

*Appendix K.* DEED OF GIFT / STATEMENT OF RETURN

**American Indian Ritual Object Repatriation Foundation**

463 East 57th Street, New York, NY 10022  
PHONE (212) 980-9441 • FAX (212) 421-2746

*Deed of Gift*

Donor \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Telephone (     ) \_\_\_\_\_

I hereby unconditionally give, transfer, assign, and deliver all of my and my heirs' rights, title, and interests (including copyrights, trademarks, related rights and/or literary rights) in and to the item(s) described below to the American Indian Ritual Object Repatriation Foundation ("AIRORF") as an unrestricted gift, and any and all copyrights, trademarks, related rights and/or literary rights in and to said item(s). I affirm that I own said item(s) and that to the best of my knowledge I have good and complete right, title and interest to give (including all copyright, trademark, related interests and/or literary rights), as aforesaid.

Signature of Donor \_\_\_\_\_ Date \_\_\_\_\_

ITEM	CONDITION	APPRAISED VALUE

AIRORF gratefully acknowledges receipt of the Deed of Gift and the item(s) set forth herein. In accepting this donation, AIRORF pledges to use its good offices and reasonable best efforts to repatriate the item(s) to \_\_\_\_\_ in accordance with requested ceremonial requirements. AIRORF will also transfer any copyrights, trademarks, related rights and/or literary rights with respect to the said item(s) to the aforesaid Tribe, as may be applicable.

Elizabeth A. Sackler, *President* \_\_\_\_\_ Date \_\_\_\_\_

American Indian Ritual Object Repatriation Foundation  
*AIRORF is a non-profit, non-federally funded organization chartered by the Board of Regents of the Education Department of the State of New York. Donations are tax deductible to the extent provided under the applicable law, but it is the donor's responsibility to secure the appraisals required by law to support the value of the gift.*



## *Appendix L*

Reprinted with permission from  
*American Indian Art Magazine, Spring 1994*

# Legal Briefs

Ron McCoy  
Tax Deductions for Donated Art

Back in 1913 the Sixteenth Amendment to the Constitution of the United States — granting Congress the power “to lay and collect taxes on incomes” — went into effect. And ever since, folks have been trying to figure out how to get around its effects.

For many years one of the most common taxpayer stratagems for achieving this goal relied upon engaging in a bit of philanthropy which aided both the giver of a gift and its recipient. This involved enumerating allowable deductions based on fair market value attached to works of art donated to museums and other eligible institutions. The value of these gifts was used to reduce the amount of taxable income (and the liabilities arising from it). After a recent hiatus donors of American Indian art may once again obtain tax deductions by donating works of art to museums and certain other institutions.

Beginning in 1917 the federal government bestowed its blessing upon the practice of taxpayers taking what is known as the charitable benefits deduction. The charitable benefits deduction works this way. You owe the government money in the form of taxes on your income. Few people willingly contribute to the Internal Revenue Service, though there is no choice other than running the risk of incurring some fearsome penalties. However, if your income happened to be less than the figure on the bottom on the tally sheet you would owe less money. The charitable benefits deduction provides a legitimate way of shrinking your total taxable income without actually losing money. Instead of paying the full amount of taxes for which you are initially liable to the government, you elect to offset the amount of income by presenting a gift to an eligible institution. In terms of American Indian art you might, for example, donate an 1870s-era Lakota war shirt to a museum. The monetary value of the war shirt is subtracted from your income, thereby reducing your tax liability.

The basic idea of the charitable benefits deduction made sense to Congress for many years,

the general feeling being that the cost-to-benefits ratio ultimately worked out for the public good. In other words, the amount of money which did not find its way into the U.S. Treasury’s coffers as a result of this practice was more than compensated for by the benefits the public as a whole experiences by obtaining access to otherwise sequestered material.

