

Repatriation Reader

Who Owns American Indian Remains?

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Repatriation at the Pueblo of Zuni

Diverse Solutions to Complex Problems

The Pueblo of Zuni has been actively involved in the repatriation of cultural property and human remains since 1977, long before the passage of the Native American Graves Protection and Repatriation Act of 1990.¹ Several key elements of the Zuni position regarding repatriation were incorporated into the act. The Zuni War Gods were mentioned by name as an exemplar of cultural patrimony to be covered by the law during the Senate hearings that preceded its passage.² During the last eighteen years it has become clear that repatriation is not a monolithic issue, even where the cultural concerns of a single tribe are considered. While the Pueblo of Zuni has sought repatriation of some materials to resolve problems defined by tribal religious leaders, it also has declined or deferred the repatriation of other materials.

The complexity of repatriation issues at the Pueblo of Zuni is illustrated by comparing the tribe's effort to recover stolen *Abayu:da* (Zuni War Gods) with its approach to the management of other cultural property and human remains. The rationale and the diverse approaches employed by the Pueblo of Zuni demonstrate why the Zuni Tribe seeks a case-by-case resolution of repatriation issues. Since other tribes and museums are currently grappling with many of the issues the Pueblo of Zuni already has addressed, Zuni activities can provide instructive examples of successful repatriation. The Zuni experience with repatriation should be examined by everyone interested in NAGPRA's implementation.

The Repatriation of Abayu:da

Abayu:da are twin deities with great power. They are associated with prowess and physical skill, and they also serve as protectors of the Zuni people.

Many non-Zunis refer to *Abayu:da* as “War Gods,” but their role in Zuni culture encompasses a much wider range of concerns than simply war. Images of the *Abayu:da* are created in the form of cylindrical wood sculptures at the winter solstice and for the less frequent ceremonies held to initiate new Bow Priests or commemorate the Bow Priesthood. Members of the Deer Clan cooperate in the creation of *Uyuyewi*, the elder brother War God, while members of the Bear Clan undertake the creation of *Ma’a’sewi*, the younger brother. The term *Abayu:da* refers to the twin gods collectively or to a single God in a generic context. After their creation, the *Abayu:da* are entrusted to Bow Priests who install them at two of a series of shrines surrounding Zuni Pueblo determined by a ritual sequence of rotation. When the newly created *Abayu:da* are set in the shrines they replace the previously installed deities, which are respectfully placed on an adjacent pile of “retired” War Gods. These retired *Abayu:da* retain an important role in Zuni ritual. All *Abayu:da* are to remain at their shrines exposed to natural elements until they disintegrate and return to the earth.

Over the last century many *Abayu:da* have been removed from their shrines. Some were taken in the belief that they were discarded and had no further value to the Zuni people; others were knowingly stolen to sell to museums or art collectors. Once removed from their shrines, the *Abayu:da* cannot be supplicated by Zuni religious leaders. The Zuni people believe the removal of the War Gods causes war, violence, and natural disasters.³ By the 1970s the removal of *Abayu:da* from Zuni lands had resulted in such severe problems that Zuni religious leaders decided action was needed to remedy the situation.

In 1978 the leaders of the Deer and Bear Clans and the Bow Priests reached a consensus on how to resolve the problems created by the wrongful removal of *Abayu:da*—all of the War Gods removed from Zuni lands must be returned to their shrines. In quick succession the Zuni Tribe requested the return of *Abayu:da* from the Denver Art Museum, the Smithsonian Institution’s National Museum of Natural History, and an auction at Sotheby Parke-Bernet in New York City. The Zuni Tribal Council enacted Tribal Resolution No. M70-78-991 recognizing the decision-making authority of the Zuni religious leaders regarding sacred artifacts and formally committing the tribal council to provide administrative assistance in negotiating with outside institutions. Technical assistance from attorneys at the Indian Pueblo Legal Services and anthropologists at the Zuni Archaeology Program was used to define and articulate the legal and historical issues that formed the basis of the Zunis’ request for repatriation of the *Abayu:da*.⁴

Three basic principles were articulated: (1) the *Abayu:da* are commu-

nally owned; (2) no one has the authority to remove them from their shrines, therefore any *Abayu:da* removed from its shrine has been stolen or illegally removed; and (3) the *Abayu:da* need to be returned to their proper place in the ongoing Zuni religion. Anthropological research showed that these principles have a long historical continuity. Their expression in modern legal terms was not simply a recent conceptualization. The effort to recover an *Abayu:da* from auction at Sotheby Parke-Bernet in New York was based on a legal theory invoking 18 U.S.C. § 1163, a federal law that makes it a criminal act to possess stolen tribal property. Given that the *Abayu:da* are communally owned, the Zuni Tribe maintains they are tribal property covered by 18 U.S.C. § 1163. Since this legal theory has never been tested in litigation involving the *Abayu:da*, no legal precedent has been established in its use with respect to cultural property. In retrospect, however, it seems that a number of institutions and private collectors thought the theory was strong enough that they did not want legally to contest the Zunis in pre-NAGPRA requests for repatriation.

For cultural and political reasons the Zunis preferred to approach museums on ethical and humanitarian grounds, saving litigation as a last resort that, it turned out, was never needed. In Zuni culture a reasonable person with a grievance goes to an adversary four times to attempt a peaceable resolution of the problem. Only after this good-faith attempt at resolution is made should stronger action be taken. This cultural precept was applied to museums and other parties, and as a result the Zunis phrased their initial requests for the return of *Abayu:da* primarily in humanistic rather than legal terms. Other factors involved in determining the fundamental approach to repatriation stemmed from the realization that many of the ongoing problems with the theft of cultural property are tied to an illicit art market. Museums can potentially play an important role in educating private collectors about the ethics of not collecting or trafficking in stolen artifacts. In addition, the Pueblo of Zuni had a long-term goal of instituting a tribal museum and cultural center and did not want to alienate the established museums that the tribe hoped eventually would provide technical assistance and loans of appropriate material.⁵

After repatriation of the *Abayu:da* from the auction at Sotheby Parke-Bernet, several meetings were held between the Zuni Tribe and the Denver Art Museum. In 1980 the Denver Art Museum decided to return the three *Abayu:da* in its collection, formally recognizing that the Zunis considered the *Abayu:da* to be an animate deity crucial to the performance of their religion rather than a symbol or art object and that as communal property the *Abayu:da* could not have been legally sold or given away. Soon thereafter

