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EXHIBITING CULTURE: MUSEUMS AND INDIANS

SYMPOSIUM FOREWORD

Judith V. Royster*

“Exhibiting Culture: Museums and Indians” was a conference held in May 2009 to celebrate the partnership of the University of Tulsa and the Gilcrease Museum. The conference, sponsored by the Native American Law Center at the College of Law, brought together law professors and anthropologists from academia and the world of museums to explore the issues from multiple perspectives.

The Native American Law Center is a centerpiece of the University’s commitment to the study of Indian law, history, and cultures. Located within the original boundaries of the Muscogee (Creek) Nation, the University traces its origins to the Presbyterian School for Indian Girls in the Indian Territory. With a long history of focusing on Native American issues, the University supports the College of Law in its Indian law programs. The College of Law was the first law school to offer a specialization in Indian law at the J.D. level and continues its leadership in the field through the Native American Law Center, housing the J.D. certificate program and the LL.M in American Indian and Indigenous Law.

Located in the Osage Hills in northwest Tulsa, the Gilcrease Museum “houses the world’s largest, most comprehensive collection of art and artifacts of the American West,” as well as “an unparalleled collection of Native American art and artifacts” and important collections of historical documents and maps.¹ The museum and its world-renowned collection were the work of Tulsa oilman and Muscogee (Creek) citizen Thomas Gilcrease. The buildings and collection were acquired by the City of Tulsa in the 1950s and in 2008, under a historic public-private partnership, the University of Tulsa (TU) assumed management of operations at the Museum. When TU became involved with the Gilcrease Museum, a conference bringing together the museum and the Indian law program at the College of Law was an opportunity to be welcomed.

We are pleased to publish the conference papers in this symposium issue of the

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1. Gilcrease: The Museum of the Americas, *Homepage*, <http://www.gilcrease.org/> (last accessed Apr. 5, 2010).

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Professor Rebecca Tsosie opened the conference with an exploration of the contemporary role of museums in relation to tribal cultural sovereignty. Her article, *Native Nations and Museums: Developing an Institutional Framework for Cultural Sovereignty*, describes the changing role of museums in relation to Indian cultures, from the acquisition and display of the “other” to a focus on reconciliation and repatriation. Setting her arguments in the context of both domestic and international indigenous-museum relationships, Professor Tsosie concludes that museums have a vital role to play in facilitating cultural sovereignty.

Against that context, Dr. Duane King, Executive Director of the Gilcrease Museum, and Karen Kramer Russell of the Peabody Essex Museum (PEM) presented papers from the perspective of museum management. Dr. King, in his article *Exhibiting Culture: American Indians and Museums*, provides an overview of the troubled historical relations between museums and tribal peoples, and traces the modern rise and diversity of tribal museums. Ms. Russell, in *Over 200 Years of Native American Art and Culture at the Peabody Essex Museum, Salem, Massachusetts*, focuses on the PEM’s extensive Native American collection and its history with that collection as an example of the changing relationship between museums and Indian peoples.

The next article, *A History and Analysis of Laws Protecting Native American Cultures* by Professor Marilyn Phelan, sets out the domestic and international legal framework for the protection and repatriation of cultural heritage. Following an overview of the laws, she compares the federal Native American Graves Protection and Repatriation Act with the international UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, concluding that the U.S. law offers greater protections for indigenous peoples and should be modeled in international law.

Professor Allison Dussias, in *Exhibiting Culture in Legal Settings: Courts, Agencies, and Tribes*, moves the context into the regulatory process and the courtroom. Focusing on two specific instances—the Gitksan Nation in Canada and the Mattaponi Tribe in Virginia—she explores the “exhibition” of native cultures as evidence to support tribal claims in proceedings before administrative agencies and courts. Demonstrating that exhibiting culture in these contexts is not without both significant risk and practical difficulties, Professor Dussias nonetheless concludes on a note of “(cautious) optimism” that the result may be worth the dangers.

Concluding the conference, Professor Alex Tallchief Skibine, in *Culture Talk or Culture War in Federal Indian Law?*, explores the question of how Indian religion and culture can be protected within U.S. law without being assimilated by it. Examining four areas of the intersection of American law and tribal cultural heritage—peyote, eagle feathers, the meaning of “Native American” for the protections of the Native American Graves Protection and Repatriation Act, and sacred sites—he concludes that the federal response depends largely on which branch of the federal government is involved. Congress and to some extent the executive branch have been supportive, more focused on “culture talk” and negotiations than conflicts with tribes. The federal courts, however, particularly in their common law decisions in cultural cases, seem still to be pursuing a “culture war” to the detriment of tribal interests.