



GUIDELINES ON AMERICAN INDIAN RELATIONS

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For Immediate Issuance

Guidelines on American Indian Relations

BACKGROUND AND PURPOSE

The Ohio History Connection respects the 15,000+ year presence of Native people in the land we now call Ohio. We value the cultural and political contributions that were made by both the ancestors of and the present-day, American Indian tribes. Our organization seeks to honor that history by formally engaging the federally-recognized Tribal Nations who hold shared interests, histories and ancestral ties to Ohio. Because of the American Indian Removal Act and other Treaties which called for American Indian removal from Ohio, there are no federally-recognized tribes in Ohio today. Therefore, this approach is in alignment with federal policies directing consultation with those tribes who are acknowledged as sovereign entities by the federal government. This approach also enhances our commitment to all Ohioans – including citizens of Ohio who are members of federally-recognized tribes or those citizens who proudly claim descendency from American Indian ancestors – to tell the complete stories of Ohio history.

Since 2009, we have worked to strengthen our formal relationships with federally-recognized tribes and to be inclusive of tribal interests in our diverse efforts: pre-contact and historic interpretations, collections, exhibitions, programs, education as well as in management and operations of American Indian sites in our network. Out of the 59 sites in the Ohio History Connection site network, more than half are either sites created by American Indian people, such as pre-contact earthworks, or sites which involve American Indian people (Battle of Fallen Timbers Memorial Site) history. These guidelines are intended to support Ohio History Connection's site partners in their efforts to build successful programs, develop meaningful interpretive themes and exhibitions, and confidently manage educational resources and publications as well as cultural and natural resources at the sites.

To work successfully with Tribal Nations, it is important to share more comprehensive histories, which include tribal perspectives. Beyond the ancient, pre-contact American Indian histories in Ohio, we encourage an understanding of forced removal and relocation of tribal nations, and the impacts of those actions that are still felt today. Attached to this document you will find the American Indian Forced Removal Interpretive Planning Document that was developed in partnership with Ohio-affiliated Tribal Nations as part of a grant. The interpretive themes in this document create a fuller story by including tribal perspectives on removal and its impacts.

The Ohio History Connection and its network of sites carries the responsibility of being good stewards of American Indian objects and significant places. It is also our mission to share the stories of Tribal Nations and people. Ohio History Connection is focused on strengthening connections with federally recognized tribes. This important work should be undertaken in



GUIDELINES ON AMERICAN INDIAN RELATIONS

consideration of Tribal Nations. How the organization and our managing site partners can learn more about proper consultation will be addressed in the Ohio History Connection American Indian Policy Framework. These guidelines will help to provide answers and direction related to American Indian Relations at our sites, site programming and events. Please do not hesitate to contact the Ohio History Connection, Division of American Indian Relations or the Divisions of Historic Sites and Facilities at any time if you have additional questions. We are here to support our managing partners, who operate Ohio's historic sites on behalf of the Ohio History Connection.

DEFINITIONS

Native American: All Native peoples of the United States and its trust territories (i.e., American Indians, Alaska Natives, Native Hawaiians, Chamorros and American Samoans), as well as persons from Canadian First Nations and Indigenous communities in Mexico and Central and South America who are U.S. residents, as defined by the Bureau of Indian Affairs (US Department of Interior).

American Indian and Alaska Native: Persons belonging to the Indigenous tribes of the continental United States (American Indians) and the indigenous tribes and villages of Alaska (Alaska Natives) The Bureau of Indian Affairs (U.S. Department of Interior).

The Ohio History Connection prefers the term American Indian rather than Native American because it is more specific to the tribes of the United States. Consistently using this term also helps with consistency in writing and conforms to the Ohio History Connection branding language.

Consultation: The means between interested parties to obtain and consider views and to exchange ideas and information. Often consultation is a defined process to reach an agreement, a consensus, and/or an informed decision. Consultation is built upon the exchange of ideas, not simply providing information.

