

Literature Review:  
Handling Native American Archival Materials

Edith Mulhern  
MSLIS Student, Drexel University

## **Introduction**

In 2018, the Society for American Archivists (SAA) Council endorsed the Protocols for Native American Archival Materials as a standard (Society of American Archivists. (n.d.)). The Protocols are designed to be culturally sensitive and shift the basis of discussions and decisions regarding access and preservation to Native communities. The Protocols were developed in 2006, and SAA previously declined to endorse them on two occasions, in 2008 and 2012. Further, scholarship and discussion of the need for culturally sensitive handling of Native archival materials has been ongoing for decades. A review of this literature indicates that two sets of issues present barriers to action. The first is governmental, as Indigenous issues are transnational. The second is the challenge presented by the way Native American worldview differs from the assumptions that guide predominant ethics concerning archives. Current scholarship also provides suggestions for paths forward, emphasizing investment in relationships with Native communities and engaging critically with existing materials and researchers. This issue is part of a wider debate within the field of Information Science about the importance of cultural competency and community engagement.

## **Governmental Barriers**

Despite the fact that SAA is a professional association for U.S. archivists, it quickly becomes apparent that this issue is not confined to the United States. Not only do traditional territories span modern state borders, but the issues under discussion are also present worldwide in other locations. As an Indigenous person from North America traveling to Australia to speak, Krebs (2012) emphasizes that the U.S. northern and southern borders restrict the movement of Indigenous people and inhibit their ability to maintain family ties, as well as the similarities with the experiences of people in Oceania (p. 175). Janke emphasizes the same point, relating Australian and Torres Strait Islander peoples' concern to those of North American indigenous people. It is then unclear what bodies should regulate cultural property, whether international or national.

## **International**

Since the end of the Second World War, several international organizations have issued declarations regarding indigenous peoples. While these are important statements of values, they often lack any kind of enforcement mechanism (Morse, 2012, pp.114-117). Following on the Universal Declaration of Human Rights, which did not specifically mention indigenous peoples, other declarations apply more specifically to Indigenous people. Morse (2012), Mathiesen (2012), Weber(2018), and Janke & Iacovino (2012) all cite the United Nations Declaration on the Rights of Indigenous Peoples (DRIP). While a draft was produced in 1994, it was only adopted by the U.N. in 2007. However, Australia, New Zealand, Canada and the United States voted against it (Janke & Iacovino, 2012, p 154; Morse, 2012, p. 120). The final version employs the terms Traditional Knowledge (TK) and Traditional Cultural Expressions (TCE), terms which are now used, and encompass both tangible and intangible aspects of culture.

Additional important declarations came from the World Intellectual Property Organisation (WIPO). The mission of the WIPO is to develop the international intellectual property system, of which the Berne Convention on Artistic and Literary Works seeks to create international copyright standard (Janke & Iacovino, 2012, p. 155). The WIPO also employs the concepts of TK and TCE (Matheisen, 2012, pp. 456-457). Enumeration of what kind of cultural products were TCE grew out of WIPO discussions regarding folklore, but problems arose because mainstream Western ideas of copyright give ownership to the creator of the record, not of the cultural expression. To accommodate this conflict, the WIPO mandated the obtention of free, prior, and informed consent to recording, as well as moral rights for the creators of the TCE, including attribution and integrity of the expression (Janke & Iacovino, 2012, p. 156). Although Morse (2012) laments the lack of instruments of enforcement, signatories to declarations and conventions nonetheless have made public commitments, which can be used by Indigenous groups to exert pressure (p.117).

## **National Developments**

The U.S. federal government began giving greater attention to tribal issues in the course of the 1970s, as indigenous concerns were surfacing globally in the context of civil society (Morse, 2012, p. 115). In 1975, legislation entitled Indian Self-Determination and Education Improvement Act was passed by Congress. Weber and Krebs credit the leadership of Native American scholar Vine Deloria Jr., who presented his paper on the Right to Know in the White House Pre-conference on Indian Library and Information Services On or Near Reservations in 1978 (Krebs, p. 176-177). This paper provided what Krebs terms a to-do list, and subsequent years produced significant governmental and academic and professional activity, including Tribally Controlled Community College Assistance Act in 1978, the American Indian Religious Freedom Act (AIRFA) in 1979, and Native American Graves and Repatriation Act (NAGPRA) in 1990 (Krebs, p. 179). In the academic and professional domain, the same year gave birth to American Indian Higher Education Consortium (AIHEC) in 1975, American Indian Library Association (AILA) and the American Indian Museum Association Conference in 1979, and the American Indian College Fund in 1987. Finally, after congressional approval in 1989, the National Museum of the American Indian opened in 2004.

