

# The Social Life of Basket Caps: Repatriation Under the Native American Graves Protection and Repatriation Act, in Hopes of Cultural Revitalization



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## ABSTRACT

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*On November 16, 1990, Congress passed the Native American Graves Protection and Repatriation Act (NAGPRA), which is a federal law that forces institutions with any federal funding to repatriate specific objects and human remains back to the rightful, federally recognized Native American tribe. There have been only two cases of basket caps being repatriated under NAGPRA. One reason so few basket caps have been repatriated lies with the strict wording of the law and interpretation. Therefore, in an effort to include all types of basket caps under NAGPRA, this study will demonstrate the need for a more holistic perspective concerning basket caps.*

A common tragic history links the Native American communities in California. Walking through a museum can be a very different experience for a Native American versus a non-Native person; having ceremonial objects, other objects used for cultural practices, and the remains of actual ancestors on display hurts Native people to the core (Cooper 2008). Karen Cooper, Cherokee, author of *Spirited Encounters: American Indians Protest Museum Policies and Practices* (2008), discussed the practice of displaying Native American remains and how it was accepted in public museums until the mid-1900s. Throughout this paper the terms “Native American,” “Indian,” “American Indian,” and “Native” will be used interchangeably to refer to indigenous people. “Indian tribe(s)” is a term used loosely to describe bands, communities, nations, or organized groups who are given special programs and services by the United States of America (Public Law 101-601).

On November 16, 1990, Congress passed a law giving Native people a chance to regain ownership of their objects and human remains from specific institutions: the Native American Graves Protection and Repatriation Act (Public Law 101-601). NAGPRA is a federal law that gives protection to Native remains and calls for institutions that receive any federal funding to

repatriate items to federally recognized Native American tribes (Public Law 101-601).

Although Congress passed NAGPRA 20 years ago, there are still many institutions that have not yet repatriated Native human remains and important ceremonial objects. There have been 20 years of repatriation and some healing that has been going on in the Native community, but many objects and Native ancestors are still “held hostage.” Ceremonial items are the most obvious items to be repatriated, but there is no protection in NAGPRA for the everyday objects. Though there are many areas of NAGPRA that need study, the present research focuses on northwestern Native American basket caps. Basket caps hold many functions in Native society; basket weavers create basket caps for different reasons (for example, there are widow caps, work caps, and dance caps). All basket caps have significant importance within Native American life, and this research discusses the importance of all basket caps to Native peoples.

Native Americans in northwestern California experienced genocide and extermination during the Gold Rush, which created an upheaval of their society. California’s Indian population in 1845 was estimated at 150,000, gold was discovered in California in 1848, and by 1870 the Indian population declined to 30,000 (Rawls 1984). Economic times put Native people into difficult situations, such as being forced to sell sacred objects to feed themselves and their children. The process of colonization disenfranchised Native people. Through these hard times, Native American culture was highly sought after. Some collectors purposely sought to buy basketry and ceremonial regalia (ceremonial dress) from Natives who could not support their families even with the proceeds. This trend accounts for sacred objects and cultural patrimony coming to reside in private institutions, museums, repositories, and other collections. Considering their past of oppression, suffrage, and disenfranchisement makes the fact that Native people are still trying to reclaim their sacred objects, cultural patrimony and their ancestors’ remains that much more compelling.

#### LITERATURE REVIEW

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There is limited research that connects NAGPRA and basket caps, but adequate research on the two as separate entities exists. Two specific texts dedicated to Native basket caps, *Yurok-Karok Basket Weavers* by Lila M. O’Neale (1932) and *Her Mind Made Up: Weaving Caps the Indian Way* by Ron Johnson and Coleen Kelley Marks (1997). Some text had sections pertaining to basket caps such as Brian Bibby’s book, *The Fine Art of California Indian Basketry* (1996) and Pliny E. Goddard’s book, *Life and Culture of the Hupa*

(1903). *Indian Baskets of Central California: Art, Culture, and History* (2006) by Ralph C. Shanks had ample information on basketry and materials.

O'Neale finished her field work in six weeks and published her dissertation *Yurok-Karok Basket Weavers* in 1932. O'Neale took a different route in her methods, changing some of the ways anthropologists did field work by writing from "the Native's point of view." O'Neale listed the names of her 50 informants who were all weavers (25 Karuk, 17 Yurok, 7 Hupa, and one with no tribal affiliation) in the appendix of her book, *Yurok-Karok Basket Weavers*. She also took many photos of baskets and basket caps in the field and asked the weavers about their thoughts on the pictured baskets. O'Neale's work is a great source of methodological information on basket caps and it was not until 64 years later that Ron Johnson and Coleen Kelley Marks would come along to continue where O'Neale left off.