Table 1
Abayu:da Repatriated to the Pueblo of Zuni

Year	Institution or Collection	Number
1978	private collection, Sotheby Parke-Bernet auction	1
1980	Denver Art Museum	3
1980	Wheelwright Museum	2
1980	Museum of New Mexico	4
1981	Millicent Rogers Museum	1
1981	University of Iowa Museum of Art	1
1984	private collection, Tucson, Arizona	1
1985	Tulsa Zoological Society	1
1987	Smithsonian Institution, National Museum of Natural History	2
1987	Morningstar Gallery, Santa Fe, New Mexico	2
1988	Warhol collection, Sotheby Parke-Bernet auction	1
1988	Beloit College, Logan Museum of Anthropology	3
1988	Milwaukee Public Museum	2
1989	Southwest Museum	2
1990	Redrock State Park, Gallup, New Mexico	2
1990	Winnipeg Art Gallery, Winnipeg, Canada	1
1990	American Museum of Natural History	1
1990	Museum of the American Indian, Heye Foundation	2
1990	Hudson Museum, University of Maine	1
1990	Alvin Abrams/First Philadelphia Corporation collection	1
1990	Lowie Museum of Anthropology, University of California, Berkeley	1
1990	private collection, San Francisco	1
1990	Taylor Museum, Colorado Springs Fine Arts Center	1
1990	Arizona State Museum, University of Arizona	1
1990	Pauline Kivea, private collection, Santa Fe, New Mexico	1
1990	Courtney Sale Ross and Steven J. Ross collection, New York	1
1990	University Museum, University of Pennsylvania	1
1991	Denver Museum of Natural History	6
1991	Public Museum of Grand Rapids	1
1991	Ramona Morris, private collection, Woodside, California	1
1991	Rick Dillingham, private collection, Santa Fe, New Mexico	1
1991	Nelson-Atkins Museum of Art, Kansas City, Missouri	1
1991	Brooklyn Museum	13
1991	San Diego Museum of Man	1
1991	Lois Flury collection, Seattle	2
1991	North Carolina Museum of Art, Raleigh	1
1992	anonymous private collector (sent to tribal building)	1
1992	Chicago Art Institute	1
1993	Peabody Museum of Archaeology & Ethnology, Harvard University	1
1993	Portland Art Museum	1

Table 1
Continued

Year	Institution or Collection	Number
1993	Iowa Natural History Museum	1
1994	Rex Arrowsmith, private collection, Santa Fe, New Mexico	2
1994	Tad Anderman, private collection, Corrales, New Mexico	1
1994	Will Hershey, private collection, California	1
1994	anonymous private collection	2
1995	Metropolitan Museum of Art	1
Total		80

three museums in New Mexico voluntarily returned seven *Abayu:da*, and two institutions in Iowa and Oklahoma voluntarily returned another two *Abayu:da*. In addition, a private collector in Arizona also voluntarily returned an *Abayu:da* (table 1).

The Zuni Tribe's negotiation for the repatriation of two *Abayu:da* from the Smithsonian Institution's National Museum of Natural History took nine years.⁶ This negotiation entailed numerous meetings at the Smithsonian Institution and Zuni Pueblo, copious correspondence, and the preparation of extensive reports by both the museum and the tribe. The Smithsonian agreed in principle relatively early in the process that the museum did not and could not have legal title to the *Abayu:da* and would therefore return them. The protracted nature of the negotiations was due in large measure to the Smithsonian's request to broaden the negotiation from a specific request for the *Abayu:da* to a more comprehensive set of recommendations from Zuni that could be used to manage the entire Zuni collection.

This was a genuine and well-intentioned attempt to sustain a dialogue and deal comprehensively with an entire collection. The Smithsonian Institution funded a delegation of Zuni religious leaders who spent three days at the National Museum of Natural History in 1978 examining the Zuni collection and conferring with museum officials (figure 1). At first the idea of making comprehensive recommendations about the entire Zuni collection seemed bureaucratically efficient, but over the years a lack of consensus at Zuni about the classification and disposition of much of the cultural property made it difficult to make decisions. In addition to the two clans and the Bow Priesthood that had requested the repatriation of the *Abayu:da*, every religious organization at Zuni had to be consulted, including six kivas, twelve medicine societies, and a number of other clans and priesthoods. In 1987 the Smithsonian Institution decided to return the *Abayu:da* and agreed with the Pueblo of Zuni to table all further discussion



Figure 1. Edmund J. Ladd, Allen Kallestewa, Alonzo Hustito, and Chester Mahooty examine the curation of Zuni cultural property at the National Museum of Natural History, Smithsonian Institution, in 1978. Photograph by and courtesy of T. J. Ferguson.

until such time that the Zuni Tribe reopened negotiations. NAGPRA has now superseded that agreement and will necessitate further consideration of the issues at Zuni Pueblo.⁷

Several things are striking in the Zuni experience with the National Museum of Natural History. First is the great expense of the negotiation. The administrative cost of correspondence, archiving of documents, transfer of activities between tribal council administrations, meetings, and travel placed a serious burden on the meager resources of the tribe. This precluded initiating negotiations with other museums. The Zuni Tribe wanted to finish what it had begun with one museum before starting negotiations with other institutions. Throughout the period of negotiation with the Smithsonian Institution, the Zuni Tribe continued to respond to other museums and private collectors who voluntarily offered to repatriate *Abayu:da*. It was not until the War Gods were returned from the National Museum of Natural History in 1987, however, that the Zunis mounted a comprehensive campaign to recover all *Abayu:da* that can be found.

This campaign was initiated in 1988 after the Zunis blocked a second attempt by Sotheby Parke-Bernet to auction an *Abayu:da*, recovering the artifact offered for sale by the Warhol Foundation.⁸ The United States Department of Justice provided legal counsel for the Zuni Tribe in this endeavor. In addition, in 1988 the Logan Museum of Anthropology and the Milwaukee Public Museum voluntarily returned five *Abayu:da*. These repatriations fueled interest at the Pueblo of Zuni in developing a coordinated effort to recover *Abayu:da*, an effort that would avoid repeatedly having to prove and reprove the basic facts that justify repatriation.

At the beginning of this campaign the Zuni Tribal Council requested that the Institute of the North American West prepare a report that summarized the history of the tribe's repatriation of *Abayu:da* from 1977 to 1988 and provide a list of all *Abayu:da* known to be in museums and private collections.⁹ This report was intended to provide the Tribal Council with the information needed to secure legal representation from the Department of Justice. Although the Zunis were committed to requesting that museums return *Abayu:da* for religious and humanitarian reasons, the tribe recognized that deaccessioning museum artifacts is always a legal process. The Zuni Tribal Council thought it best to have parity in repatriation negotiations: if museums had legal counsel, so should the tribe.

In 1989, as a result of inquiries made during research for the report requested by the Zuni Tribal Council, the Southwest Museum decided to repatriate the two *Abayu:da* remaining in its collection. Upon completion of the Institute of the North American West's report to the Zuni Tribal Council, the Department of the Interior's Office of the Field Solicitor decided to act as the tribe's legal counsel, calling upon the Department of Justice only when its assistance was needed to recover *Abayu:da* from private collections. At the request of the Zuni Tribe, the Institute of the North American West continued to contribute professional assistance from 1989 to 1995, even though the Office of the Field Solicitor and the Zuni Tribe could not pay for these services.