And so things went until 1986, when Congress decided to yet again reform the federal income tax code. Arguably, the most important task legislators faced involved locating additional sources of revenue for the government. One of the ways the politicians accomplished this difficult task was in making considerable noise about “closing the loopholes” and “eliminating tax breaks.” Believing it had located a slayable dragon, Congress virtually eliminated the charitable benefits deduction. I say “virtually eliminated” because the deduction was not actually abolished. But instead of deducting the true value of an object, a donor could now claim only the actual cost he or she paid for the piece.

This tinkering with the existing tax structure is definitely not what art collectors had in mind. What donors wanted was what they had since 1917: an opportunity to claim an appreciated property deduction. Say you purchased that 1870s-era Lakota war shirt in 1984 for \$20,000 and the piece is worth \$30,000 today. An IRS deduction of the \$20,000 you originally paid is okay, but a deduction of the shirt’s \$30,000 fair market value is a decidedly more alluring prospect, since you remove from your income column not only the \$20,000 you paid ten years ago but the \$10,000 appreciation acquired by the shirt in the intervening decade.

Such practices disappeared in 1987, when the new tax code took effect and abolished the appreciated property deduction for art. As a result, the relationship between collectors of American Indian art and museums cooled. The museums looking for additions to collections and the collectors from whom such additions might

come remained cordial enough, but the donors' well so heavily relied upon by museums pretty much dried up.

Then, in 1991, Congress backtracked by opening a brief window of opportunity for collectors eager to take advantage of the possibilities afforded by an appreciated property deduction. Until June 30, 1992 donors once again availed themselves of appreciated property deductions. So many collectors rushed to take advantage of this limited-time offer that it was revealed in a report on National Public Radio in January 1992 that during the previous year, the Smithsonian Institution's National Gallery of Art accepted more gifts of paintings than in the previous four years combined; donation to New York's Museum of Modern Art soared by four hundred percent; and those to its Metropolitan Museum of Art skyrocketed by eight hundred percent.

The story today is that the window Congress opened in 1917, shut in 1986, reopened in 1991 and slammed shut in 1992 now swings wide yet again.

Put succinctly, collectors of American Indian art may take appreciated property deductions for their donations to institutions declared eligible for such gifts by the IRS. What, exactly, are you able to deduct? The work of art's full, fair market value. (The law is retroactive to June 30, 1992; for gifts of stocks, bonds and real estate the retroactivity provision goes back to January 1, 1992.) In order to qualify for a full, fair market value deduction you must hold the piece for more than a year.

If you find these prospects of interest, definitely consult with the person who prepares your federal income tax forms, because certain restrictions apply. For example, if you claim a value of \$5,000 or more on the donated object you must obtain an appraisal from a qualified appraiser. That means someone without any financial interest in the piece, a person whose claim to expertise will withstand rigorous investigation. An appraisal of value by the person from whom you obtained the piece would likely trigger alarm bells with the IRS. Typically, you might seek out a member of the Appraisers Association of America or some other similarly prestigious body. By the way, fair market value does not mean what a dealer says the object sold for last week or might sell for this afternoon but a price established by a public auction sale within the past six months (or sometimes, lacking an example in this time period, the previous year).

Further, should the work's value exceed \$20,000, the appraisal could well end up on the agenda at a meeting of the IRS's Art Advisory Panel in Washington, D.C. I have not researched

the penalties involved in perpetrating fraud upon the IRS but it doesn't require a degree in nuclear physics to assume that they are probably stiff enough to change the quality of life as you now know it.

By the way, anyone contemplating donating American Indian art which incorporates parts of endangered species can continue dreaming because such objects have no fair market value since it's illegal to traffic in them. (See "Legal Briefs: Feathers" in *American Indian Art Magazine*, 16(3):20.)

The best course of action, if you feel you might be a candidate for an appreciated property deduction, is to visit with your accountant, locate a qualified appraiser untainted by association with previous art world shenanigans, and seek a conservative yet reasonable evaluation of the work's fair market value.

