

Policy Development for Museums: A First Nations Perspective

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“First Nations people will treat museum people and policy with respect even though respect was not reciprocated for most of the first five hundred years of contact.”

DR. ATLEO of the Nuuchah Nulth nation was born on the West Coast of Vancouver Island at Ahousat, British Columbia in 1939. The name “Atleo,” translated as “Twisted Branch,” refers to the rope used to tow whales captured by his ancestors who were Whaling chiefs. He spent twelve years in the Alberni Indian Residential School and graduated from the Alberni Senior Secondary School in 1959. His Bachelor of Arts, Master of Education, and Doctor of Education (the first doctorate awarded a native Indian of British Columbia) were all received from the University of British Columbia through regular programs without the aid of special support designed for native students. His thesis title was “Grade 12 Enrolments of Status Indians in British Columbia: 1949-1985.” In the past he has been a teacher and principal at the elementary school level and a lecturer at the college and university level. Currently he is conducting a major native education research project in British Columbia initiated by the Native Brotherhood of British Columbia.

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Museums that contain First Nations heritage require policy that will address issues of repatriation. Repatriation is a child of self-determination and cultural revival, both of which are contemporary, world-wide phenomena. Self-determination, which includes the right to self-identity, or the right to possess and name one's own images, is a driving force for cultural revival. Although cultural practices have been modified over time to suit changing social, political, and economic conditions, the cultural assumptions of First Nations cultures, it is argued, remains essentially the same. Cultural assumptions are not usually articulated and may be expressed as a worldview. For example, a basic assumption that the universe is essentially relational, interconnected, and holistic will generate different behaviours and attitudes toward the environment than a view which sees the universe made up of unrelated bits of reality. The former worldview encourages an attitude of respect for all life while the latter worldview may encourage an attitude toward the environment of non-respect.

These assumptions of culture are also clearly translated into social attitudes and behaviours. The relational worldview translates into an attitude which sees the smallest social unit as the extended family, whereas the other worldview translates logically into an attitude which sees the smallest social unit as the individual. Operating within the latter worldview, social scientists today have no practical method of balancing the requirements of individual freedom while meeting the requirements of the group. Yet First Nations societies practised a balance between individual and group rights long before it became a matter of general academic discussion in the old world. Thus, while the contemporary First Nations people may appear to differ little in outward behaviours from other Canadians, their internal assumptions of culture may still be fundamentally different from the prevailing assumptions of Western culture.

In addition to repatriation being a child of self-determination and cultural revival, it may also be said that repatriation is indirectly a child of a major error in judgement, in prognostication. Cole (1985) observed that the rationale for collecting First Nations artifacts during the end of the last century was the notion of a dying race, the vanishing Indian. He states:

Anthropological collecting had special impetus behind it: the realization that time was essential, that civilization was everywhere pushing the primitive to the wall, destroying the material culture and even extinguishing the native stock itself. Once the culture of these people was gone, wrote Adolf Bastian, the most gloomy of museum sages, it could not be recalled to fill gaps required by an inductive ethnological science. This sense of urgency, this notion of a scientific mission was a constant theme of nineteenth- and early twentieth-century anthropology. "In a few years it will be impossible," wrote John Wesley Powell, "to study our North American Indians in their primitive history." Stewart Culin decided that his archeology could wait; things could be left in the ground for later excavators, "but the Indian — as a savage — is soon to disappear" and "there will soon be nothing left upon the reservations." (Cole 1985, p. 287)

Rather than disappear, the "primitives and savages" began to increase in population during the first half of the twentieth century. Then during the late 1960s and early 1970s these primitives and savages rose up along with indigenous peoples all over the world and demanded freedom from their colonial masters (Barman, Hebert & McCaskill 1987). With both a growing population and a growing sense of self-determination resulting in cultural revival, the error in judgement, in prognostication about the vanishing people, helped to create museums to hold indigenous collections which, in turn, indirectly created the contemporary issue of repatriation.