Repatriation of *Abayu:da* after NAGPRA

The passage of NAGPRA in 1990 added momentum to the Zunis' campaign to repatriate War Gods. Since 1990, fifty-four *Abayu:da* have been repatriated from thirty-two museums and private collectors (table 1). In 1990 and 1991 there was a substantial increase in the number of parties returning *Abayu:da* (figure 2). This was due in part to the fact that many museums sought to establish repatriation procedures in their institutions by negotiating the return of War Gods to the Zuni Tribe. Staff members at several museums ac-

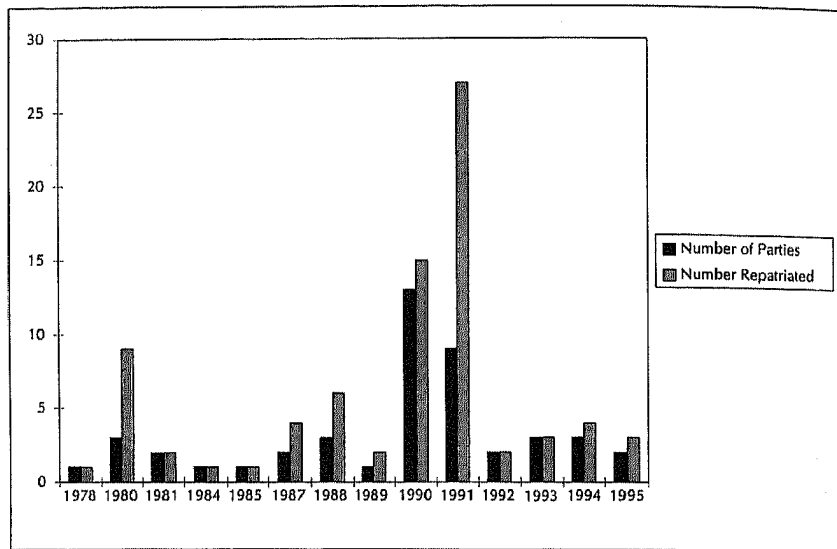


Figure 2. Number of parties returning *Abayu:da* (filled bars) and number of repatriated *Abayu:da* (unfilled bars), 1978–95, by year.

knowledge that they chose to do this because the issues were well-defined, the Zunis have a reputation for being reasonable in negotiations, and the museums wanted to develop procedures in a nonconfrontational setting. The Pueblo of Zuni is well known among museum professionals as a tribe committed to resolving issues in a manner mutually satisfying to all parties. The Zuni Tribe has established this reputation at the same time it has steadfastly maintained that the repatriation of *Abayu:da* is the only acceptable solution to the spiritual problems of concern to tribal religious leaders.

The success of the Zuni Tribe in repatriating *Abayu:da* is due in large measure to its concentrated efforts, its quiet approach which has stressed gentle yet persuasive dialogue rather than confrontation, and its willingness to explain its concerns to non-Indians.¹⁰ The Pueblo of Zuni has made substantial progress toward achieving its goal of recovering all its stolen *Abayu:da*. Since 1978 a total of eighty *Abayu:da* have been returned in forty-six transfers. To date, all the *Abayu:da* the tribe knows about in the United States have either been recovered or their return currently is being negotiated. The tribe anticipates there are other *Abayu:da* in museums and private collections in the United States and intends to pursue these repatriations as they are discovered. In addition, one *Abayu:da* has been returned from a foreign art museum, and the Zunis are beginning to pursue additional international repatriations.

Recovery of War Gods from Private Collectors

NAGPRA's passage clearly has helped the Zunis obtain their goals of repatriating the *Abayu:da*. Private collectors and art dealers with *Abayu:da* removed from Zuni prior to the passage of NAGPRA, however, are not bound by the provisions of that law. The Zunis have continued to seek the return of *Abayu:da* from private parties using a humanitarian rationale in their initial contact with the collectors. In letters and other communication with private collectors, the Zuni Tribe has presented a persuasive case for why the *Abayu:da* should be returned. Many collectors responded favorably on this basis alone and immediately returned the *Abayu:da*. Since 1990 the Zunis have recovered fifteen *Abayu:da* from twelve collectors, bringing the total number of War Gods repatriated from private collectors since 1978 to twenty.

Since 1990 only a few collectors have refused to immediately return *Abayu:da* upon receiving a request from the Zuni Tribal Council. These collectors needed additional encouragement from the Zuni Tribe's legal counsel, who provided that impetus by beginning the preliminary procedures needed to litigate the issues if the *Abayu:da* were not returned. When collectors seemed disinclined to voluntarily return *Abayu:da*, the Zuni Tribal Council has urged the Office of the Field Solicitor to seek assistance from the Department of Justice in applying 18 U.S.C. § 1163 in the recovery of the War Gods. As in the period preceding NAGPRA, no private collector confronted with the Zuni's legal theory has wanted to challenge the Zuni Tribe in litigation, so the use of 18 U.S.C. § 1163 as a legal precedent remains untested. Even so, given the relatively weak penalties associated with violation of NAGPRA, 18 U.S.C. § 1163 remains a potentially useful tool for tribes seeking to recover communally owned cultural property stolen from tribal lands.

Diversity of Needs, Diversity of Approaches

Both institutions and tribes will, by necessity, develop a diversity of approaches in implementing repatriation. Institutional approaches will vary for many reasons, including the philosophical and political views of the governing bodies and staff, differing charters and bylaws, and differential access to the resources needed to support repatriation. These variables, along with diverse cultural factors, also will affect how individual tribes approach repatriation.

The diversity of approaches that can be taken with respect to repatriation are illustrated by the various ways the *Abayu:da* have been returned to the



Figure 3. Bow Priest Perry Tsadiasi leaves the Laboratory of Anthropology, Museum of New Mexico, in Santa Fe following transfer of *Abayu:da* repatriated by the North Carolina Museum of Art and a private collector in 1991. Edmund J. Ladd is visible in the doorway. Photograph by and courtesy of T. J. Ferguson.

Pueblo of Zuni. Some museums, like the Museum of New Mexico, the Wheelwright Museum, the Southwest Museum, and the Denver Museum of Natural History, have voluntarily returned *Abayu:da* on the basis of what publicly was known about the Zuni Tribe's concerns. Other museums, like the Nelson-Atkins Museum of Art and the Brooklyn Museum, have requested the tribe formally answer questions about the authenticity of the artifacts as War Gods, the veracity of the Zunis' claims that the *Abayu:da* are communally owned, the fact they were taken from Zuni shrines, and their contemporary use and context. To adequately answer these questions the Zuni Tribe found it advantageous to use an anthropologist to prepare expert reports drawing upon interviews with religious leaders and a review of published and archival documents.¹¹

The actual transfer of *Abayu:da* has run a gamut of approaches. At one end is the anonymous party who sent an *Abayu:da* to the Zuni Tribe through the mail in 1992, causing consternation to tribal employees who opened the package since they are not ritually authorized to touch the artifact and because the *Abayu:da* had not been ceremonially purified before arriving on tribal land. In the middle are museums that have shipped *Abayu:da* to the Museum of New Mexico, which then held the artifacts until Zuni religious leaders could travel to Santa Fe to retrieve them (figure 3). At the other end are the repatriations involving travel of a Zuni delegation to a museum returning *Abayu:da*, where an appropriately ceremonious transfer of the artifact is effected.

The preferred means for transferring *Abayu:da* is for Zuni religious leaders to travel to the War Gods and hand-carry them back to Zuni, but the reality of limited travel funds sometimes precludes this. To retrieve the forty-one *Abayu:da* returned in 1990 and 1991, the Zuni Tribe obtained grants from the Seventh Generation Fund and the Frost Foundation. Such funding is not always available to tribes, so the type of cooperative arrangement the Zuni Tribe has with the Museum of New Mexico is a community service that other museums should consider. By assisting the Zuni Tribe with interinstitutional transfers and temporary curation of artifacts, the Museum of New Mexico substantially reduces the costs of all parties involved in the physical transfer of repatriated material.