You might also wish to talk this over with the IRS. But be forewarned: I opted for that course while preparing this column (by dialing their toll-free advice number, (1-800-829-1040), only to be informed that, sure enough, a donation of a work of art to a museum could be taken — but only if the value attached to the donation was reduced by the amount of appreciation. (No wonder the IRS takes the position that it is not liable for advice dispensed by its employees.)

In point of fact, the federal government has once again embraced the idea that the public benefit gleaned from encouraging appreciated value deductions of works of art ultimately rebounds to the benefit of all. How long Congress will be so disposed, given the dwindling number of sources for substantial amounts of revenue, remains an open question. But for now, the good news greeting collectors of American Indian art and the museums which display such works is that appreciated value deductions are back.

*This column does not offer legal advice, nor should it be relied upon for such advice. Anyone who needs such advice should consult an attorney or, in the case of financial matters, a certified public accountant. Suggestions or comments relating to the column should be sent to the author in care of this magazine.*

## *Appendix M.* CORPORATE COLLECTIONS OF NATIVE AMERICAN ART

- ALCAN Aluminium, Montreal, Quebec  
American National Insurance Company, Galveston  
Architects Design Group, Orlando  
Arizona Bank, Phoenix  
Arnold & Porter, Attorneys at Law, Washington  
Atlantic Richfield Company, Los Angeles  
AVCO Financial Services, Irvine  
Bank of America Nevada, Las Vegas  
Band of California, San Francisco  
Bank of Montreal, Montreal  
Boise-Cascade, Boise  
Bumper Development Corporation, Calgary  
Canadian National Railway Company, Montreal  
The Chase Manhattan Bank, N.A., New York  
Cigna Corporation, Philadelphia  
Cincinnati Bell, Inc., Cincinnati  
Citicorp/Citibank, N.A., New York  
Coca-Cola Company, Atlanta  
Consolidated-Bathurst Inc, Montreal  
Continental Bank, Chicago  
Coopers and Lybrand, Detroit  
Crestar, Richmond  
Crown Life Insurance Company, Toronto  
Dayton-Hudson Corporation, Minneapolis  
Deere and Company, Moline  
Enron Corporation, Houston  
Favell Corporation, Klamath Falls  
Fayette Bank and Trust Company, Uniontown  
Fortis Benefits Insurance Company, Kansas City  
The Great-West Life Assurance Co, Winnipeg  
Gulf States Paper Corporation, Tuscaloosa  
Hiram Walker, Inc, Windsor  
Hyatt Regency Bethesda, Bethesda  
Inland Associates, Inc, Olathe  
International Minerals & Chemical Corp. Northbrook  
Iroquois Brands, Ltd, Greenwich  
Kaiser Permanente, Sacramento  
KeyCorp, Albany  
Kraft General Foods, White Plains  
John Labatt Limited, London  
Ladner Downs, Vancouver  
Leanin' Tree, Inc., Boulder  
Lewis and Roca, Phoenix  
McDonald Systems of Australia, Sydney  
Mesa Inc., Amarillo  
Microsoft Corporation, Redmond  
Minnesota Mutual Life Insurance Company, St. Paul  
Mobil Corporation, New York  
National Bank of Alaska, Anchorage  
Neiman-Marcus, Dallas  
Nestle Foods, Purchase  
Northern Trust Company, Chicago  
Norwest Bank Omaha, N.A., Omaha  
Nova, An Alberta Corporation, Calgary  
Novacor Chemicals (Canada) Ltd., Sarnia  
Oppenheimer & Company Inc, New York  
Opus Corporation, Minneapolis  
Otero Savings and Loan Association, Colorado Springs  
Pacific Bell, San Ramon  
Patterson-Schwartz & Associates, Wilmington  
KPMG Peat Marwick, Philadelphia  
Phillip Morris Companies Inc, New York  
Phillips Petroleum Company, Bartlesville  
Phoenix Double Tree Suites, Phoenix  
Phoenix Newspapers, Inc, Phoenix  
Port Authority of New York & New Jersey, New York  
Prudential Insurance Company of America, Newark  
Rodale Press, Inc, Emmaus  
Rothmans of Pall Mall Canada, Don Mills  
SAFECO Insurance Company, Seattle  
Salt River Project, Phoenix  
Security Pacific Corporation, Los Angeles  
Sheraton Seattle Hotel and Towers, Seattle  
SmithKline Beecham Corporation, Philadelphia  
SmithKline Beecham, Middlesex  
South Florida Savings, Ft. Lauderdale  
Southeast Bank, N.A., Miami  
Stone Jessup, P.C., Tulsa  
Taylor Machine Works, Louisville  
Texas Commerce Bancshares, Houston  
Toronto Dominion Bank, Toronto, Ontario  
U.S. West, Englewood  
United Missouri Bancshares, Inc, Kansas City  
United States Tobacco Company, Nashville  
Valley National Bank of Arizona, Phoenix  
Wells Fargo Bank, Los Angeles  
Westinghouse Electric Corporation, Pittsburgh