In attempts to arrive at museological policy that might be acceptable to both the museum and the First Nations communities, it remains to propose a methodology. The methodology is suggested by a theory of context proposed in Atleo's 1990 doctoral dissertation at the University of British Columbia. The concept of context is not new, but its articulation into a testable theory is new. The theory of context proposes that society is an entity that directly and indirectly affects its individual parts. The corollary is that the response of the individual parts to prevailing societal conditions is important.

FIGURE 1

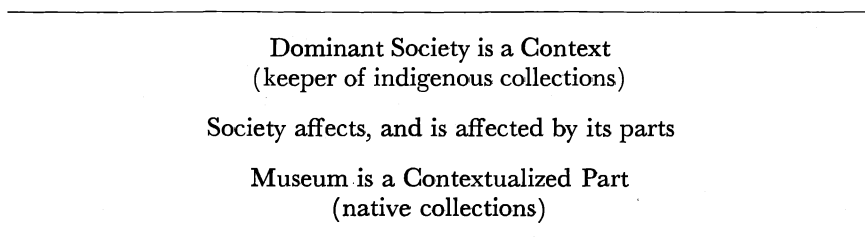


Figure 1 is a simple illustration of the theory of context implying an interconnected, holistic, and relational view which reflects a First Nations perspective of reality. The dominant society refers to Canadian society as one entity, while the museum is one of its individual parts. Contained or contextualized within the museum are native collections representing First Nations heritage. The dominant society owns the concept of museology, while the First Nations people own the heritage represented in the relevant collections. There is no ambiguity about the meaning of ownership when it is defined by source and creation. The concept of museology is sourced in, and created by, the dominant society, while the concept of indigenous cultural property is sourced in, and created by, in this case, First Nations people. It is precisely the ownership of heritage and ownership of relevant collections that characterize the issue of repatriation. Under what conditions did First Nations heritage pass into collectors' hands? Were the social, political, economic, and hence psychological conditions unfairly in favour of collectors?

Repatriation demands an appropriate line of examination which will incorporate its historical roots. The theory of context is especially useful for examinations that must account for historical events in order to understand contemporary issues.

If a time line is drawn representing the period 1875 to 1990, one can

depict related activities of society and its relevant parts. Figure 2 illustrates the point.

FIGURE 2

Prevailing Conditions of Society Over Time

1875.....1990

Indigenous peoples considered primitive and savage.

Theory of evolution applied to indigenous peoples.

Primitives are disappearing so collections urgent!

Native declines until — 1915 — then population begins increase.

No laws to protect cultural property — Boas robs graves with impunity.

1951 Indian Act — protects some cultural property.

1875 to roughly 1970

the prevailing social climate towards First Nations people is exclusive. Moreover First Nations people are subjected continually to deliberate attempts at cultural genocide. First Nations people are coaxed to give up cultural property by collectors and missionaries who threaten hellfire and damnation if such property is retained.

1970 onwards — cultural revival takes place. Repatriation is an issue

Evidently the European did not hold First Nations people to be either equal or fully human but perceived them to be lower on an imaginary evolutionary scale. The theory of evolution is important to the issue of repatriation because it encouraged an attitude of disrespect towards First Nations people. If First Nations people were not highly valued as humans their artifacts were highly valued as scientific curiosities. Although ethnologists today deny the application of the theory of evolution to First Nations people, there has been very little scholarly work to show that precontact peoples were as human as any other human, including the European. In fact, there is reason to believe that precontact peoples and societies were much more complex than First Nations peoples and societies today. For