Johnson and Marks (1997) wrote *Her Mind Made Up: Weaving Caps the Indian Way* after interviewing Yurok, Karuk, Hupa, Wiyot, and Tolowa peoples on their knowledge of basket caps. The authors created a storyline with their method, taking each cultural group and starting off with their most renowned weavers. The researchers would then interview contemporary weavers, and went on to discuss the changes from O'Neale's 1932 work and their current findings.

Texts concerning NAGPRA consisted of Karen Cooper's *Spirited Encounters: American Indians Protest Museum Policies and Practices* (2008); Jack Trope and Walter Echo-Hawk's, *The Native American Graves Protection and Repatriation Act Background and Legislative History* (2000); and Robert Mallouf's, *An Unraveling Rope: The Looting of America's Past*, published in *Repatriation Reader: Who Owns American Indian Remains?* by Devon A. Mihesuah (2000).

Steven Vincent, author of *Indian Givers* (2005) has opposite views on NAGPRA from the other authors and researchers cited previously. Other authors add to the literature with discussions about workshops that bring Native peoples and museums together to search for common ground on and education about NAGPRA. These authors include Allyson Lazar who wrote *Repatriating More Than You May Know: A Handbook and Resource Manual on the Potential Chemical Hazards of Native American Cultural Items to be Repatriated* (2000); and Drs. Luby and Nelson who wrote *More Than One Mask: The Context of NAGPRA for Museums and Tribes*, published in *American Indian Culture and Research Journal* (2008).

## **NAGPRA**

The Native American Graves Protection and Repatriation Act is Public Law 101-601. NAGPRA was passed to assist Native Americans, the indigenous population of the United States of America, in protecting the future of their

ancestors' remains and objects that are located in institutions. For a long time, it was common practice to dig up American Indian grave sites. The excavators or "grave robbers" sought profit and romanticized these notions as adventurous (Mallouf 2000). Trope and Echo-Hawk wrote that, "Human remains were obtained by soldiers, government agents, pothunters, private citizens, museum collecting crews, and scientists in the name of profit, entertainment, science, or development" (2000, 125). During the rampant collecting and selling of Native America, there was nothing that the Native descendant community could legally do to stop it. They often have been disregarded as a living culture and not seen as having equal rights; thus, they remained on the sidelines watching their ancestors' remains being collected and displayed by institutions.

NAGPRA was also created to repatriate items that have cultural significance to a tribe. This part of the law allows Native groups to make claims on human remains, funerary objects, sacred objects, and cultural patrimony (Public Law 101-601). Tribes can make a claim depending on their cultural affiliation, which can be accomplished by proving they are the most likely descendent between Indian tribes and their ancestors (Public Law 101-601). "Associated funerary objects" are items found with human remains. They can be cultural or anything that had to do with the death rite of that individual. These objects could have been placed with the individual at the time of death or placed at a later time (Public Law 101-601). "Unassociated funerary objects" are objects that have not been kept in conjunction with the human remains (Public Law 101-601). "Sacred objects" are objects that are needed by the Native American for ceremonial purposes that can also be repatriated (Public Law 101-601). "Cultural patrimony" refers to not individually owned but communally owned items that have historical, cultural, or traditional importance to a Native American tribe; these items are also subject to repatriation under NAGPRA (Public Law 101-601). The Code of Federal Regulations 43 under Public Law 101-601, requires consultations to take place after a claim is made and states that "federal agency officials must consult with known lineal descendants and Indian tribe officials...that are, or are likely to be, culturally affiliated and demonstrated cultural relationship with the human remains, funerary objects, sacred objects, or objects of cultural patrimony." "Repatriation" is the change in title (recorded ownership) of the object or human remains from the institution to the Native tribe.

NAGPRA helps most Native people, but no law is perfect. One problem is that NAGPRA only applies to federally recognized tribes; in California, many tribes do not have federal recognition. A "federally recognized tribe" is an "...American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States..."

Federally recognized tribes are entitled to receive certain federal benefits, services, and protections because of their special relationship with the United States” (Indian Affairs 2010). This aspect of NAGPRA leaves many tribes without a government-to-government relationship and, therefore, the inability to make claims under NAGPRA. According to the NAGPRA Web site, there have been 4,303 repatriated sacred objects, 948 repatriated cultural items, and 822 repatriated objects that are both sacred and patrimonial (as of September 30, 2009). This number could be higher if non-federally recognized tribes were also allowed to make claims on their ancestors’ remains and cultural items.