Repatriation of Sensitive Materials at the Museum of New Mexico

With respect to Zuni cultural property other than the *Abayu:da*, the impetus for repatriation largely has come from museums rather than Zuni religious leaders. The need to respond to museum inquiries about the proper care and curation of cultural property undoubtedly will increase as the

provisions of NAGPRA are implemented. The activities of the Museum of New Mexico, initiated before the passage of NAGPRA, provide a positive model of how to resolve issues raised by museums.

In 1987 the Museum of New Mexico established an ad hoc committee to consider issues relating to the identification and curation of sensitive cultural materials and human remains. In 1989 this committee was made a permanent standing committee composed of curators and administrators from the Museums of Fine Arts, History, Anthropology, and Folk Art, as well as archaeologists in the Office of Archaeological Studies.¹² Soon thereafter, the director of the Museum of New Mexico wrote to the governor of the Pueblo of Zuni informing him that the museum had artifacts and human remains whose curation was potentially a sensitive issue to the Zuni Tribe. The museum requested a consultation with the tribe concerning these items. To determine which items in the museum's collections were sensitive, the museum's curator of ethnology, Edmund J. Ladd, used a classification of Zuni cultural patrimony from a 1981 statement that the Pueblo of Zuni issued to the Smithsonian Institution regarding the proper care of museum collections.¹³

Four classes of sensitive artifacts were recognized. Class I was "highly sensitive" items communally owned by the tribe and illegally removed from Zuni lands, for example, the *Abayu:da*. Class II included "very sensitive" items removed from Zuni lands without the consent of the religious society or priesthood responsible for their care and maintenance, for example, dance masks used by kiva leaders and some fetishes. Class III included "less sensitive" items of special concern for which specific curatorial treatment is recommended, for example, "replica" masks and prayersticks. Class IV included items that are "not sensitive," for example, dance paraphernalia, household items, and pottery. Using this classification, Ladd and his staff determined that only 123 items out of the approximately 24,000 objects in the museum's Zuni collection were potentially sensitive. The four *Abayu:da* that the Museum of New Mexico had in its collection had been voluntarily repatriated in 1980, so the focus of the consultation was on other items of cultural patrimony.

To effect the consultation, the Museum of New Mexico invited a delegation of five Zuni religious leaders and two members of the Zuni Tribal Council to Santa Fe to survey the entire collection, including the 123 items identified as potentially sensitive. The Zuni delegation identified 23 items that concerned them and returned to Zuni Pueblo to confer with the appropriate religious leaders responsible for those objects. In 1990 a second delegation of the appropriate religious leaders visited the museum and determined that the items identified by the first delegation were indeed

sensitive and should be returned to the Zuni Tribe. The entire consultation and repatriation process took two and a half years to complete and required two trips to the museum and several meetings at Zuni to make sure the proper religious leaders were consulted. When the process was completed the Zuni Tribe repatriated less than 20 percent of the items the museum had identified as sensitive.

Involvement of the Proper Zuni Authorities in the Decision-Making Process

At the Pueblo of Zuni the questions of what should be repatriated, why it should be repatriated, to whom it should be repatriated, and what should be done with it once it is repatriated are complicated issues. With six kivas, twelve medicine societies, fourteen clans, and several other religious groups and priesthoods, an enormous amount of discussion must be conducted within the tribe before any decisions can be made regarding repatriation. Zuni political leaders cannot make decisions about religious artifacts in museums, and Zuni religious leaders can only make decisions about the things for which they are personally responsible. Each societal group must find its own way of dealing with repatriation for items that are its own responsibility. They must also, if it is appropriate, identify the individual who is responsible for a certain item or set of items, and these people must then decide how to conclude the repatriation process.

Past experience at Zuni has shown that no single delegation can ever adequately represent all the Zuni religious groups. The initial delegations that inspect museum collections must return to Zuni Pueblo and meet with other religious leaders to seek their input. This was necessary in 1978 when a delegation of four Zunis inspected the Zuni collection at the National Museum of Natural History. The process took several years to complete. Similarly, in 1991 a delegation of four Zunis viewed the Zuni collection at the National Museum of the American Indian. After this trip the delegation returned to Zuni Pueblo, where the members met with twenty-five other religious leaders to discuss what they saw.¹⁴ Additional meetings with various groups of religious leaders have been held to discuss the collection, and one or more additional visits to the museum with different religious leaders may be needed to gather the information necessary to make informed decisions about the proper care and curation of the collection.

The number of visits to museums and meetings in Zuni Pueblo needed to engage the proper Zuni authorities must be discouraging at times to non-Zunis because it seems like a redundant process. On different occasions, museums are asked to provide the same information to different Zuni

political and religious leaders. Given the structure of the Zuni decision-making process, however, there is no alternative, and museums have to accept this. Repetition is an important part of the cultural repertoire of Zuni behavior, so museums should use requests for what seems like redundant consultation as an opportunity to make sure the issues are understood and presented to the proper authorities. Museums should not forget that their negotiations with the Zuni Tribe are a cross-cultural endeavor and normal museum and Zuni practices both may need to be modified.

Even though specific individuals often determine the approach to and the method of repatriation, the items in question sometimes belong to religious groups or the Zuni Tribe as a whole. This is the case with the *Abayu:da*, and there are other special esoteric objects that also have a collective ownership. All *koko* (Kachina) dance masks, for instance, are “owned” by the individuals for whom they are made.¹⁵ These individuals have the right to “sell” their masks to other tribal members, but they do so at the risk of shortening their lives and not being able to participate in *koko* dances in the afterworld. No Zuni has the right to alienate *koko* dance masks by selling or transferring them to people outside the tribe.

While the Zuni Tribal Council does not condone the transfer of individually owned ceremonial material to non-Indians, the Zuni Tribe has been reluctant to endorse the repatriation of individually owned religious items. At present, sensitive curatorial treatment of individually owned sacred objects is requested in lieu of repatriation. Regardless of an individual’s right to dispose of his personal religious paraphernalia to other Zunis, most Zunis feel extremely sad when they see these objects curated in museum collections. Most Zunis find the curation of all ceremonial materials in museums to be repugnant. Since Zunis believe these ritual items should never be studied by non-Zunis nor placed on public exhibit, they see no reason why museums would want to retain them in their collections. Ritual objects are gifts to the spirits and should be allowed to disintegrate.

Many Zunis will offer personal opinions about the disposition of ceremonial objects in museum collections but at the same time assiduously avoid usurping the authority of the proper religious leaders to make the ultimate determination about repatriation. The lines of authority for making decisions about such objects often are blurred when it is not clear whether a museum is asking for a personal or an authoritative opinion about a particular object. The nuances in the form of the questions and the semantics of the answers often are more subtle than they first appear. Consultation about museum collections is thus an intellectually difficult process for all parties and should not be rushed. Questions sometimes need

to be asked several times in several different ways to make sure the right people provide well-informed answers. It is a time-consuming process.