example, precontact peoples on the coast each had to hold within their memories for ready use thousands of facts and data in several areas of human activity at the same time. It was necessary to know thousands of place names, thousands of people's names, untold thousands of biological names, untold thousands of rules and regulations about different rituals and traditions, untold numbers of stories and songs, and a great many other things. Today, the external world has increased in technological complexity, but the internal world of the First Nations person has been radically reduced. There is no need to remember thousands of place names any more because one need only buy a map or guide book. In fact, if one lacks data, one can buy it, and if one lacks skill one can buy that too. Precontact peoples did not have such options and had to acquire facts, data, and skills to maintain their cultures. What is interesting about this line of reasoning is that it runs counter to the theory of evolution as it was first proposed by Darwin. In validation of the theory of evolution, in 1904 at the St. Louis World Exposition, First Nations people, along with other indigenous people from around the world, were put on display as living examples (Cole 1985). This display of human flesh as theoretical validations was done in spite of contributions made to the Western world by this same flesh. The old world, as it was known then, was invigorated by a wealth of nutritious new foods found in the new world. Although new foods were eventually acceptable in the old world, First Nations medicines were not. It has been said that scientists today have not discovered any medicinal plant in North America that was unknown to First Nations people (Cohen 1952). Arguments like these indicate that traditional precontact First Nations societies were not only human but may have evolved from complex to simple. It is evident that First Nations societies have lost much of their ancient knowledge, the practice of which astonished some of the more discerning first European visitors.

The implication is that the so called primitives and savages were not primitives and savages, but victims of a theoretical error. If the theory of evolution has any validity (and there are sound arguments against its validity, one of which is the second law of thermodynamics and its notions of entropy), it apparently does not apply to precontact First Nations people. Indigenous peoples simply expressed their lives differently from Europeans. As the European began to dominate First Nations people socially, politically, and economically, the devaluation of indigenous peoples attributable to the theory of evolution eventually produced what has since become known as "the Indian problem." The Hawthorn Report of 1966 and 1967 provides some insight into the social, political, and economic problems en-

capsulated in the phrase "the Indian problem." The significance of these historical data to repatriation may be explained in the light of the theory of context.

The theory of context holds that the prevailing attitudes and practices of a dominant society toward a minority are associated with concomitant attitudes and practices of that minority. In general, therefore, when society has negative attitudes and practices toward a minority, these negative attitudes and practices may be expected to be associated with negative attitudes and practices within the minority. For example, if a dominant society considers a minority to be lazy, then it is expected that that minority will also consider itself to be lazy. This simple proposition is evidently true when the historical relationship between the Euro-Canadian and First Nations people is examined.

An obvious question at this point is to ask how cultural property might have been treated in general if indigenous peoples were properly viewed as human beings equal to Europeans instead of as primitives and savages who were not considered equal. A related question is to ask how Europeans treat each other's cultural property. It may be assumed that human beings that respect each other as human beings will also respect human cultural property.

The implication is that respect between human beings suggests guidelines for museum policy. The following section will serve as examples.

MUSEUM POLICY SUGGESTIONS

Human Remains

The Criminal Code of Canada, section 182(b), reads as follows:

Every one who improperly or indecently interferes with or offers any indignity to a dead human body or human remains, whether buried or not, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years. R.S.,C.C-34,S.178.

The suggested museum policy is that all human remains be treated at all times with dignity and respect.

Discussion — In practice there is no ambiguity attributed to the meaning of "dignity and respect" in the Western world. Under ordinary circumstances, European human remains are accorded respectful burials without scientific research ever being raised as an issue. If scientific research and human remains are not an issue in Europe, then they should not be an issue anywhere else. It should be elementary and self-evident that scientific research was created to serve the human being and not vice versa. Scientific

research has neither existence nor value by itself, for it is the human being who provides both.

Eternal and universal respect for human remains does not preclude scientific research of the same. Where scientific research of human remains is to be done, the research from inception to conclusion should be guided by the value of respect. The Criminal Code of Canada and research guidelines developed by ethics committees at institutions of higher learning may define more particularly respectful treatment of human remains.

But what of human remains that have long been held in institutions for the purpose of scientific research? The suggested policy above is still applicable. In the course of human affairs what kind of treatment is applied when one group moves from a position of disrespect to a position of respect for another group? The treatment applied to human beings and their remains would be consistent with criminal law and ethics committee guidelines.