### *Perceived Abuses of NAGPRA*

According to Steven Vincent, author of *Indian Givers*, “It’s the abuse of this process [NAGPRA] that angers many archaeologists and anthropologists. They argue that NAGPRA has given Native Americans license to claim human remains whether or not there is a genealogical link, often at the expense of scientific knowledge” (2005, 36). Vincent goes on to discuss the abuse of NAGPRA by Native tribes and the loss of scientific knowledge of North America (2005). Vincent also discusses how “many Indians converted to Christianity...and sold or gave away objects that they once considered holy. Now encouraged in part by NAGPRA, Indians are rediscovering their ancestral beliefs and demanding the repatriation of these items” (2005, 40). Vincent does not cover the genocide or the colonization of Native peoples.

### **Basketry**

California is known worldwide for the remarkable basketry of northern Native Americans (O’Neale 1932; Shanks 2006). According to O’Neale (1932) and Goddard (1903), the Klamath River people (including the Yurok, Karuk, and Hupa) twined their baskets. Basketry is a way of life for California’s Native peoples, according to Bruce Bernstein, the director of the Museum of Indian Arts and Culture/Laboratory of Anthropology in Santa Fe, New Mexico, who is a basketry scholar. Author Brian Bibby quoted Bernstein, who observed that “Baskets were integral to the activities that were the foundations of life—infants were carried in baskets, meals were prepared in baskets, and baskets were given as gifts to mark an individual’s entrance into and exit from this world.”

Baskets have a voice and if we listen to what they say, we can obtain a wealth of knowledge from basket stories. Authors Turnbaugh and Turnbaugh, who wrote *Basket Tales of the Grandmothers* (1999), looked at basketry like a language and argued that one can observe the changes in culture through basketry. Basketry is also helpful when looking at the transportation of vital information and the importance of oral tradition (instead of the written form) from generation-to-

generation (Turnbaugh and Turnbaugh 1999). One can look at the start of the basket and tell who wove it or who taught the weaver.

Weaving is no easy task. The correct materials must be gathered and properly prepared before one begins to weave a basket (Shanks 2006). Coiled and twined are the two methods to weave a basket (Shanks 2006). The materials used in basket making were based on what was available within the geographic region of the weaver. While gathering materials to weave, weavers had to have great knowledge of their surroundings. The women or men (who also wove) had to know the season in which material could be collected and where the best materials were located for gathering. According to Shanks (2006), “these [plant] materials must have proper length, width, strength, flexibility, and beauty” in order to weave a functional basket. There are prayers that are said/sung while gathering to show thanks to the plants that produced and created the material for basketry (Shanks 2006).

#### *Basket Cap Materials*

Ralph Shanks and Kathy Wallace (a Karuk, Yurok, Mohawk, and enrolled Hoopa Valley Native American) were interviewed by the present study’s author on May 21, 2010. They described some of the frequently used materials to weave a basket. Beargrass (*Xerophyllum tenax*) is off-white and used for overlay work. Many of the basketry materials are best gathered after a fire has burned the gathering area, which creates new growth that is straighter and more pliable. Peeled hazel (*Corylus*) and grey willow (*Salix*) often serve as the foundation rods of a basket. The stem of the maiden hair fern (*Adiantum*) is used to add color for designs that have two sides: a dark red side and a shiny black side, with the red side being the more brittle one. It is the only material that can be used fresh because it does not shrink much. Wallace also discusses the woodwardia fern (*Woodwardia*) and how it is dyed a reddish color and has two strands that must be taken out and dried. These strands are chartreuse in color, which ages to tan until dyed with the inner white alder bark. Porcupine quill also is used in basketry; the tubular quills are rounded to overlay the root. The quills are dyed with wooden moss (lichen) and Oregon grape root and they are hard to manipulate. Christie Vigil (a Yurok and Hupa Native American who is the administrative assistant at the California Indian Basketweavers Association) commented that gathering is a long process; one has to gather for a year before beginning to weave (interview by author).

#### *Weaving Basket Caps*

The Yurok, Hupa, and Karuk tribes, located on the Klamath River in northwestern California, still wear traditional basket caps, according to Wallace (2010). Basketry is an extremely difficult skill to develop and to make a basket cap is a high achievement. O’Neale explained in her 1932

dissertation, *Yurok-Karok Basket Weavers*, that “All might weave baskets, only a few could make a wearable cap” (43). O’Neale specifically discusses the three types of basket caps (root caps, fern caps, and grass caps), and how they are usually named after the predominant material (1932). In the book, *Her Mind Made Up*, an interview with Georgiana Trull reported that, in Yurok, “the basic names are *athl-wah eka* (Indian cap) and *wapa-wah-eka* (spruce cap)” (Johnson and Marks 1997).