Reprinted courtesy of *ARTnews International Directory of Corporate Art Collections*, 1993-94 Edition.

© Copyright 1993, International Art Alliance, Inc. and ARTnews Associates

*Appendix N.* AUCTION INFORMATION  
(Updated 2003)

**AMERICAN INDIAN ART MAGAZINE**  
7314 East Osborn Drive  
Scottsdale, AZ 85251

**BUTTERFIELD**  
220 San Bruno Avenue  
San Francisco, California 94103  
(415) 861-7500  
[www.ebayliveauctions.com](http://www.ebayliveauctions.com)

**CHRISTIE'S**  
53 Old Santa Fe Trail  
New York, NY 10022  
(212) 546-1000  
[www.christies.com](http://www.christies.com)

**EBAY**  
[www.ebay.com](http://www.ebay.com)

**SKINNER**  
357 Main Street  
Bolton, Massachusetts 01740  
(978) 779-6241  
[www.skinnerinc.com](http://www.skinnerinc.com)

**THE INDIAN TRADER**  
311 Aztec Ave.  
Gallup, New Mexico 87305  
(505) 722-6694

## HAUDENOSAUNEE RECLAIM THEIR HERITAGE

# Sacred Masks Go Back to Tribe

By Amei Wallach

STAFF WRITER

**T**HEY ARE COUNTRY PEOPLE, these upstate New York Indians of the Haudenosaunee, the tribal name for the Iroquois confederacy. They are sitting around a large table, carefully passing around three carved wooden masks, touching, examining, quietly conferring and joshing one another about how they can improvise the essential sacred ritual of fire and homecoming to empower these masks, here in the middle of midtown Manhattan.

"Maybe we should burn the furniture," someone laughs. But the furniture is steel and glass, here in the offices of The American Indian Ritual Object Repatriation Foundation. The group of 20 Indians, representing five of the six Haudenosaunee nations are here on the eve of Thanksgiving to celebrate an awe-struck and precedent-setting moment of triumph. For the first time in decades of trying, they have rescued from the commercial market some of the sacred

masks that they view, not as objects, but as living spirits. The three masks that Elizabeth Sackler, founder of Repatriation Foundation, returned to them, in a simple Coke-and-cookies ceremony on Monday night, are masks of the False Face Society. And if this week's trip to the National Museum of the American Indian in the Bronx is also successful, the masks are only the first of the sacred materials that will be returned to them.

"They were taken from our elders; they are alive today and have been since the beginning of time," says Chief Emerson Webster. "It just makes me happy that someone agrees these three are sacred and belong to us and gave them back."

The most recent story of the three False Face masks begins last May, when Peter Jemison, an artist

Please see MASKS on Page 101

# Masks Returned

MASKS from Page 65

who is chairman of the Haudenosaunee standing committee on burial rules and regulations, and a small group of Haudenosaunee, having failed to persuade Sotheby's to withdraw four False Face Masks from sale, showed up at the auction. When the first mask was held up for bidding to begin, the Indians filed silently to the front of the auction house. None of the masks sold.