For example, *where the direct descendants of human remains are known, the treatment of the human remains should be determined by these descendants. If the direct descendants decide that the human remains should be buried, then the remains must be buried lest a prosecution ensue under the Criminal Code.*

Scientific research at the expense of human dignity devalues the human. Devaluation of a human is destructive. The holocaust during the Second World War and the treatment of blacks in South Africa today attest clearly to the destructiveness of disrespect between human groups. First Nations people here in Canada have been devalued as human beings, and the consequences have been disastrous to First Nations families and communities. So complete has been the effects of the devaluation of First Nations people that they rank first in all the social ills, including suicide, incarceration, drug addiction, alcoholism, family dysfunctions, and failure within the educational system.

Where human remains that have long been held for research purposes in institutions have no known or traceable descendants, then the state should assume responsibility.

The state has already assumed responsibility for the treatment of the deceased in its Criminal Code, and it may be recommended that the state extend its code to include the treatment of human remains of indeterminate heritage. The rationale for so extending the Criminal Code is that the treatment of human remains reflects the treatment of human beings. Where human beings have been devalued, as were the First Nations people through such phrases as "primitive savages" and "wild barbarians," their graves could be robbed with impunity in the name of scientific research

(Cole 1985). Museum policy that “has always been concerned with the study and portrayal of human achievements from around the world” (MOA, 1982) would itself mark a human achievement by adopting guidelines which encourage respectful treatment of all human remains irrespective of time and heritage.

Cultural Property

The revised Indian Act of 1951 and the Indian Act of 1985 make some provisions for the protection of indigenous cultural property, namely,

- (a) an Indian grave house,
- (b) a carved grave pole,
- (c) a totem pole,
- (d) a carved house post, or
- (e) a rock embellished with paintings or carvings.

This legislation does not apply to cultural properties “that are manufactured for sale by Indians” (Indian Act 1951). There are two observations to be made about the legislation, and each observation has implications which will be discussed.

The first observation is that legislation was seen necessary to protect the sale of certain cultural property. The second observation related to the contextual conditions of society necessitating this legislation. Atleo’s (1990) thesis indicates that the prevailing social, political, and economic conditions in which First Nations people were contextualized during the time of the 1951 enactment were negative or exclusive. The meaning of exclusion refers to the condition of a dominant society, which by its power excludes a minority group from normal participation within the life of that society. At the same time as a minority is being excluded, the dominant society may also desire to acquire the cultural property of this minority in order to “research the objects and entertain the public.” Under such conditions of exclusion and powerlessness it appeared necessary to legislate the protection of some cultural property. What is pertinent to current museological policy in this discussion is that there seems sound reason to believe that, in general, First Nations people may have been under unreasonable psychological, social, and economic pressure to sell cultural property that was not manufactured for sale. In this sense of the discussion about repatriation, it is not merely a legal matter but also extralegal. Although there are laws to protect contemporary consumers from unreasonable sales pressures, there are no laws (except the limited and specific legislation cited above) to protect mi-

nority groups who may have suffered unreasonable pressures over generations to sell cultural property. There is ample evidence of missionary aggression against the “evils” of indigenous cultural property between 1875 until perhaps the end of the 1960s. The influence of the missionaries was great enough to cause the Canadian Parliament to enact legislation against the potlatch, which was one cultural expression and vehicle for the use of cultural property. The legislation against the potlatch was rescinded in the revised Indian Act of 1951, but other negative societal forces against First Nations people continued until well into the 1970s (Dosman 1972, Friesen 1985, Moran 1988, Atleo 1990). The Hawthorn Report of Indian Conditions in Canada (1966, 1967) describes the prevailing negative attitudes of Canadian society toward First Nations people during this period. In addition to negative societal attitudes the First Nations people also faced a devaluation of their humanity in school curriculum. Since the first policy statements about First Nations education penned by a Jesuit missionary in 1634 until 1973, attempts at cultural genocide characterized the education of First Nations people. There seems no question that First Nations people lived under conditions of pressures and influences that could be described as unreasonable. If this is the case then the extralegal measure, in the interest of fairness that characterizes modern consumer law, museum policy must acknowledge that some of its First Nations collections were probably acquired under conditions unfair to First Nations people. Therefore the following policy is suggested.