The cultural property of extinct religious societies is problematical since there are no living authorities to answer questions about repatriation. Some of these ceremonial objects may not even be touched by Zunis who have not been properly initiated, which means there are no living people who could physically handle the objects if they are repatriated. To date, the Zuni Tribe rarely has requested the repatriation of property belonging to extinct religious groups. The one documented exception was the 1990 Museum of New Mexico repatriation of ritual paraphernalia belonging to the *Lheve:kwe* (Sword Swallowing Society). In this instance the Zuni religious leaders felt they had the ritual authority and obligation ceremonially to retire this material according to Zuni custom.

At Zuni Pueblo the policy of the Zuni Tribal Council recognizes the right of Zuni religious leaders to make decisions about religious issues, including the repatriation of ceremonial material.¹⁶ The role of the Zuni Tribal Council is to provide administrative support and act as a liaison between Zuni religious leaders and museums. This division of labor provides a well-established point of contact for museums that request information from the tribe and also incorporates the traditional authority structure. Museums that deal with the Pueblo of Zuni are thus assured that they are dealing with the proper Zuni authorities.

The Issue of “Replicas” and “Models”

The Zunis’ criteria of what is “real” and what is a “replica” or “model” differ from that of non-Indians. The Zuni religious leaders consider all “replicas” to be sensitive artifacts that should be repatriated. Of the twenty-three items selected as sensitive enough to repatriate from the Museum of New Mexico, eighteen were replica masks made from cardboard and clearly never used in religious ceremonies. They were nonetheless of concern to the Zuni religious leaders because of the information incorporated in their construction. The religious leaders also were concerned that these objects were made for exhibition and were thus intended to be viewed out of context.

The Zunis were first faced with the issue of replica religious paraphernalia in the 1950s when a group of Colorado Boy Scouts was discovered making full-sized models of *Sshalako* masks for use in mock ceremonial dances.¹⁷ The Zuni Tribe expressed its concerns to the Boy Scouts, which eventually led to the transfer of the masks to Zuni religious leaders and the cessation of their replication and use in Boy Scout activities. This incident

was cited by Zuni leaders when the Smithsonian Institution questioned the reasoning of the Zuni governor who requested that “replica” masks be taken off display at the National Museum of Natural History in 1970.¹⁸ Zuni leaders still have an oral history of the Boy Scout incident that is invoked whenever a museum questions Zuni concerns about items the museum does not think are “authentic.”

“Replicas,” whether made by Zunis specifically for museum collections or by non-Zunis for other purposes, are considered to have a “reality” not recognized by non-Indians. One of the key issues is the information inherent in the masks. The “replicas” were made either by Zuni people with access to esoteric information or by other people using masks made by Zuni priests as their model. In either event, the masks embody knowledge and power that many Zunis consider to be proprietary to Zuni religious organizations. Even the display of ersatz masks in museums should not be seen by uninitiated people, especially young Zunis. Some Zuni leaders also question why museums would want to curate “fake” items in their collections when these items should not be displayed out of context. Zunis think they have little research value.

While the Zuni religious leaders are willing to listen to and consider the justifications presented by museums for the curation of any object, they ask that the museums give them an equal chance to articulate their concerns. Zuni leaders think that only the Zuni people have the ability to decide what objects are of concern to the Zuni Tribe and why. The ways that non-Indians and Indians think often are strikingly different. The Zunis ask for parity in the different cultural systems used during museum negotiations concerning repatriation. Some “replica” masks and similar “models” of religious artifacts are sensitive enough that many Zuni religious leaders think they should be repatriated so they can be properly disposed of by Zuni religious authorities.

Proper Use and Disposition of Repatriated Artifacts

Once artifacts are repatriated to the Zuni Tribe, the Zuni religious leaders return them to the use for which they were created. In the case of some artifacts and “replicas,” the objects are ritually disposed of according to Zuni precepts. Museum concepts of curatorial conservation and preservation do not always pertain to religious objects. Many artifacts like the *Abayu:da* are intended to be placed at open shrines and eventually disintegrate into the earth. That is the natural course of things, and the Zunis do not think humans should intervene in the process. As the Zunis say, “All things will eat themselves up.”

When the Zuni Tribe began to repatriate *Abayu:da*, many museums initially said they would be willing to make permanent loans of ceremonial material to a Zuni tribal museum if and when such a facility existed. The Zuni leaders patiently explained to these museums that the ceremonial material the tribe sought to have repatriated did not belong in any museum, especially a museum in Zuni. These were religious objects whose return was requested for religious reasons. The Zunis have insisted they have the right to use or dispose of these objects according to Zuni custom, even when this conflicts with non-Indian values of preservation. The legal documents the Zunis execute when accepting repatriated artifacts clearly establish that museums give up all claims to the objects, freeing the Zunis to do whatever is culturally appropriate with the artifacts.

Tribal Responsibility for Protection of Repatriated Material

While some repatriated objects are ritually disposed of according to Zuni custom, the Zuni leaders are nonetheless concerned about security. The Denver Art Museum, the first museum to repatriate *Abayu:da*, pointed out that they could not return the War Gods in good conscience unless the Zuni Tribe had a commitment to ensuring that they were not stolen again. The Denver Art Museum maintained that it would be a shame for these valued objects to be removed from the Zuni Indian Reservation a second time and end up in an illicit art market. With the help of the Denver Art Museum, the Zuni Tribe designed and constructed a secure facility that met Zuni cultural requirements for open exposure to the weather and elements. All repatriated *Abayu:da* have been returned to this facility, which has provided the protection desired by both museums and the Zuni Tribe.

The protection of unsecured shrines elsewhere on the Zuni Indian Reservation is still a major law enforcement problem. In 1990 three *Abayu:da* were stolen from an unprotected shrine.¹⁹ The investigation of this theft by law enforcement agencies was constrained by the fact that the Zuni Tribe did not have photographs or other documentation of the stolen artifacts. To remedy this situation, the Zuni Archaeology Program obtained a grant from the Chamisa Foundation that funded the creation of an inventory of artifacts at *Abayu:da* shrines on the reservation.²⁰ It is hoped that the results of this project will deter thefts and provide material assistance should thefts occur in the future.

Ultimately, however, the Zuni Tribe holds that theft of religious materials from shrines on the reservation is as much an educational problem as a law enforcement problem. While federal legislation that protects cultural property is welcomed, the Zuni Tribe argues that museums also should do

more to educate non-Indians about appropriate ethics in the collection of Indian "art" and about the direct connection between the art market and thefts of cultural property. No ceremonial objects would be stolen if no one was willing to buy them. The fact that Zuni people occasionally are involved in these thefts makes them even more tragic. The Zunis involved in thefts of cultural property often are suffering from alcoholism or other social problems and are mercilessly used by non-Indians who supply the illicit art market.

The Zuni Tribe has accepted the responsibility to provide as much security as it can for repatriated artifacts and has a commitment legally to prosecute anyone involved in the theft of cultural property. The Pueblo of Zuni considers the provision of security for repatriated artifacts to be a fundamental tribal responsibility inherent in repatriation of cultural property.