"When we sat down, the auctioneer said, 'We do sell crucifixes,' in a low tone," remembers Jemison.

But Sackler knew well that to American Indians, sacred masks are hardly objects, like crosses, but living ancestors. She had first encountered this fierce belief when Sotheby's tried to sell Kachina masks over the protests of the Hopi in May of 1991. Sackler bought the masks and formed the Repatriation Foundation to facilitate the return of other sacred materials. So after last summer's auction, she contacted lawyers for the collectors who had tried to sell the masks, and commenced the negotiations that prompted the owner of three of the masks to donate them to the foundation in return for a tax deduction. And on Monday, her 10-year-old son, Michael Sackler-Berner, watched as she and Webster signed the document returning the masks to the Haudenosaunee. "I'm signing, folks. It's happening, they're coming back to you," she announces.

Now there is the strange, acrid smell of smoke from the patio. And afterwards, Philip Thompson, a Seneca Nation elder in a blue baseball cap with "Washington, D.C." on it, says, "These will be medicine back home. They got the power; I just gave them the power out there."

Lynn Harlan, a Cherokee who is collections manager at the Museum of the American Indian, had already

spent the day with this delegation, going over materials at the museum's research branch. Under the federal 1990 Repatriation Act, museums had until Nov. 16 of this year to prepare lists of tribal materials in their collections so Indians can determine what they want to examine for possible return. As a Cherokee, Harlan is trying to care for sacred objects in the museum's collection in traditional ways — but how do you present a mask with sage, and not attract cockroaches?

"If you ask any Haudenosaunee how to care for their things, they always say: 'Send them home,' " she says. "We feel ceremonial materials are our relatives, part of our tribes. It would be the same as me taking Michael from Liz and her coming to take him back. These are members of our families."

**There are more than 200 False Face Masks at the National Museum, and thousands of other sacred objects. In its new incarnation as a Smithsonian Museum, half the staff of the useum is American Indian. In the bad old days, the director invited collectors like Dick Cavett to prowl the stacks and make an offer on things to buy. Now, Ray Gonyea, a Seneca, is repatriation coordinator at the museum. The message is the museum is ready to set a precedent returning countless numbers of objects to over 300 tribes.**

"The whole frame of mind of the community has changed," Gonyea says at the museum the next day. "I think it's a sign of the times. There was civil rights legislation, affirmative action. People are looking at each other differently; as equals, as people. I've been in the museums for thirty years, and I remember in the old days nobody would even listen."

And back at the Repatriation Foundation on Monday night, a door opens, spilling light onto 57th street, and the Haudenosaunee emerge, carrying a cardboard carton. And suddenly there's a whoop, a war-whoop in the movies. Only nobody's at war: this is pure triumph. ■

## American Indian Ritual Object Repatriation Foundation

February 25, 1994

BOARD OF TRUSTEES

Elizabeth Sackler  
President

Marilyn Youngbird  
Arikara/Hidatsa  
Vice President

Walter Echo-Hawk, Esq.  
Pawnee

Michael S. Haney  
Seminole/Sioux

Carol Master, M.D.

Franc Menusan  
Creek/Metis

Sheri Sandler, M.A.

Martin Sullivan, Ph.D.

ADVISOR

Richard Hill, Sr.  
Tuscarora

FOUNDING TRUSTEE

Reuben Snake, Jr.  
Winnebago (1937-1993)

Mr. Michael D. Kokin  
Sherwood's Spirit of America  
325 N. Beverly Drive  
Beverly Hills, CA 90210

Dear Mr. Kokin,

I had an opportunity to meet Denise Vigue from the Oneida Nation in Washington, D.C. a few weeks ago at a Repatriation Seminar sponsored by the National Museum of the American Indian. She recently wrote to us regarding her communications with you about the lot of eight masks which are up for sale at Sherwood's Spirit of America.