Some progress has been made in bringing Indigenous rights to culture and knowledge into mainstream discussion. Nevertheless, both governments and professionals in positions of authority raise objections that make this progress slow and often place indigenous people in the position of needing to take action to assert their rights. The next section will cover some of these key concepts and their counterarguments.

## **Key Concepts**

The second barrier is of equal, if not great importance; Native American and Indigenous concepts of cultural property differ from predominant standards. This is most evident in the cases of ownership and privacy. Government and professional bodies push back against these claims, for a variety of reasons.

## **Ownership**

Mainstream notions of ownership are based on certain assumptions about intellectual property. However, Native notions of property differ significantly. Indigenous people consider that their claims to TK and TCE exist in perpetuity. Weber (2018) argues that archivists need to move from considering that their institutions have ownership over Native American Materials, and instead consider that they have custodianship (pp.109-112). This custodianship may require stewardship of materials in their care, or discerning when it is more appropriate for them to be reunited with their creators or subjects. Fischer-Olson & Perrott (2020) stress the need to acknowledge that many materials present in collections are considered by Native peoples to have been stolen (p.85).

## **Privacy**

The issue of ownership leads directly into the questions of when Indigenous peoples can restrict access to their TCE. This can create a conflict for archives, as it conflicts with standards and beliefs about provided access. Mathiesen (2012) provides a justification of the right to privacy which is compatible with mainstream rights concepts. The proposed framework employs John Rawls' concept of "overlapping consensus" to resolve conflict without agreements about the reasons for a moral principle. Despite the attachments of archivists to providing access as a universal principle, consensus does exist around the prohibition of activities that prevent harm. Thus, preventing harm caused by inappropriate access to TCE justifies the need for privacy. Weber (2018) bolsters this argument, with reference to

Caswell and Cifor's argument for expanding concerns for a record creator's privacy to encompass other interested parties, including its subject and their community (pp. 102-104). Finally, Christen (2011) expresses frustration from an anthropologist's view, that archivists insist on maintaining a universalist conception of open access, when instead they ought to consider the public good (pp. 207-208). Thus, archivists should temper their commitment to preservation with the needs of their communities.

### **Proposed Solutions**

Recent literature also explores case studies and recommends best practices going forward. These recommendations are shaped by a desire to reframe the role of the archivist, both to the contents of archives and the various users and stakeholders. Further, in addition to evaluating and possibly relinquishing sensitive items in archives, there is a need for indigenous people to have their own archives, and receive support and training.

### **Importance of relationships**

Central to all of these initiatives is the importance of building and maintaining relationships with Native people. Fischer-Olson & Perrot (2020) explain how the OUTWARD project revisits and anthropological project from the 1930s, actively seeking to include Navajo people through outreach and collaboration and add their perspective to historic photographs. This kind of action attempts to repair harm. Janke & Iacovino (2012) give a similar example, where prints of sensitive photographs were given to family members, and this was documented with consent, providing reconnection and cultural maintenance for Indigenous participants, as well as education and awareness for nonnative viewers (p. 165). Similarly, Morse (2012) highlights efforts by state museums, libraries and archives in New Zealand to work on consultation, co-operation, and partnership with Maori people, in keeping with the principles of the Treaty of Waitangi (pp.122-124).

### **Critical consideration of archival sources**

Another aspect of this shift is how scholars using archives should shift to think critically about materials. Mt. Pleasant, Wigginton & Wisecup (2018) present how this principle can be applied to the discipline of Early American studies. To counteract narrow and Eurocentric viewpoints, they propose both the widening of the definition of what kind of materials constitute sources, as well as the broadening of questions within the discipline to include Native perspectives. The authors applaud the increase in conference papers with Native American and Indigenous Studies (NAIS) themes since 2007 (p. 411) and the creation and positive reception of a new journal, *NAIS*, in 2014 (P. 427). Although this approach is mostly geared toward existing mainstream archives, the idea can also extend to consulting archives in Native institutions.