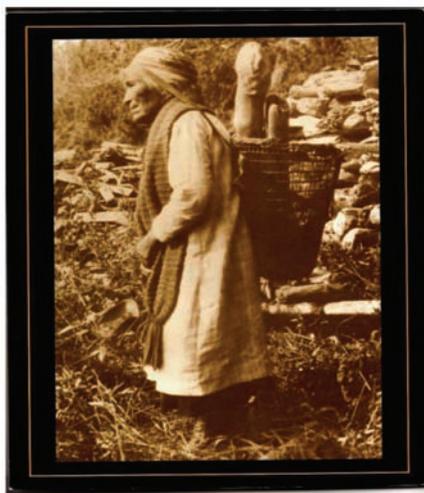
There are three zones in a basket cap. The first is the center of the basket up to the three-strand twine where the basket starts to bend. The second zone is the main portion of the basket, the portion that has the designs. The third zone is the upper edge of the cap that fits on the brow (O’Neale 1932). In an interview with the author, Wallace explained that,

*When you weave a cap you represent your whole family, and more likely than not they’re going to be worn at ceremonies and going to be scrutinized and if it is really good they will come up and ask ‘Who made the cap?’ And if it is really bad, people will come up and ask ‘Who made the cap?’ The cap maker and the weaver represent your family.*

Basket cap weaving shows talent; there is no measuring of the person’s head that the cap is being made for, there is no trying the cap on, and yet these caps remain perfect in dimension. They are made to match the dimensions of the wearer’s hand. In their book, Johnson and Marks (1997), and Wallace, in an interview with the present author, each explained the technique in which the button (center of basket) to the edge is measured from the tip of a person’s finger to the second knuckle, which is how the weaver knows when to start the second zone of the cap. The second zone is measured by the length on one’s middle finger. The third zone is measured by the length on one’s thumbnail. Once the cap is finished, the wearer should be able to spread her/his hand open inside the cap.

#### *Types and Uses of Basket Caps*

Working caps are rounder than ceremonial caps and made to fit the head tighter. Working caps are worn to help with the pressure of the tumpline from a burden basket (O’Neale 1932) or a baby basket, according to Wallace (2010). Wallace also talked about working caps having fewer colors and designs, but still having the three zones described previously. An example of a working cap is presented in Figure 1, in which Mary Frank (a Yurok Native American from Humboldt County, California) is shown in 1895 wearing a burden basket (a basket for gathering) on her back with a basket cap. Wallace noted that another use for a non-ceremonial basket cap would be to keep long hair back from one’s face (2010).



**Figure 1.** Mary Frank, a Yurok Native American, 1895 (Israel 1996)

Ceremonial caps have a different shape and were made from different materials than working caps. Ceremonial caps tended to be flatter on top (O’Neale 1932). Bibby, “a highly regarded expert in the song, dance, language, and artistic traditions of Native California” (1996), discussed the sacred caps that Native American women wore in ceremonies. In 1948, Amy Smoker (a Yurok Native American and highly respected weaver) wove a ceremonial basket cap that was decorated by Vivien Hailstone (a Yurok/Karuk Native American and member of the Hupa Tribe) who was also a

supreme weaver. This ceremonial basket cap was worn for the Brush Dance performed by young women who had not had any children. Sacred caps, in comparison to the working caps, may be decorated. The decoration on the cap woven by Smoker was decorated with dentalia (shell found on the coast of the Pacific Ocean) and woodpecker scalps, which are bright red in color. This cap is an example of a basket that may be subject to NAGPRA because dentalia and woodpecker scalps are highly valuable in Native culture. “The most expensive and highly regarded of the ceremonial caps were those with dyed porcupine quills and black maidenhair fern. These materials were more difficult to use and required greater weaving expertise,” explained Johnson and Marks, authors of *Her Mind Made Up* (1997). Ceremonial caps are greatly cared for out of respect for the cap, because of the time taken to weave them and because it was believed that the weaver’s spirit was woven into the cap (interview by author).

Type	Shape	Material	Method	Design	Zone
Ceremonial basket cap	Flatter on top	Red-dyed woodwardia fern and black maiden hair fern, beargrass, dyed porcupine quills	Twined with a color overlay on most of the outside of the cap	Many	3
Working basket cap	Rounded	Pine/sitka spruce/ willow root, beargrass, fewer colors	Twined with minimal overlay	Plain, horizontal stripes	Usually 3

**Table 1.** Differences between ceremonial and working basket caps

Men wore work caps made of roots with plain or no designs (O’Neale 1932, 42). Wallace noted that all caps had multiple functions; men’s caps would be used to measure tobacco and to drink water (2010). The Johnson and Marks

(1997) interview with Josephine Peters (a Karuk, Yurok, Shasta, and Wyandot Native American who is a great basket weaver) includes her description of a man's basket cap. Peters pointed out a raised crown on the man's cap that creates a small difference in shape. This different shape helps when a man goes to dip his cap in water like a cup (Johnson and Marks 1997, 134). There are also caps that represent the individual's place in their community, such as a widow's cap. The widow's cap is plain, made of roots, and is usually an older basket (O'Neale 1932). Wallace says, "So when you were mourning you usually cut your hair and would wear a real plain cap to show that you were in mourning and you wore it until you were out of mourning...but it let everybody know...and some widows wore it for the rest of their lives" (interview by author). A widow's cap is shown in Figures 2a and 2b. This widow's cap is representative of the caps described in the present research; these caps show no design and only two colors.