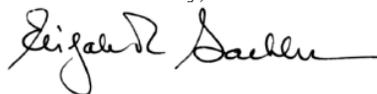
I write to you now to introduce the American Indian Ritual Object Repatriation Foundation and our availability as a liaison and conduit for circumstances such as these. It is the mission of the Foundation to repatriate sacred materials to Native peoples. As a non-profit foundation, Provisionally Chartered by the State of New York with the 501(c)3 IRS status, we are able to offer to donors and contributors tax deductions allowable by law.

Denise has expressed to us your interest in seeing the masks returned to the Oneida. I extend to you the opportunity to take the advantages that a donation to us would offer you, and with our assurance that they will be returned to the Oneida. In part, I formed this foundation to assist in the repatriation of sacred ceremonial materials whose presence in the art market is painful and sacrilegious to those peoples to whom they once belonged. Indeed, it is also inappropriate for them to pay for them.

I am enclosing a November 1993 article in *New York Newsday* which reported our successful return of three masks to the Seneca and would like to point out that the owners of the masks requested confidentiality – in fact all correspondence and deeds of gift were signed by an agent. Collectors often prefer anonymity. However, I can assure you that stories of successful private repatriation, such as this, are much sought by newspapers and media. They are “feel-good” stories and there are not many around these days. If you decide to return the masks through the Foundation I am certain that reporters would be eager to interview you. Setting a standard and being an exemplary model for an art market whose values and ethical standards have been questioned, is a wonderful opportunity.

Enclosed are our brochure, a copy of our deed of gift for your information, and the *NewsDay* article about the Seneca masks. If you are interested in taking this route, please do not hesitate to call me or Kate Morris, our Outreach Coordinator.

Sincerely,



Elizabeth Sackler  
President

Encl

cc: Denise Vigue



## *Appendix Q.* A BRIEF GUIDE TO MUSEUMS ORGANIZATION, COLLECTIONS, RECORDS, AND MISTAKES

A basic understanding of how museums and similar institutions work is needed in order to identify and recover materials under P.L. 101-601. However, organizations differ from one another in many ways. In addition, the practices associated with acquiring and maintaining collections have changed through time, even within single institutions. This short summary attempts to outline some of the terms and distinctions associated with museum organization and collections management.

### KINDS OF ORGANIZATIONS

Most organizations that report possession of materials covered by NAGPRA will fall into one of several basic types:

#### *Institutional Setting*

##### MUSEUMS

Museums are multi-functional, and tend to include not just collections management but also public programs and research efforts. The relative emphasis given these activities varies. Museums include:

**Private Museums**, which may range from small organizations preserving single private collections to very large endowed institutions;

**Museums in Educational Institutions**, which may be administered by universities, colleges, or (very rarely) private secondary schools;

**Government Museums**, which include the Smithsonian Institution but also many state and local establishments.

##### REPOSITORIES

Repositories are usually associated with government agencies, serving entirely to maintain collections and having little or no direct involvement in public programs.

##### OTHER

Some other kinds of organizations — for example, libraries — have through the years acquired materials subject to repatriation under NAGPRA. Sometimes these organizations have transferred materials to museums or repositories for repatriation, since they feel that they lack the information and expertise needed to conduct repatriation independently.

*Focus* The subject focus of an organization may be:

**Art**, with and without a specific focus on Native American arts;

**Anthropology**, emphasizing either archaeological or ethnographic materials;

**Natural History**, emphasizing natural sciences but often including a strong anthropological focus;

**History**, often including Native American collections of both prehistoric and historic origin.

#### *Implications*

The structure, priorities, policy, procedures, and approach of museums and repositories are shaped by their functions and institutional settings. Therefore, each of the kinds of organizations described above will be different experiences for tribal representatives involved in repatriation consultations. In addition, the size of museums can greatly affect the interaction that can be expected as well as the kinds of collections that will be encountered. An anthropology museum, for example, often houses large collections of archaeological materials that have been inventoried in groups according to research categories. An art museum seldom contains collections of this kind, and all objects are normally individually catalogued.