### **Native institutions**

Native Americans also maintain their own institutions. These include universities, archives, and official tribal websites. Native-run institutions and professionals harness their knowledge and contribute to their tribes' resilience and sense of peoplehood, consistent with the goals enumerated in Deloria's Right to Know (Krebs, 2012, pp. 183-184).

Using technology, native groups are also able to control access and maintain their control and privacy. While many tribal websites have protected sections with log-ins for members (Seikel, p. 42), some specific content management systems include additional adaptations to fit cultural needs. In the example that Christen (2011) cites of the collaborative project with the Plateau people of the Pacific Northwest, advances in digital technology allow multiple forms of expert knowledge simultaneously and on equal footing (pp.198-203).

Development and maintenance of Native institutions requires support. The Institute of Museum and Library Services (IMLS), a federal agency founded in 1996, includes a proviso to award grants to Indian tribes and native Hawaiians in its founding legislation (Krebs, 2012, p. 183). These grants are

especially important to the tribal communities who live in rural areas that are disproportionately underserved (Seikel, 2016, p. 39). Grants also assist Native professionals in being trained at the Masters degree level (Krebs, 2012, p. 185). Moving beyond monetary support, Mt. Pleasant, Wigginton & Wisecup (2018) also argue that within academia, efforts must be made to understand and address the lack of Native students pursuing degrees, and strive to make them feel welcome (pp.429-430). The initiatives support the ability of native communities to speak for themselves, and to prepare interlocutors for useful collaborations with nonnative institutions.

### **Cultural Competency**

The need for cooperation and collaboration between information professionals and user communities has led to the formulation of the concept of cultural competency. Defined as:

the ability to recognize the significance of culture in one's own life and in the lives of others; and to come to know and respect diverse cultural backgrounds and characteristics through interaction with individuals from diverse linguistic, cultural, and socioeconomic groups; and to fully integrate the culture of diverse groups into services, work, and institutions in order to enhance the lives of both those being served by the library profession and those engaged in service. (Overall, 2009, pp.189-190),

the term appeared in LIS literature in 1990s, but grew out of earlier discussions on serving minority communities (Blackburn, 2017, p. 292). Overall's conceptual framework divides cultural competency into three domains: cognitive, interpersonal, and environmental, addressing the professional's own behavior and beliefs, the ways culture can affect participation and access, and the physical or operational mechanisms that inhibit or facilitate access (Blackburn, p. 292). Fostering cultural competency helps to recognize and remedy issues that prevent underserved communities from using libraries and their services.

Cultural competency is gaining visibility, both in LIS graduate programs and within professional associations. Villa-Nicholas (2018) urges that LIS students be taught critical theory to provide a foundation for cultural competency. Similarly to the Archives examples, much of the explores

experiences in Oceania, in part because of the Aboriginal and Torres Strait Islander Protocols for library, information and records services that were formulated in the 1990s (Blackburn, pp. 293-294). More recently, the Association of College & Research Libraries (ACRL) adopted “Diversity Standards: Cultural Competency for Academic Libraries” in 2012 (*Diversity Standards: Cultural Competency for Academic Libraries* (2012), 2018) and in 2020, four prominent professional associations established a joint cultural competencies task force, demonstrating interest from multiple categories of libraries (*ACRL, ARL, ODLOS, and PLA Announce Joint Cultural Competencies Task*, 2020). Foster (2018) discusses the implementation of the ACRL standards and advocates for adopting a reflective approach and practicing cultural humility, which require a blend of aligned personality traits and the development of specific skills.

### **Community Engagement**

The importance of relationships also extends beyond Archives to other LIS institutions. Staff whose work focuses on diversity can feel isolated (Blackburn, p. 293), and preliminary reports from Australian universities encourage broadening support for indigenous students as a shared responsibility across the institution (Hare & Abbott, 2015, p. 81). While there is a growing awareness and desire for culturally appropriate programs within libraries, Overall suggest that programs can often fail with input from the target community (pp. 177-179). Blackburn identifies the following essential elements of successful community engagement: accountability, belonging, commitment, communication, flexibility, genuineness, relevance, and sustainability (p. 296). Foster acknowledges that the ongoing effort necessary for effective engagement is a significant undertaking for LIS professionals, but it can produce significant rewards as well (pp. 588-589). Crucially, community engagement cannot occur without cultural competency, although the two can reinforce one another and create a virtuous circle (Blackburn, p. 299).