Where cultural property was acquired under conditions of unfairness to First Nations people, and where First Nations people make a reasonable verifiable claim for repatriation, the onus of proof shall rest with the museum that the claim is conclusively invalid. Where the museum is unable to conclusively prove invalidity, the cultural property shall be repatriated under conditions which are fair according to the economic position of First Nations claimants.

Discussion — The suggested policy above is biased if viewed without historical context. The theory of context will help to explain. Figure 3 illustrates the point.

FIGURE 3

Balancing Contextual Conditions Over Time

1875-1970	1970 onwards
Cultural property purchased under conditions biased in favour of dominant society	Cultural property repatriated under conditions biased in favour of First Nations people

When the purchase of cultural property and its repatriation is viewed in the context of different conditions over time, the rationale for the policy suggestion becomes clearer. The policy suggestion finds its precedent in current consumer protection laws which allow consumers to return certain purchases if the consumer realizes later that the article purchased is not really wanted. In the case of First Nations cultural property the psychological, social, and economic pressures to sell have, only recently, been lessened. Pressures to sell in British Columbia, for example, have existed for two hundred years. Would it not be fair to set a statute of limitations kind of policy at two hundred years in British Columbia?

Cultural property was purchased between 1875 and 1970 under economic conditions very favourable to the dominant society. Repatriation policy should therefore reflect an inverse situation in order to balance biases perpetrated in the past. Hence it is possible that repatriation may bring current market value to a museum if the claimant is wealthy enough, or if a claimant is poor repatriation may bring its original purchase price. The policy suggestion is that repatriation take place irrespective of economic capability of the claimant.

If the above policy suggestion is accepted will it mean wholesale chaos for museums? Will museums experience an overwhelming demand for most of its indigenous collections? The theory of context predicts that such a policy will not elicit unreasonable demands from First Nations people. The fear that First Nations people will respond unreasonably to the above policy suggestion is rooted in the notions of primitivism, savagery, and barbarism. Each of these terms was initially used to describe tribal groups thought to be without laws and morals. Laws and morals were thought the exclusive prerogative of the superior European. Indigenous peoples have never been without laws and morals. Anarchy has always resulted in swift destruction. Laws and morals are the antithesis of anarchy, savagery, and barbarism. In general, it has been noted by Kluckhohn (1949), Fuchs & Havighurst (1973), Sealy (1973), DeFaveri (1984), and others that North American indigenous peoples have a different view of reality from the Western world. The difference is important. Indigenous people seem to see reality as being composed of one whole in which all is connected, interrelated, and infused with sacred life by a Creator. One powerful value that is inevitable from this view of reality is that all life forms are respected because not to respect a life form was not to respect its Creator. This view of reality is still very much a part of First Nations cultures today. Another inevitable value created from this view of reality is to see the necessity for harmony in life. As the human body made up of many organs seeks to

harmonize the whole, so too does the universe made up of many parts seek to harmonize the whole. One of the laws that promote harmony is that of generosity. Explorers remarked upon the generosity of even the poorest First Nations people, and in fact the Montagnais chastised their French allies for not sharing with their French citizens in their own country but permitting their poor to starve in their civilized cities. Many other First Nations values might be remarked upon, but these two will suffice for the purpose of this discussion. These two values of respect and generosity were present upon European contact in 1492, and they are still present in First Nations communities today. The theory of context prediction is that changing social, political, and economic conditions have not been able to dislodge these values for five hundred years and they are not likely to be dislodged in the next five hundred years. First Nations people will treat museum people and policy with respect even though respect was not reciprocated for most of the first five hundred years of contact. Of course these arguments do not dispel fears based upon individual statements made by individual First Nations people who may have said “museums should give everything back.” Such statements have been made and perhaps always will be made so long as museums remain to remind us of the horrors of our colonial past. Such radical statements are not without some rationale. However, First Nations values embedded firmly within their assumptions of culture preclude any radical attitudes and practices in general. In other words, exceptions to the general rule, even when uttered by a First Nations leader, are not likely to prevail. The reason is the prevalence of the value of non-interference (a natural and logical consequence of respect for all life forms) within First Nations communities which means that radical individual ideas usually has little effect (interference) upon values held by the group.