Federally-recognized tribe: 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, with the responsibilities, powers, limitations and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs. Federally recognized tribes are recognized as possessing certain inherent rights of self-government (i.e., tribal sovereignty) and are entitled to receive certain federal benefits, services, and protections because of their special relationship with the United States. At present, there are 567 federally recognized American Indian and Alaska Native tribes and villages. As defined by the Bureau of Indian Affairs (US Department of Interior).

Sovereignty: A legal word for an ordinary concept—the authority to self govern— Nations within a Nation, hundreds of treaties, along with the Supreme Court, the President and Congress, have repeatedly affirmed that tribal nations retain their inherent powers of self-government. These treaties, executive orders, and laws have created a fundamental contract



GUIDELINES ON AMERICAN INDIAN RELATIONS

between tribes and the United States. Tribal Nations are located within the geographic borders of the United States, while each tribal nation exercises its own sovereignty. NCAI.org/resources

Treaty Rights: From 1778 to 1871, the United States' relations with individual American Indian nations indigenous to what is now the U.S. were defined and conducted largely through the treaty-making process. These "contracts among nations" recognized and established unique sets of rights, benefits, and conditions for the treaty-making tribes who agreed to cede millions of acres of their homelands to the United States and accept its protection. Like other treaty obligations of the United States, Indian treaties are considered to be "the supreme law of the land," and they are the foundation upon which federal Indian law and the federal Indian trust relationship is based.

RESOURCES

These definitions are published by the United States Department of the Interior – Bureau of Indian Affairs.

<https://www.bia.gov/frequently-asked-questions>

In addition, organizations like the National Congress of American Indians, the oldest, largest and most representative American Indian and Alaska Native organization, has published resources that may be helpful to you.

http://www.ncai.org/resources/ncai_publications/tribal-nations-and-the-united-states-an-introduction

CONSULTATION

The Ohio History Connection works directly with federally-recognized tribal governments. Although high-level consultation is the responsibility of the Ohio History Connection as the landowner in many cases, some activities at sites will ideally be coordinated at the staff-to-staff or site-to-tribe level once a solid foundation has been built. Consultation is a process that generally requires a significant amount of time. Sites should plan ahead and build in time for the process. *If you have questions, issues or topics you would like to address through consultation with tribes, please contact the Ohio History Connection (Jackie Barton, Director, Division of Historic Sites & Facilities at jbarton@ohiohistory.org; Stacey Halfmoon, Director, Division of American Indian Relations at shalfmoon@ohiohistory.org) for support and direction.*

At the individual site level, we may also seek to engage federally-recognized tribes for a variety of reasons:

1. To develop meaningful, accurate interpretation to include American Indian perspectives.
 - a. To plan and develop authentic, quality public programs (including costumed living history) at our sites and for our visitors.
 - b. To develop materials and publications that address American Indian history or contemporary stories.



GUIDELINES ON AMERICAN INDIAN RELATIONS

- c. To develop meaningful exhibitions which provide insightful and accurate content.
2. To address considerations when managing cultural and natural resources at our sites which may be of particular importance to Tribes.
3. When managing American Indian collections and loans.
4. As required by law: It is important to be aware of these federal laws even though our sites are not on federal lands. Our tribal partners refer to these laws often, and the Ohio History Connection will comply within the spirit of these laws, even though they might not directly apply.
 - a. The Native American Graves Protection and Repatriation Act
<https://www.nps.gov/archeology/tools/laws/nagpra.htm>
 - b. The National Historic Preservation Act
<http://www.achp.gov/nhpa.pdf>
 - c. The Archaeological Resources Protection Act
<https://www.nps.gov/archeology/tools/laws/arpa.htm>
 - d. The American Indian Arts and Crafts Act (a truth-in-advertising law that prohibits misrepresentation in marketing of Indian arts and crafts products)
<https://www.doi.gov/iacb/act>
5. During development or renewal of significant planning activity (ex: site management plan, interpretive plan, site addition or deaccession assessment).
 - a. Identify which tribes are, or may be, affiliated with individual sites.
 - b. Identify what activities may trigger consultation and what process to follow in the event consultation is required.