**Figure 2a.** Woman's widow cap (Sacramento State Anthropology Museum 2010)



**Figure 2b.** Close-up detail of a woman's widow cap (Sacramento State Anthropology Museum 2010)

These figures show a woman's widow cap that was collected by Joel S. Cotton in September 1923, and purchased for five dollars. The cultural affiliation of the cap is Hupa, near Requa and woven by Metaha. The cap stands at 8 cm high, and its rim is 17 cm in diameter by 17 cm in width (Sacramento State Anthropology Museum 2010).

### *Repatriation of Basket Caps*

The researcher has identified two examples of repatriated basket caps. In the first case, on December 19, 2007, the Department of the Interior posted on the National Park Service database the Notice of Intent to Repatriate six cultural items, including two basket caps from the Horner Collection located at Oregon State University, Corvallis. Oregon State University (OSU) consulted with around 20 different tribes. These six items were repatriated to Smith River Rancheria, California under 25 USC 3001 (3) (c) as sacred objects (National Park Service 2007). On June 18, 2009, OSU also repatriated three cultural items, one being a basket cap, to the Siletz Reservation, in Oregon,

under 25 USC 3001 (3) (c) as sacred objects. Documentation related to the repatriation stated that the Siletz “attributed the materials used and the style of the basket to be that of Siletz weavers from the northwest coast. Siletz consultants identified the basket cap as a cap that would be used in ceremonial dancing, and the ceremonies continue to take place” (National Park Service 2009). These examples of repatriation of basket caps are rare but set a precedent for rightful tribes to make claims on basket caps to be repatriated.

Unfortunately, repatriation is never simple. It is a lengthy process and it is also sometimes unsuccessful. Sometimes the sweet victory of bringing items home can become another tragedy, due to the toxic chemicals institutions used to prevent bug/insect/fungi destruction of the items (Lazar 2000). According to Lazar (2000), author of *Repatriating More Than You Know: A Handbook and Resources Manual on the Potential Chemical Hazards of Native American Cultural Items to be Repatriated*, the most commonly found poisons in contaminated museum collections are arsenic, strychnine, and mercuric chloride (used from 1800-1940 as contact pesticides). Naphthalene (an insect repellent) was in use in 1890, and was still in use until 2000. Paradi-chlorobenzene (PDB), an insect repellent and fungicide, has been in use since 1930 and was still in use as of 2000. Hydrogen cyanide was used between 1930 and 1940 as a fumigant, as was dichloro diphenyl trichloroethane (DDT) from 1945 to 1970. Lazar creates a list of objects that most likely would be at risk of being poisoned, which included baskets (2000). Because these methods of preservation have been in routine use since the 1800s, there is poor documentation on which objects have been contaminated with what chemicals (Lazar 2000).

The health risks involved in dealing with contaminated objects affect Native people who handle repatriated objects and museum staff who work with collections. In 2001, the National Park Service awarded a NAGPRA grant of \$41,635 to the California State Parks agency to provide workshops in California on dealing with contaminated collections. Paulette Hennem, former NAGPRA coordinator with the Department of Museum Services Section, Archaeology, History, and Museums Division, who also has worked with John F. Kennedy University’s Museum Studies students, says of museums and tribes working together,

*Well, this whole grant had to do with that [CA State Parks grant] and examining the problem from the aspect of the state and also the aspect of the tribes. We did a series of workshops up and down the state and brought together Indian people and museum people because it is a joint problem; it is not just one side or the other. Everybody is in the same boat on this (interview by author).*

In 2004, Dr. Edward Luby, professor at San Francisco State University (SFSU) and former associate director of the Berkeley Natural History Museums and Dr. Melissa K. Nelson, Associate Professor at SFSU in Native American Ecology/Environmental Studies and California Indian Cultures, had the idea to bring museum staff and Native communities together as done in previous workshops, but with the intent of discussing each other's needs and wants concerning NAGPRA. Luby and Nelson (2008) observed,

*In this sense, NAGPRA is definitely a matter of religious rights and freedom and indicates the strong emotional nature of repatriation for Native peoples...we believe that it is important to emphasize that many museums and tribes only began to interact once NAGPRA consultation was mandated. As a consequence, for some museums and tribes, NAGPRA has truly been a transformative experience, though certainly not all of it has been positive.*

#### METHODOLOGY

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This study consisted of six interviews. The researcher interviewed three people from the Northwest Native American community with knowledge of basketry. These people are weavers and have cultural ties within the Native American community. With the limited number of Native American weavers, using open-ended questions allowed the weaver to provide and capture her/his knowledge of and experience with basket caps. Most important in this study is recording Native American voices and their stories. The first set of interviews lasted one hour. In the second set of interviews, the researcher interviewed NAGPRA practitioners. Each interview had 10 designed questions for each group (see Appendix).