Cultural Patrimony Other Than Indigenous Religious Artifacts

The interest in repatriating cultural property at Zuni Pueblo sometimes encompasses more than indigenous religious artifacts. In the late 1980s a Zuni artist painting murals in the *Nuestra Senora de Guadalupe de Zuni*, a restored seventeenth-century Catholic church in the center of Zuni Pueblo, expressed to several people his concerns about art removed from the church a century before by officials of the Smithsonian Institution. This Zuni artist wanted the art returned to Zuni Pueblo. This eventually led the Zuni Tribal Council to commission a report from the Institute of the North American West documenting how these artifacts were removed from Zuni Pueblo.²¹

At issue were a painted hide depicting Our Lady of Guadalupe dating to about 1725 and two *bultos* (sculptures of saints) carved about 1775 by Miera y Pacheco, a famous Spanish cartographer and artist. Historical research documented that in 1879 Matilda Coxe Stevenson, a member of a Smithsonian Institution collecting expedition, removed these artifacts without the permission of Zuni authorities. After reviewing this research, the Zuni Tribal Council requested the repatriation of these artifacts. Even though they are Catholic icons, the Zuni Tribe considers them to be the cultural patrimony of the Zuni people since the artifacts were removed from a Catholic mission that had reverted to tribal ownership in the early nineteenth century.

The Smithsonian Institution agreed with the Zuni Tribal Council and in 1991 approved the repatriation of the artifacts to the Zuni Tribe.²² Unfortunately one *bulto* had been destroyed in a fire while on exhibition at the Smithsonian Institution, so the Zuni Tribe requested that the Smithsonian's American History Museum create a facsimile that could be installed

in the church.²³ The tribe also requested assistance from the Smithsonian Institution in developing the means adequately to conserve and provide security for the artifacts when they are returned. At the request of the Smithsonian Institution, the Zuni Tribal Council agreed to loan the undamaged artifacts to the Smithsonian Institution so they could be included in a 1992 exhibit. Now that these artifacts have been taken off exhibition, a new Zuni Tribal Council is negotiating the final disposition of the cultural property.

Zuni Policy Concerning Human Remains

The Pueblo of Zuni deals with its concerns about the treatment of human remains separately from issues related to the repatriation of objects of cultural patrimony. Since the Pueblo of Zuni operates a tribal program that conducts professional archaeological excavations, the tribe has a well-developed policy covering the treatment of human remains. For many years there was an unwritten policy at Zuni Pueblo that the Zuni Archaeology Program developed in consultation with the Zuni Tribal Council and Zuni religious leaders.²⁴ This policy dictated that human graves should not be disturbed unless they were threatened by impending development that entailed modification of the land surface. Graves threatened by development should be excavated by professional archaeologists, and the human remains and associated grave goods should be reburied as close as possible to their original locations. The Zuni Tribe allowed nondestructive osteological analysis and archaeological study of the grave goods before reburial.

In 1978 the Zuni Tribe began to deal with other issues related to the repatriation of human remains when it intervened in the sale of a prehistoric human mummy included in an auction of Indian art and artifacts in Santa Fe.²⁵ The Zuni Tribe was outraged that non-Indians were offering a human body for sale as if it were artifact. To prevent the sale the Zuni Tribe acted as a "friend of the deceased" to invoke the New Mexico State Dead Body and Indigent Burial Statutes. These laws clearly state that no one can have a property interest in human remains and that deceased indigent people must be buried. Although the Zuni Tribal Council did not claim the mummy as a direct ancestor, the Zuni Tribe was willing to intervene since the mummy was of Anasazi origin with a cultural affiliation to Zuni. Because the mummy was thought to have been taken from the Navajo Indian Reservation, the Zuni Tribe coordinated its actions with the Navajo Nation. After establishing that New Mexico State Statutes applied in the case, the Zuni Tribe buried the mummy in a cemetery in Gallup, New Mexico.

Approximately one year before enactment of NAGPRA, the Museum of

New Mexico asked the Zuni Tribe what should be done with the human remains in the museum's collection that had been excavated from Zuni lands. The museum asked that whatever action the tribe thought appropriate be documented with an official statement from the Zuni Tribal Council. After careful consideration of the issues, the Tribal Council responded with Tribal Council Resolution No. M70-90-LO17, which applies to ancestral Zuni remains curated in all museums. This resolution states that the remains of Zuni ancestors and their associated grave goods that have been excavated and are being curated in museums and other institutions have been desecrated by removal from their ancestral homeland and that there are no adequate measures to reverse or mitigate this desecration.

Consequently, the Zuni Tribe determined that human remains in museums should not be repatriated. Instead, the museums where these human remains reside should continue respectfully to care for and curate these skeletons. The Pueblo of Zuni also requested that copies of any scientific studies of Zuni ancestral remains be provided to the Zuni Tribe. The tribe has not issued any specific instructions on what constitutes respectful care and curation of human remains. It is clear from the unwritten policies of the Zuni Tribe, however, that the proper disposition of human remains in museums precludes the display of human skeletons and destructive osteological analyses. No procedures to monitor the curation of human remains in museums have been established, so the Zuni Tribe's policy is predicated on a fundamental trust in museum practices. The Zuni Tribe recognizes that its policy may not be what other tribes choose to do with human remains. Should other tribes request the repatriation of their own ancestral human remains and grave goods, the Zuni Tribe supports their position.

In Resolution No. M70-90-LO17 the Zuni Tribe also states that any ancestral Zuni burials that are excavated in the future must be reburied along with their grave goods. In 1992 this policy was elaborated with Tribal Council Resolution M70-92-LI64, which includes an appended statement that explains traditional Zuni beliefs about burials, identifies the geographic and temporal range of burials culturally affiliated with the Zuni Tribe, and outlines the acceptable procedures for protecting, excavating, documenting, and reburial of human remains.²⁶ The 1992 policy statement was in response to the development of major land-modifying projects in the Zuni aboriginal land use area outside the Zuni Indian Reservation. This statement, prepared by a Zuni Cultural Resources Advisory Team composed of tribal religious leaders, does not condone or endorse specific projects that will disturb burials. It was prepared solely to articulate acceptable means to mitigate the adverse impacts that stem from such disturbances.

As explained in the policy statement, traditional Zuni beliefs are that

each person's life passes through four stages. The first stage is life as we know it. Little is known of the three other stages. It is essential that each person pass through each of the four stages of his or her life cycle before it is complete. All human burials with which the Zuni Tribe has a cultural affiliation are at some point in their journey through the latter stages of the life cycle. To disturb burials while on their life-cycle journey is not the Zuni way. The ramifications of disturbing burials cannot be determined. How disturbance affects the life-cycle journey, a journey that must be completed, is unknown, but it may well have detrimental results.

The 1992 Zuni policy makes it clear that it is best if ancestral burials are not disturbed. When burials cannot be avoided, however, the tribe's policy is that they should be excavated by professional archaeologists; that all burials must be moved out of the impact zone of projects; that only non-destructive analyses of human remains and grave goods are acceptable; that analyses of human remains and grave goods should be conducted in the field by professional archaeologists and physical anthropologists; and that human remains should be reburied in a timely manner as close as possible to their original location.

The Zuni Tribe will continue to reconsider its policies concerning the treatment and curation of human remains in the post-NAGPRA era. The Pueblo of Zuni reserves the right to elaborate or modify its policy as necessary to accommodate new issues and concerns defined by tribal religious leaders.