## MUSEUM STAFF

Museum staffs include a variety of specialties. Those of most immediate interest to tribal representatives include:

**Directors**, who are responsible for overall management of the institution;

**Executive or administrative committees or boards**, which exist in many museums to advise the director; normally made up of members of the professional staff;

**Trustees or regents**, members of boards legally responsible for many museums and similar institutions; trustees are more common in private institutions, while regents are typically associated with educational institutions;

**Curators**, professional staff, not all of whom are actually engaged in curating collections; many curators specialize in areas such as research, exhibit development, and so forth;

**Registrars**, who are responsible for collections record-keeping; these individuals will have an important role in repatriation activities;

**Conservators**, who are specialists in the preservation of objects and records; and

**Repatriation coordinators**, a new title normally drawn from the ranks of existing institutional curators, who work with the various parts of the museum involved in repatriation and try to insure that museum compliance and communication between the museum and tribal representatives proceeds smoothly and effectively.

## OWNERSHIP OF COLLECTIONS

NAGPRA establishes guidelines for determining whether institutions have valid ownership of collections in their possession. These relate to the validity of the original alienation of the property and, therefore, to the kind of object in question. NAGPRA also establishes classes of ownership that are subject to this statute: materials from federal and tribal lands, and materials "owned" by organizations receiving federal funding are covered.

However, underlying these distinctions are others that will affect any tribe making repatriation claims. Some organizations "own" all or almost all of the material in their collections; other organizations hold large collections of material that are the property of other organizations or even of individuals.

The Arizona State Museum, for example, has many objects that are the property of the State of Arizona; these are the collections regarded as "owned" by ASM. However, many of our collections are held in repository status for some other organization. Federal and local agencies use ASM and similar institutions as repositories, as do a number of tribal governments. While federal and local agencies that use museums as repositories have usually entered into formal agreements about the relationship between the agencies and the museums, tribal governments often have not.

## KINDS OF COLLECTIONS

Collections are organized differently at every institution. The following are categories that frequently identify significant groups or materials within the overall institutional collection. Supporting any of these materials may be a highly variable assemblage of documentation regarded as collections records, rather than collections in themselves.

### *Source Identifiers*

Terms that identify the source of materials curated by institutions include:

**Ethnographic**: obtained from living individuals or groups; not obtained through archaeological methods such as excavation or surface collection;

**Contemporary**: very recent materials usually identified separately from ethnographic collections only in art museums; anthropological museums would include very recent materials in ethnographic collections;

**Archaeological:** obtained by archaeological methods such as excavation or surface collection;

**Historic:** associated with a period during which there was direct contact with European cultures;

**Protohistoric:** associated with a period during which there was indirect influence from European cultures, without significant direct contact;

**Prehistoric:** associated with periods prior to any influence from European cultures.

All of these terms are related to the **provenience** or **provenance** of an object, the place and time where the object was originally found, excavated, or obtained. Provenience information will often be critically important in making NAGPRA claims.

### *Kind of Material*

Institutional collections take many forms, and are not made up entirely of artifacts. The following list summarizes some major categories of collections:

A **library** includes published materials and sometimes unpublished materials;

**Archives:** may or may not be included within libraries; archives contain unpublished materials other than objects, including:

**Documents**, which normally may not include anything available in published form; includes field records of both ethnographic and archaeological research as well as letters, institutional non-research records, and so forth;

**Tapes and records:** sound recordings of music, interviews with individuals or groups, and so forth, on tape or in some other format; institutions may not be certain of content of many of these if they are in a native language, so cataloging information may be sketchy; and

**Photographic archives**, which include negatives, prints, and slides that may date back to the very early days of photography showing native individuals and groups, activities, and settlements; archeological excavations in progress; objects from the collections; events in the history of the institution; individuals associated with the institution.