Types of actions to be communicated	Timeline for initial communication
Changes in Historic Site Management Plans	When planning process is initiated
Changes in Interpretive Plan	When planning process is initiated
Changes in site management organizations	When notified that the existing management organization is leaving
Archaeological investigations instigated by Ohio History Connection	When research plan is first drafted
Archaeological investigations instigated by others	When permit is requested
Significant discoveries (like from erosion) that may or may not trigger NAGPRA or other cultural preservation concerns	When discoveries are made
Other significant ground disturbances	When funding is obtained and scope is finalized



GUIDELINES ON AMERICAN INDIAN RELATIONS

Potential publicity	When the situation arises and after Ohio History Connection in-house discussion
Exhibit replacements and improvements	When funding is obtained and planning begins
Funding request	During preparation

PROGRAMMATIC CONSIDERATIONS - Planning "American Indian" Events/Programs.

Each site should reference its facilities use policy and incorporate these guidelines when planning programs or working with outside groups to ensure that programs and events fall within individual site policies and within these guidelines.

1. Authenticity in Programming

- a. Presenters: Seek to include tribal presenters, cultural practitioners, historians or content experts. This adds authenticity to programming because we are privileging someone from that culture to speak about it.
 - i. Identity: The presenter must be clear about the voice from which they speak, for instance, tribal member; American Indian descent or heritage – but not a member of a federally recognized tribe; or content expert, claiming no heritage or tribal membership. For example, a content expert should be clear that he or she is not American Indian, but giving a program on a Native topic. The key is that a content expert can't speak *for* American Indians, but can speak *about* American Indians as a content expert.
 - ii. A content expert is someone who is a documented authority in a particular area or topic.
 - iii. Check credentials, such as:
 1. references
 2. resume or curriculum vitae,
 3. publications,
 4. presentations
 5. websites.
 - iv. If the presenter advertises him or herself as "American Indian," it is important to confirm if they hold citizenship in a federally-recognized tribe. If they are a member of a federally-recognized tribe, include which Tribe. The list of federally-recognized tribes is published each year by the United States Bureau of Indian Affairs (Department of the Interior) and can be found here <https://www.federalregister.gov/documents/2016/01/29/2016-01769/indian-entities-recognized-and-eligible-to-receive-services-from-the-united-states-bureau-of-indian>
- b. Content: Tribal citizens can speak about their tribe's cultural heritage. Presenters that are of American Indian descent or heritage, but are not enrolled tribal citizens, cannot speak for a tribe's cultural heritage as a citizen, but could potentially still speak as a content expert. That needs to be clear to participants.



GUIDELINES ON AMERICAN INDIAN RELATIONS

- c. Marketing or Promotions: If program advertisement features a person or people giving the program, the promotion, including advertising, social media and media relations needs to be transparent in terms of the presenters' identity. However, program advertising can focus on the content rather than the presenters, eliminating need for identity transparency at this stage. It is best to keep advertising simple and focus on content rather than presenters – unless the presenter's identity will draw audiences. Transparency is important in this work.
- d. Programs and Events: Make sure there are speaking points clarifying identity and tribal affiliation, if relevant.

2. Behavior

- a. All site staff and volunteers shall demonstrate and encourage respect for American Indian people, culture and history.
 - a. Use appropriate language and terminology.
 - b. Do not ascribe personal value to tribes (remain objective).
- b. Staff and volunteers shall avoid sharing non-factual histories or "hearsay" and should avoid hurtful or derogatory terms or comments.
 - a. Derogatory terms considered inappropriate or harmful could include savages, redskins, drunks, firewater, or other outdated terms that contain inherent stereotyping or racism towards American Indian people.

