound control is illusion. Has anything really changed? If the museum still controls the intellectual property rights to the image, stewardship is not shared with any other entity in the eyes of the law. In the view of George-Shongo, “Intellectual property is just the 21st century version of the ‘land rights’ issue in the 19th century” (in an email to the author, March 19, 2009). Theorizing about how the advent of digitization and the Internet will reshape culture should not blind us to considerations of the present day; greater access does not right every archival wrong.

**Conclusion**

Success of NMAI’s Fourth Museum project must be gauged not only through how many positive write-ups appear in the Washington Post, nor only through the judgments of theory-laden academic journals. Success must be defined by the level of user participation and engagement of tribal communities, as well as through the amount of context that is added to each object in the collection through visitors to the website.

In the coming years, NMAI has the chance to be at the forefront of developing new models of stewardship in the virtual realm. Although it challenges the traditional authoritative stance of the museum, NMAI should consider allowing users to self-publish commentary on the website (perhaps only after registering and creating a profile), a more efficient system than emailing comments through the web form and waiting weeks for a reply. The Museum and Archives have made no statements about how user-submitted information is incorporated into the photograph display or how long it takes archivists to evaluate the information.

Digital copyright and intellectual property are complex issues, and many question whether our current laws work in society’s best interest. Rapidly
changing technology affects how such laws are implemented. Important documents relating to indigenous cultural rights, such as UNESCO’s Convention for the Safeguarding of Intangible Cultural Heritage, have little to say about the particular challenges of preserving cultural heritage in a digital environment (2003). Even the Protocols themselves could have more guidelines relating specifically to Native American archival materials on the web. As more and more photographs, artifacts, and other types of documents and objects become available online through the Fourth Museum Project and other initiatives, it will become increasingly important for the First Archivists Circle to determine whether or not these digital surrogates have unique properties, as suggested by Fiona Cameron. More than ever, it is important that guidelines like the Protocols are treated as living documents, returned to and revised by the authors to reflect changes in both copyright/intellectual property legislation and in societal attitudes toward artifacts and cultural heritage. Still, the Protocols’ call for increased communication and mutual respect between archives and indigenous communities remains its ultimate mission. This same increased communication and participation is what NMAI must promote above all with its Fourth Museum Project.

References


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