**Object collections**, which incorporate collections that may be:

**Osteological**, normally referring only to human remains;

**Faunal**, principally osteological (composed of skeletal material) but confined to remains of non-human species; and

**Artifactual**, the man-made objects most commonly thought of as elements in museum collections, and those that are of direct concern in NAGPRA consultations.

### *Curatorial Classification and Processes*

Curators classify collections according to their function in the institution and according to the kinds of records maintained. Materials that could be subject to repatriation could be found in a variety of different classifications. There is some variation in terminology, but the following identifies some common terminology.

**Catalogued** collections are those that have some special individual significance and are individually itemized and recorded. In some institutions, virtually all collections are “catalogued,” while in organizations having large archaeological collections much of the material is usually found in a different class of material that is inventoried in significantly less detail.

**Research** collections are usually those obtained from archaeological undertakings and inventories and maintained in groups rather than as individual objects. These objects are seldom of interest for exhibit purposes, but may include many items subject to repatriation. Most sherds (broken pottery), lithics (stone objects), and many other items can be found in this type of curatorial class.

**Teaching** collections represent a relatively small amount of material used for routine educational purposes, and probably selected for lack of special research value.

**Type collections** are carefully selected to represent typical examples of significant types of objects, for example pottery types.

**Loan collections** (whether loaned to or from a particular institution) represent a special kind of problem for repatriation. Especially in the past, parts of single collections were often sent to a variety of institutions under “permanent loan” arrangements, without expectation that they would ever be returned to the original organization.

**Survey collections** are confined to materials collected on the surface of the ground, and normally consist of relatively small quantities of fragmentary objects.

## COMMON MUSEUM TERMS

**Accessioning** is the process of inventorying material that is in the possession of the museum on a long-term basis. It normally does not presume ownership of those materials, but is simply a record-keeping process.

**Curation** refers to the overall process of caring for collections of all kinds.

**Analysis** is easily the most misunderstood word in repatriation consultations; it does not necessarily imply any destructive activities, but refers to any process used to find out more about an object, whether harmless or destructive.

**Inventory** is sometimes almost indistinguishable from accessioning, on the one hand, and analysis, on the other. It is associated with record-keeping objectives rather than detailed study, as in the case of the inventories to be submitted to tribes by museums under NAGPRA.

**Loan**, as previously suggested, can become an odd term in the hands of museum personnel, indicating a short-term use of material outside the organization for exhibit or research, short-term storage of material pending permanent donation by a collector or other institution, or permanent removal of objects to another institution. Some materials “loaned” by American museums to their European counterparts before the turn of the century, for example, were destroyed by World War II bombing raids in Europe many decades after the initial loans.

## CONDITION OF RECORDS AND COLLECTIONS

It is often assumed that all museums have good records on everything in their collections, accurately identifying the function of the object, its physical characteristics, place of origin, how the object was acquired, legal ownership of land if obtained from excavations, permit records for archaeological collections, documentation of legal transfer if material was donated or purchased, and so forth. Regrettably this is not true.

Many institutions holding collections are very old, and standards of research and curation have changed enormously over the years. Materials acquired recently are accompanied by all of the expected information, and more. Materials acquired in the past may be only marginally documented.

In many cases, publications or museums records indicate that material was once in the care of the organization, but is now “lost,” “transferred,” “disposed of,” “loaned,” or otherwise sent to some unknown location, long ago. In such cases, it may never be possible to locate the material in question.

*Appendix R*

**American Association of Museums  
FORUM: Native American Collections and Repatriation  
October, 1992**

Written for museum personnel, and described by the American Association of Museums as follows:

Reviews those portions of NAGPRA that most directly affect museums. This Forum also examines issues that will impact collections management of Native American materials long after compliance has been achieved: consultation with Native American groups, documentation, access, care, display, and more.

\$15.00 plus \$6.00 shipping/handling

All orders must be prepaid. Checks, Mastercard, Visa, purchase order.

American Association of Museums  
Department 4002  
Washington, D.C. 20042-4002  
(202) 289-9127