## **Conclusion**

While scholarly, professional, and governmental support exist for implementing actions consistent with the protocols, they nevertheless encounter resistance. Although cultural sensitivity concerns affect museums, libraries, and archives, the emphasis on standards, including preservation and access, have constituted barriers within the archival profession. As the professional organization of record, SAA's endorsement of the Protocols is a significant step for archives and archivists, both within the United States, and internationally. Further, it aligns with similar recent discussion of cultural competency standards throughout the LIS field.

## References

- ACRL, ARL, ODLOS, and PLA announce joint cultural competencies task. (2020, May 19). News and Press Center. <http://www.ala.org/news/member-news/2020/05/acrl-arl-odlos-and-pla-announce-joint-cultural-competencies-task-force>
- Blackburn, F. (2017). Community engagement, cultural competence and two Australian public libraries and Indigenous communities. *IFLA Journal*, 43(3), 288–301. <https://doi.org/10.1177/0340035217696320>
- Christen, K. (2011). Opening archives: respectful repatriation. *The American Archivist*, 74(1), 185–210. <https://doi.org/10.17723/aarc.74.1.4233nv6nv6428521>
- Diversity Standards: Cultural Competency for Academic Libraries (2012)*. (2018, March 9). Association of College & Research Libraries (ACRL). <http://www.ala.org/acrl/standards/diversity>
- Fischer-Olson, A., & Perrott, C. (2020). The ONWARD Project and Native voices: Interventions in biased 1930s archival collections. *The Public Historian*, 42(1), 80–97. <https://doi.org/10.1525/tph.2020.42.1.80>
- Foster, E. (2018). Cultural Competence in Library Instruction: A Reflective Practice Approach. *portal: Libraries and the Academy*, 18(3), 575-593. doi:10.1353/pla.2018.0034.
- Hare, J., & Abbott, W. (2015). Library Support for Indigenous University Students: Moving from the Periphery to the Mainstream. *Evidence Based Library and Information Practice*, 10(4), 80–94. <https://doi.org/10.18438/B86W3Q>
- Janke, T., & Iacovino, L. (2012). Keeping cultures alive: archives and Indigenous cultural and intellectual property rights. *Archival Science*, 12(2), 151–171. <https://doi.org/10.1007/s10502-011-9163-0>
- Krebs, A. (2012). Native America's twenty-first-century right to know. *Archival Science*, 12(2), 173–190. <https://doi.org/10.1007/s10502-011-9161-2>
- Mathiesen, K. (2012). A defense of Native Americans' rights over their traditional cultural expressions. *The American Archivist*, 75(2), 456–481. <https://doi.org/10.17723/aarc.75.2.0073888331414314>
- Morse, B. (2012). Indigenous human rights and knowledge in archives, museums, and libraries: some international perspectives with specific reference to New Zealand and Canada. *Archival Science*, 12(2), 113–140. <https://doi.org/10.1007/s10502-011-9165-y>
- Mt. Pleasant, A., Wigginton, C., & Wisecup, K. (2018). Materials and methods in Native American and Indigenous Studies: completing the turn. *Early American Literature*, 53(2), 407–444. <https://doi.org/10.1353/eal.2018.0044>
- Overall, P. M. (2009). Cultural Competence: A Conceptual Framework for Library and Information Science Professionals. *Library Quarterly*, 79(2), 175–204. <https://doi-org.ezproxy2.library.drexel.edu/10.1086/597080>
- Seikel, M. (2016). A Survey of documentary materials available on U.S. Tribal websites. *Journal of Archival Organization*, 13(1-2), 37–46. <https://doi.org/10.1080/15332748.2017.1399956>
- Society of American Archivists. (n.d.). SAA Council endorsement of Protocols for Native American Archival Materials. SAA- Society of American Archivists. Retrieved October 25, 2020, from

<https://www2.archivists.org/statements/saa-council-endorsement-of-protocols-for-native-american-archival-materials>

Villa-Nicholas, M. (2018). Teaching intersectionality: Pedagogical approaches for lasting impact. *Education for Information*, 34(2), 121–133. <https://doi-org.ezproxy2.library.drexel.edu/10.3233/EFI-180191>

Weber, G. (2018). From documents to people: Working towards indigenizing the BC Archives. *BC Studies*, 199, 95–112.