The Need for Repatriation on a Case-by-Case Basis

The Zuni examples discussed here demonstrate the need to resolve NAGPRA issues on a case-by-case basis. For the Pueblo of Zuni this means not just a tribally specific resolution of the issues but also a consideration of each artifact or artifact class in relation to the specific problems posed by curation in museums. It is not always possible to resolve all repatriation issues in a single interaction with a museum. The number of authorities that need to be involved at Zuni Pueblo and the complexity of the issues often makes resolution of problems a time-consuming endeavor. It is clear that issues will need to be periodically reviewed because new problems with the curation of objects and human remains may be defined by Zuni religious leaders.

A case-by-case resolution of repatriation concerns is the best means to make sure all issues are fairly and completely deliberated before action is taken. The cultural patrimony and human remains that are the subject of repatriation are powerful objects that should not be interjected back into a

cultural system without careful consideration of the effect this will have on tribal members. Tribal members are the most qualified people to assess how repatriation should be conducted to ensure that the effects will be positive.

Suggestions for Successful Implementation of NAGPRA

Based on the Zuni experience we offer several suggestions for museums and other institutions involved with repatriation. The museums and tribes involved each need to make concerted and realistic efforts to understand the needs of the other party. All parties must be prepared for a long and delicate process that will require a great deal of time, effort, and funding if repatriation is to be successfully implemented. Museums and tribes should select knowledgeable representatives who realistically can be expected to have longevity in their positions so that continuity of the negotiations is assured. While we recognize that no individual can guarantee his or her longevity in any particular role or project, all parties should attempt to maintain continuity in personnel to the greatest extent possible.

At Zuni Pueblo administrative changes concurrent with Tribal Council elections occasionally have caused disruption of negotiations when new officials were not aware of what their predecessors had accomplished. The effort to familiarize new officials with what had transpired sometimes required museums to provide copies of previously submitted letters and reports. Similarly, the Pueblo of Zuni occasionally has had to provide museums with correspondence or background information that had been misplaced due to changes in museum administrative or curatorial personnel. For this reason, the whole process of repatriation negotiations should be well-documented by both parties to provide a record that can be consulted as needed. This will be especially critical for future generations of tribal members or museum personnel if issues need reconsideration.

To establish equity, understanding, and ease of communication, we recommend that museum representatives visit tribal lands and that tribal officials visit the museums with which they are negotiating. On-site visits are essential in communicating and understanding the local context that informs the values and beliefs of both parties in a repatriation negotiation. Visiting reservations helps museum officials understand tribal concerns, and visiting museums helps tribal representatives understand the roles and trust responsibilities of those institutions. Funds need to be appropriated to support these activities.

We think repatriation in any context should not be forced into the short-term constraints of legislative, regulatory, or bureaucratic needs. It is essential to have long-term strategies that provide all parties with adequate time

and resources to resolve these extremely complex issues. For example, no institution should make the mistake of asking a tribe to look over an inventory list and give a "once and for all" answer to the question of what should and should not be repatriated. The results of this approach may well be catastrophic for either the institution or the tribe and may lead to confrontation and conflict. If a tribe is confronted with such a request it is likely it will either ask for everything back, which would be disastrous for the museum, or ask for nothing back, which might be detrimental to the tribe's long-term interests. As at Zuni Pueblo, the impetus for repatriation should come from the religious leaders of a tribe based on spiritual needs. Since spiritual needs may not immediately be apparent, and new concerns may become manifest in the future, tribes always should retain the right to request repatriation at any time. No tribe should ever be asked to relinquish its rights to make future claims for repatriation.

Although NAGPRA invests a property right in human remains, and other provisions of the law make repatriation an inherently political undertaking, we think that the issues warranting the return of human remains and cultural patrimony should stem from cultural concerns defined by religious rather than political leaders. Each tribe needs to determine for itself the proper role of its civil government. Much of the success that the Pueblo of Zuni has experienced with repatriation stems from the fact that it is the religious leaders who define the issues and how they are best resolved. The Zuni Tribal Council plays an integral supportive and administrative role but does not attempt to define or arbitrate cultural issues.

Tribes now face an onslaught of information provided to them by museums complying with the provisions of NAGPRA. We question how effectively tribes are able to analyze and comprehend the information contained in inventories of human remains and descriptions of cultural patrimony when these documents arrive in tribal mailrooms. Some tribes have received hundreds of these notices, straining the very capacity of the tribe to even acknowledge receipt. Even a relatively well-organized tribe like the Pueblo of Zuni is ill-prepared to manage multiple concurrent repatriation negotiations. We think that either a federal agency or a national organization (such as the American Association of Museums, the Native American Association of Museums, or the Native American Rights Fund) should organize and fund informational visits to tribal communities throughout the country to provide educational information about the data the tribes receive from museums and what rights they have under NAGPRA.

NAGPRA requires that descriptions of sacred objects be provided to appropriate tribes, but this will not always be a straightforward process. The Zuni *Abayw:da* provide a cogent example of some of the pitfalls that occur.

In 1990 the Pueblo of Zuni wrote to the Peabody Museum of Archaeology and Ethnology at Harvard University to inquire if the museum had an *Abayu:da* in its collection and to request its repatriation if it did. The Peabody Museum responded that it did not have a War God listed in its catalog. Two years later, however, it was determined that there was an *Abayu:da* in the museum's collection that had been misidentified as a "carved Hopi (?) wooden post to represent a figure."²⁷ Photographs of the object were sent to the Pueblo of Zuni, and the Zuni religious leaders and Zuni Tribal Council made a positive identification of the object as a Zuni War God. The *Abayu:da* was repatriated in 1993.

While it is good that this *Abayu:da* eventually was recognized for what it is and repatriated, the fact that a relatively well-known and publicized artifact like a Zuni War God was misidentified by a major anthropological museum is not encouraging. This sort of misidentification is not an isolated occurrence, raising the issue of how museums and tribes can address problems in mislabeling, misidentification, and erroneous tribal attribution of cultural property. A substantial and long-term research effort is required of all parties to generate the accurate and detailed data needed for decision-making. Museums will have to implement procedures to ensure the confidentiality of esoteric information that tribes may make available through their research, to ensure that this information is not misused in research unrelated to the resolution of repatriation issues.

There are two conclusions that can be drawn from the analysis of Zuni repatriation activities. First, there is no monolithic way of adequately dealing with the diverse issues pertaining to the repatriation of sacred objects, cultural patrimony, and human remains even in a single tribe, much less with multiple tribes. Museums should not attempt to develop a blanket policy intended to cover all situations but should instead encourage a case-by-case resolution of the issues.

Second, the sheer volume of work anticipated as a result of NAGPRA is staggering from the perspectives of both the tribes and museums. The Pueblo of Zuni's campaign to recover all stolen *Abayu:da* has entailed thirty-eight separate repatriations over a fifteen-year period, with individual negotiations lasting from one to nine years. The negotiations for the repatriation of a single type of artifact involved a tremendous amount of research and administrative effort on the part of both the Zuni Tribe and the museums it negotiated with. Broadening the scope of repatriation to include other types of cultural patrimony and human remains makes the issues even more complex. We believe that neither the tribes nor the museums in the United States have the funding to adequately implement

NAGPRA. For this reason we think it is essential that Congress appropriate the funding authorized in NAGPRA and provide grants to both tribes and museums to finance the work needed to justly implement the law.