Every participant signed a consent form for this project. The consent form included the topic of the study, how long the interview would last, and how the information will be stored. The person being interviewed was then allowed to decline or participate in the study (Office of Research Administration 2009). The people being interviewed in the Native American community were weavers and artists. The other interviews were with NAGPRA practitioners who had a long history with NAGPRA and implementing its policies. Each interview was digitally recorded and transcribed.

This research used a qualitative methodology due to the lack of information on basket caps and the limited availability of Native American weavers. The majority of the baskets pictured in the existing literature have no record of the weaver, usually listing only the weaver's cultural affiliation (Fields

1985). This study by Fields provided information on the difference between ceremonial and working basket caps, and also provided guidelines that will later be used to differentiate between the two types of caps. By combining interviews with Native American people and interviews with professionals working with NAGPRA, this present study could break ground uncovered by O'Neale or Johnson and Marks, and determines what the differences are between ceremonial and working caps.

#### ANALYSIS

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Christie Vigil has been weaving since she was a child of eight- or nine-years old, and she comes from a strong Native American cultural background; her father is a Hupa dance leader who puts on the Jump and White Deerskin dances. Based on her knowledge of basketry, weaving, and basket caps, she explained that there is no difference between a work cap and a sacred cap, that all were sacred (interview by author). Vigil discussed the ethics of weaving, explaining while one weaves, she or he must have a good heart, cannot be on any substances, and should have taken time to cleanse before weaving. The weaver cannot be sick and there can be no weaving for up to a year from the time that a family member passes away. No weaving is done while menstruating. All these factors are limitations on weaving because when weaving, the weaver puts a part of himself or herself into the basket. Vigil has never woven a basket cap but weaves mini and full baby baskets, medallions, and tobacco pouches. She mentioned that her family has basket caps and lends them out for ceremonies (2010).

Annette Reed, Ph.D. (a Tolowa Native American enrolled at Smith River Rancheria) is the director of Native American Studies and an associate professor in the Ethnic Studies Department at California State University, Sacramento. Dr. Reed was taught to weave by renowned weavers, Jenny Mitchell and Mabel McKay. On basket caps and religion, Dr. Reed noted that larger society might think of the caps as inanimate objects, but to Native American people, all things have life and a force, which means the caps are sacred. Dr. Reed (2010) said, in an interview with the author,

*The point of all baskets was that all of them had some type of life. So, when you went out to gather...that you offered prayer... you accepted whatever you found, whatever came to you, whatever was offered to you. Then when you left, you again said prayer. So the whole thing... [You] gather different types of materials at different times of the year and that goes with different seasons and so if we look at that; there are different cycles of life that the plant goes through. As with human beings we go through different cycles of*

*life, so does that plant because that plant also has a life to it, so you gather it at different times.*

Dr. Reed believes that weaving is a spiritual process, and that no one can just pick up materials and weave them; it takes time and prayer to weave a good basket. The connection between all aspects of weaving (gathering, praying, storing the materials, and getting the water that is used to soak the materials) is instrumental to the process. Dr. Reed stated, “Also I remember being told by several basket weavers over the years that the things are created for purposes so, for example... a basket cap that is never used or never worn. They say it cries because it is not being used for the purpose it was created for...” Objects are living things and have voices but so do the Native ancestors who are crying because of the treatment of their remains.

Dr. Reed discussed her feelings about how ancestral remains are housed in bags and in drawers at institutions. She talked about how other people would not like their ancestors to be treated in the same manner as Native American ancestors, depriving them of many years of rest. She likens this treatment to discrimination and a type of racism within our society that has allowed the mistreatment of Native American remains. Dr. Reed noted that this problem needs to be acknowledged and eliminated with repatriation (interview by author).

Wallace, a basket weaver and lecturer on basket weaving and California Indian art at San Francisco State University, discussed the materials used for basket caps, saying that the sticks must be very long and narrow in order to keep the shape of a cap and not cause the cap to bow inwards. The quality of sticks for basket caps is hard to come by and the weaver sometimes has to save up for years before gathering enough material to weave a basket cap. Wallace discussed how basket caps are worn by many individuals, including women, men, and young girls, and how practical the caps are. Having a basket cap would be convenient for measuring tobacco (a type of currency) and as a cup for drinking water or holding berries.