A Reasonable, Verifiable Repatriation Claim

Although the suggested policies above are biased in favour of First Nations claimants, there are some guidelines that would be reasonable to establish a verifiable repatriation claim. These may be listed as the following:

- Verify that claimant A is in fact claimant A.
- Verify that the cultural property being claimed is the correct one.
- Verify that the cultural property being claimed belongs to the claimant with at least two witnesses other than the claimant.
- Verify ability of a successful claimant to pay if payment necessary.

Since it is not unreasonable for museums to establish ownership where ownership is in dispute, the following guideline is suggested.

Where ownership of cultural property being claimed for repatriation is in dispute between alleged owners, the museum cannot act on the claim until the ownership dispute is resolved by the claimants.

Where the dispute involves allegations that the cultural property was sold illegally and where sufficient evidence of ownership, and evidence that the cultural property was likely sold illegally or inadvertently is shown by the claimant(s), then the burden of proof that it was not sold illegally should rest with the museum.

Where a repatriation claim is apparently successful for the claimant(s), a public notice of claim shall be sent to the relevant band and/or tribal council for public viewing for a period of four months(?) in order that other possible claimants for the same cultural property in dispute may have an opportunity to come forward.

In fact, as soon as a repatriation claim has a reasonable base of information, it is recommended that a public notice of claim be sent to the relevant band and/or tribal council.

Summary

Repatriation is a contemporary issue rooted in recent colonial history. Misconceptions continue to abound and hamper relationships. Much of First Nations cultural property was acquired for museums under conditions that modern consumer law prohibits. Injustices of the past which can be corrected today are worth correcting simply because it is the right thing to do. Repatriation of First Nations cultural property as outlined here is a statement of respect and an opportunity to promote a little healing in the country.

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Box Of Darkness

Doctors, curators, anthropologists,
Photographers, art historians, directors.
They've created the "renaissance";
They're the Renaissance persons.

They argue, pontificate, posit,
Hypothesize, theorize, assert, affirm,
Maintain, declare, confirm, ratify,
Present, contend, propose, indicate,
State, put forward, announce, validate,
Verify, corroborate, prove, substantiate,
Debate, avow, state, reveal, make clear,
Enlighten, inform, explain, proclaim,
Clarify, imply, deny, establish,
They claim, they take.

These are not the friends of "the Indian;"
These are The Friends of the Museum.
These are the goldiggers, gravediggers.
These are the new colonists.

They show our most treasured . . .
They reveal our sacred symbols.
They undress our spirits.
No chief has as warm a fire.

Not ours such hospitality.
Not ours to display, to pickle,
To interpret.
Or not.

Lately the rule is, "Don't interpret!"
It's all art now.
But that's an interpretation,
Not ours.

Sure, they can find a token taker,
Or two.
Brown mouths mouthing white words;
Brown faces posing for promotional shots.

“We are striking up a new relationship
With the First Nations Peoples.”
“We are questioning our role in . . .”
“What we have here is the Native voice”

What you have there is
A reservation for symbols.
No dancing spirits reveal themselves
There.

Your hallowed halls are hollow.
You strive for pithy strident
Statements revealing a story,
Not yours.

You have the money;
You lack wealth.
You have the food,
And no servers to offer it.

Concrete, glass, video camera.
Visible, and invisible, Indians,
First Nations people.
In fact, you have control.
Sort of.

Voices without songs to sing;
Dancing robes and masks without dancers.
Symbols without spirits.

You live and work in our graveyard.
Picking the last remnants of flesh and blood
From my mother's bones.
This is your secret, not mine.
Don't offer me candy for silence.

Take your sweaty palm from my face;
Stand where I can see you.
Take your plastic defender's mask off.
The masquerade is stale, finished.

Let the political prisoners you hold,
Let them go.
Let me batter down your walls,
And set you free of your own
Captivity.

Crimes against the self,
Crimes against others,
Crimes against the state,
Crimes against Humanity,
Crimes against all Creation,
Which of these
Is the greatest?