Notes

1. Public Law 101-601.
2. United States Senate, Native American Grave and Burial Protection Act (Repatriation): Native American Repatriation of Cultural Patrimony Act; and Heard Museum Report. Hearing before the Select Committee on Indian Affairs, United States Senate, One Hundred First Congress, Second Session, on S. 1021 to provide for the Protection of Indian Graves and Burial Grounds, and S. 1980 to provide for the Repatriation of Native American Group or Cultural Patrimony, May 14, 1990. Pete Domenici, *Congressional Record* (October 26, 1990), 17176.
3. Charles Hustito, "Why Zuni War Gods Need to Be Returned," in *Zuni History: Victories in the 1990s*, ed. E. Richard Hart and T. J. Ferguson (Institute of the North American West, Seattle, 1991), Section II, 12; Barton Martza, "On the Trail of the Zuni War Gods," in *Zuni History*, Section II, 12; Perry Tsadiasi, "I Want our Fathers Back," in *Zuni History*, Section II, 13; T. J. Ferguson and Wilfred Eriacho, "Abayu:da, Zuni War Gods, Cooperation and Repatriation," *Native Peoples* 4 (fall 1990): 6-12; and T. J. Ferguson, "The Repatriation of Abayu:da, Zuni War Gods: An Interview with the Zuni Tribal Council," *Museum Anthropology* 1 (1990): 7-14.
4. Mr. Carl Bryant Rogers, then of the Indian Pueblo Legal Services, provided key legal advice and was instrumental in developing the legal theory used to structure the Zuni approach to repatriation.
5. After more than a decade of planning, the Ashiwi A:wam Museum and Heritage Center was established in 1992 as a not-for-profit corporation.
6. William L. Merrill, Edmund J. Ladd, and T. J. Ferguson, "The Return of the Abayu:da: Lessons for Repatriation from Zuni Pueblo and the Smithsonian Institution," *Current Anthropology* 34 (1993): 523-67.
7. Although exempted from NAGPRA, the Smithsonian Institution has committed itself to a repatriation policy congruent with that law, as described in Timothy G. Baugh, Tamara L. Bray, and Thomas W. Killion, "Native Communities and Repatriation: The Smithsonian Institution Perspective," *Federal Archeology Report* (March 1992): 23-24.
8. E. Richard Hart, the executive director of the Institute of the North American West, was instrumental in assisting the Zuni Tribe in their negotiation with the Warhol Foundation. The incident is reported in David Firestone, "Rescue in Manhattan: A Zuni God Goes Home," *New York Newsday* (May 27, 1988): Section II, 1-3, 6.

9. T. J. Ferguson, "Abayu:da: Creation, Disposition, and Repatriation of War Gods, Preliminary Report to the Zuni Tribal Council" (ms. on file at the Pueblo of Zuni and the Institute of the North American West, 1989).
10. Edmund J. Ladd, "An Explanation for the Return of Zuni Religious Objects Held in Museums and Private Collections," in *Exploration: Zuni and El Morro* (Annual Bulletin of the School of American Research, Santa Fe, 1983), 32; Ferguson, "The Repatriation of *Abayu:da*"; and Ferguson and Eriacho, "*Abayu:da*, Zuni War Gods."
11. Ferguson, "*Abayu:da*: Creation, Disposition, and Repatriation"; Ferguson, "Report to the Zuni Tribal Council on Thirteen War Gods and Associated Shrine Offerings in the Collection of the Brooklyn Museum" (ms. on file at the Pueblo of Zuni and the Institute of the North American West, 1990); and Ferguson, "Report to the Zuni Tribal Council Answering Questions Posed by the Nelson-Atkins Museum of Art" (ms. on file at the Pueblo of Zuni and the Institute of the North American West, 1990).
12. Stephen Becker, Bruce Bernstein, and Edmund J. Ladd, "Repatriation, Zuni Sensitive Materials, 'Communities in Collaboration'" (ms. on file, Laboratory of Anthropology, Museum of Indian Arts and Culture, Museum of New Mexico, Santa Fe, 1991).
13. Pueblo of Zuni, "Request for the Return of Zuni Sacred Material and Recommendations for the Care and Curation of Objects of Zuni Religious Significance in the Collection of the Smithsonian Institution; Prepared by Ben Kallestewa and Edmund J. Ladd in consultation with Zuni Religious Leaders and Elders" (ms. on file at the Pueblo of Zuni, 1981); and Ladd, "Explanation for the Return," 32.
14. Edmund J. Ladd, "Preliminary Consultation and Survey of Zuni Collections at the National Museum of the American Indian" (ms. on file, Pueblo of Zuni, 1991).
15. Edmund J. Ladd, "The Zuni Ceremonial System: The Kiva," in *Kachinas in the Pueblo World*, ed. Polly Schaafsma (University of New Mexico Press, Albuquerque, 1994), 17-22.
16. Tribal Resolution No. M70-78-991.
17. Val Gendron, *Behind the Zuni Masks* (Longman, Green and Company, New York, 1958).
18. Merrill, Ladd, and Ferguson, "The Return of the *Abayu:da*," 528.
19. T. J. Ferguson, "Report on the Theft of Three War Gods from *Nobonni Dabna'a* Shrine on the Zuni Indian Reservation, Report submitted to the Zuni Tribal Council" (ms. on file at the Pueblo of Zuni and the Institute of the North American West, 1990).
20. Andrew Othole, Perry Tsadiasi, and T. J. Ferguson, "Zuni War God Shrines Documentation Project, Final Report to the Chamisa Foundation" (ms. on file at the Zuni Archaeology Program, 1992).
21. E. Richard Hart, "A Brief History of Religious Objects from the Old Zuni Mission" (ms. on file at the Pueblo of Zuni and the Institute of the North American West, 1987).
22. Letter from Robert McC. Adams, secretary of the Smithsonian Institution, to Governor Robert E. Lewis, Zuni Tribal Council, March 21, 1991.
23. Letter from Governor Robert E. Lewis, Zuni Tribal Council, to Dr. Robert McC. Adams, secretary of the Smithsonian Institution, May 28, 1991.
24. T. J. Ferguson, "Archaeological Ethics and Values in a Tribal Cultural Resources Management Program at the Pueblo of Zuni," in *Ethics and Values in Archaeology*, ed. Ernestine L. Green (Free Press, New York, 1984), 224-35.
25. T. J. Ferguson, "Application of New Mexico State Dead Body and Indigent Burial Statutes to a Prehistoric Mummified Body," in *American Indian Concerns with Historic Preservation in New Mexico*, ed. Barbara Holmes (New Mexico Archaeological Council, Albuquerque, 1982), 45-51.
26. Pueblo of Zuni, "Policy Statement Regarding the Protection and Treatment of Human Remains and Associated Funerary Objects" (ms. on file, Pueblo of Zuni, 1992).
27. Peabody Museum, "Notice of Intent to Repatriate a Cultural Item in the Possession of the Peabody Museum of Archaeology and Ethnology," enclosed with letter from David Pilbeam, director, Peabody Museum of Archaeology and Ethnology, to Head Councilman Joseph Dishta, Zuni Tribal Council, March 9, 1993.