Wallace discussed how the production and sale of basket caps kept families alive. Basket weavers would produce caps for the tourist and collector market. Basket caps would generate more money than other baskets because of the workmanship, designs, and colors, which is why collections have small caps that would not fit anyone today; weaving such a cap would take less time and use fewer materials. The basket weaver knew the cap would end up sitting on a mantle or hooked on a wall, never being worn, which is why so many made-for-market caps remained in such good condition.

Cristi Hunter has been working as the instructional support technician at California State University, Sacramento (or Sacramento State) for seven years

and works with the archaeology collections. Hunter explained her job within the university repository as having her time divided between the archaeology collection and technology work. Hunter, whose desire is that everything goes well in consultation, said that the worst outcome is “to have competing tribes, so you have to make the decision. As the institution, we make the decision of who is the most likely owner with the ethnographic data and the other data that has been looked at picking one group over another. It is very difficult in this area.” The majority of the collections housed at Sacramento State are older collections called “legacy collections.” Hunter has never repatriated cultural items, only human remains.

The author interviewed Paulette Hennem on May 19, 2010. Hennem is the former NAGPRA coordinator with California State Parks, Department of Museum Services Section, Archaeology, History and Museums Division. She discussed being involved with NAGPRA since 1998 and how she has limited experience with repatriation of cultural items. Hennem said that few Native American tribes claim cultural items for repatriation because, perhaps, human remains take precedence. When asked about the weakness or the challenges with NAGPRA, Hennem replied that the main weakness is that unrecognized tribes that would like to have items and remains repatriated to them do not have the legal status to do so (2010). The strength of NAGPRA is the law itself because it has caused so many changes. Hennem said that it is a shame that this type of conclusion (repatriation) had to be by law. The outcome of NAGPRA has completely reversed the roles and the experts are now listening to the Native peoples.

Terri Castaneda, Ph.D. is associate professor and museum director for the Department of Anthropology at California State University, Sacramento, and has been working with NAGPRA indirectly for the last five years (interview by author). Dr. Castaneda has not been directly involved with consultations or repatriations of ethnographic materials, but as someone who has been working in the museum field for many years, she is very familiar with NAGPRA. At present, the Department of Anthropology's priority is repatriation of human remains. Dr. Castaneda discussed her evolution as a 22-year-old museum worker with a bachelor's degree in anthropology and a focus in archaeology, who came to the understanding of Native American civil rights and NAGPRA. While working with the Houston Museum of Natural Science, Dr. Castaneda was initially upset by and opposed to NAGPRA, but slowly started to understand and learn about Native history and rights, and the feelings that Native people had about museums and anthropology. Dr. Castaneda has recently worked with basket caps in the museum, working on an inventory of a specific collection. She said, “For me, what the passage of the law ultimately demonstrated was that

Congress—comprised at that time of people who were very senior to me, and certainly with a lot more life experience—understood the human and civil rights implications of the legislation, and thus our nation saw it worthy of passage.” Dr. Castaneda also discussed the law showing a type of empathy for Native peoples confronted with colonization and those who continue to find themselves confronted with ownership and the appropriation of cultural materials through science or any other means. She said, “The challenge is that many people reduce it to a battle between science and religion, as opposed to understanding it as a human and civil rights issue” (2010). Dr. Castaneda also discussed some creative solutions that NAGPRA legislation probably did not anticipate. For instance, she mentioned how the Clarke Museum, located in Eureka, California, holds many items that are apparently loaned out to local tribes and used in their ceremonies. This practice may change the way that tribes think about the disposition of these items over several generations, as objects that were originally owned by individuals—and perhaps not otherwise subject to repatriation—come to be seen as objects of cultural patrimony.

### **Sacramento State Cotton Basket Collection Review**

Figures 3, 4, 5, and 6 show items from the Cotton Basket Collection located at Sacramento State, which have been undergoing the process of inventory for NAGPRA. These baskets are part of the Joel Cotton Collection donated by Dr. and Mrs. Norman Cotton to the university’s anthropology museum on November 23, 1996. Figure 3 shows a twined basket cap. The direction of work is from right to left. Collected by Joel S. Cotton in 1905 and purchased for \$3.50 from Carl Purdy, a famous collector and author, this cap is 10 cm in height, 19 cm in rim diameter and 19 cm maximum width. The design type is geometric and is red and black. The cultural affiliation is Hupa from Northern California. The basket weaver is unknown (Sacramento State Anthropology Museum 2010). This basket cap does not have a written description under function besides “Hat” on the basket identification card (Sacramento State Anthropology Museum 2010). As seen in Figure 3, when a basket cap is placed upside down, it can easily be mistaken as a bowl; unfortunately, many caps are wrongfully identified in this manner (interview by author). This basket seems to be woven with maiden hair fern, woodwardia, and beargrass. Figure 4 is identified as an “old ladies’ cap” on the accession card. This cap is from the Karuk-Yurok cultural area in Northern California. This cap was bought in 1923 for five dollars by Joel S. Cotton. The basket cap is twined white grass and the work direction is from right to left. The cap is 9.5 cm high and the rim diameter is 18 cm (Sacramento State Anthropology Museum 2010).



**Figure 3.** Basket cap (Sacramento State Anthropology Museum 2010)



**Figure 4.** "Old ladies' cap" (Sacramento State Anthropology Museum 2010)

Figure 5 shows a young woman's cap from Klamath River, located in Northern California. This basket was purchased for \$5 in 1923 by Joel S. Cotton. This cap is 9 cm high and 17.5 cm in max width and rim diameter. The work direction of this basket is right to left and is twined from maiden hair fern and white grass (Sacramento State Anthropology Museum 2010). Unfortunately, there is little information on Figure 6, according to the accession card. This basket is deemed a hunting cap and is twined and was woven by "Blue Creek Nelly."



**Figure 5.** Young woman's cap (Sacramento State Anthropology Museum 2010)



**Figure 6.** Hunting cap (Sacramento State Anthropology Museum 2010)

The correlations between the importance of basket caps in Native communities and repatriation under NAGPRA are indeed skewed. There have only been three documented basket caps claimed and repatriated, according to the NAGPRA database (National Park Service 2007). This may be due, in part, to the expressed prioritized precedent for human remains to be repatriated first. Yet, there is a common agreement between Native American peoples that basket caps are also considered sacred; they are seen as still living, not just simple objects. Interviews suggest that there is a need to establish a common ground and understanding between people working under NAGPRA and Native peoples, in order to build better relationships.

Unfortunately, due to a lack of funding and staff, institutions that have a legal responsibility under NAGPRA to repatriate items are slow to do so, causing them to remain out of compliance with the law.

## LIMITATIONS

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This researcher needed to interview more individuals within both the Native American communities and professionals working with NAGPRA. Having an interview with a person who weaves basket caps would make the research stronger.

## FURTHER RESEARCH

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The researcher would like to explore in more detail the northwestern California basket designs in relation to tribal geographical area. The researcher would also like to continue looking at cultural items in an interdisciplinary way that focuses on different perspectives of Native culture and the implications of laws with philosophical and spiritual connections with Native people. The goal would be to not only look at documentation, but to include collaborating with and interviewing Native Americans about their culture.

## CONCLUSION

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Looking at the social life of a basket cap is fascinating, from identifying plant materials and learning about the cultural knowledge needed to know when and where a person can gather, to understanding the guidelines of weaving. Basketry is an integral part of life for Northern California Indians. The experiences with those baskets, based on the literature and interviews, mean a great deal to each individual. The number of basket caps repatriated to Native American communities is small but objects have been second priority to human remains. Yet thinking about basket caps as cultural patrimony instead of just sacred objects can hopefully increase the chances of future repatriation to tribes.

With increased repatriation of sacred objects and cultural patrimony, there is cultural revitalization in the Native American communities, as having the materials necessary for ceremonies makes it easier to teach the younger generation the religion. Having basket caps repatriated to a “living museum,” where the museum lends regalia to their community, can make the ethnography of the objects change. Instead of a tribe making a claim on a basket cap solely as a sacred object, the tribe can now make a claim on a basket cap as cultural patrimony because it will not be one person’s object, but the community’s object.

APPENDIX. AUTHOR'S INTERVIEW QUESTIONS

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**Questions related to NAGPRA:**

1. How long have you worked with NAGPRA issues?
2. Have you ever had to deal with cultural items, for example baskets?
3. What is the best outcome for consultation?
4. What is the worst outcome for consultation?
5. Have you ever repatriated an item? And if so, how was this done?
6. Have you ever repatriated a basket cap?
7. What do you think are the strengths and challenges dealing with the law?
8. How does one go about getting funding?
9. What are the policies and procedures for NAGPRA concerning basket caps?
10. What types of chemicals do people need to be concerned about when dealing with baskets?

**Questions related to Native community:**

1. What is a basket cap?
2. Have you ever woven a basket cap before? Is it harder than a normal basket?
3. What are the differences between sacred caps and working caps?
4. What materials would be used in a basket cap? Both sacred and working?
5. What is a widow's cap? Is there any other specific type of basket cap?
6. When would a person get their first basket cap?
7. Do men wear basket caps? And if so, what was the function of a man's cap?
8. In your opinion, what do you think should be done with repatriated cultural items?
9. What do you think is a realistic time period that repatriation is acceptable?
10. When a repatriated item returns to a community, what is done with that item?

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