2. Living History & Reenactments

- a. Living History is an interactive presentation that seeks to give guests a feeling of stepping back in time. Living History can be presented by first person or third person interpreters. When Living Historians are non-native persons, third person is preferred over first person.
- b. Reenactments tend to focus on recreating historical events, such as battles, and living history is more about lifeways.
- c. A preference would be for federally recognized tribal citizens to be serving as living history interpreters or reenactors.
- d. If non-native persons are dressing as American Indians:
 - i. Remember that Ohio's tribes were Eastern Woodlands and select accoutrements accordingly. Help guests at our sites understand the difference between Plains and Eastern Woodland Indians. Use Living History as an opportunity to engage and educate guests about Ohio's American Indians and their lifeways. Site managers may implement a jury process in order to ensure that participants are dressing appropriately. Sites could use this process to assemble, over time, a look book. One or two consultations could bring about a strong jury process if a site would like to pursue that as an option.
 - ii. It is better to use third person than first person interpretation because in third person, you are speaking about someone, not for someone. Third person means that you are speaking from a modern perspective, not 'in character.' You speak from the perspective of someone from the 21st



GUIDELINES ON AMERICAN INDIAN RELATIONS

century. Third person interpretation gives you the freedom to explain clearly, and to distinguish when Living Historians are non-native. "I am portraying a Delaware person in 1784 at Schoenbrunn. I am wearing X because Y..."

- iii. Transparency is imperative; identifying that living history representatives are not members of a federally recognized tribe on marketing or program materials will help avoid offending tribal partners. Always feel free to reach out to the Historic Sites and Marketing Departments to ensure that your marketing materials are appropriate.

4. Program Promotion

- a. Program promotion shall clearly state whether the content is **about** American Indian people or is being **presented** by American Indian people:
 - a. EX: A program is promoted as "How American Indian people grew and used corn". In this instance the program is ABOUT American Indian people but is being presented by the site staff or by acceptable volunteers or authorized experts.
 - b. Program promotion shall be clear that the program is about American Indian lifeways but is being presented by a non-American Indian presenter.
- b. Program promotion should include images and content that references the specific culture or tribe, i.e. Eastern Woodland Indians.

5. Program Content

- a. Although the level of engagement can vary, always seek to engage American Indian people in designing, creating and otherwise having a hand in the content/program.
 - b. Program promotion shall clearly state the sources of the program content. If American Indian people have not weighed in on this content or the ideas being put forth, program content shall clearly state that these perspectives are **missing**.
6. Sensitivity: History is alive for many tribal people – the stories of ancestors are held with high regard and meaning. Therefore program content should take into consideration American Indian perspectives. Depending on the topic, you may need to do specific consultation with tribes. Viewpoints can differ even within one tribe. Take into consideration as well, that what may be appropriate for one site may not be for another. Furthermore,
- a. Language, title and/or content shall be respectful and appropriate of tribal traditions. (Be thoughtful in choice of words. There are words we don't use, i.e., savages, and words we use thoughtfully, such as massacre).
 - b. You should avoid or consult before addressing topics or content which may be considered sensitive to Ohio History Connection Tribal Nations. These topics include but aren't limited to:
 - i. Religious practices and spirituality
 - 1. Spiritual dances



GUIDELINES ON AMERICAN INDIAN RELATIONS

- ii. Cultural practices, including traditional ceremonies
 - 1. Tradition that surrounds storytelling
 - 2. Naming ceremonies
 - iii. Burial practices
 - 1. It is our policy not to share images of human remains
 - iv. Massacres/battles where lives were lost
 - 1. Massacred civilians
 - 2. Deaths of fighters who sought to protect indigenous rights in the face of colonization
 - v. Removal of American Indian people from homelands
 - 1. The forced removal story of any tribe, family, or individual
 - 2. Boarding school stories
7. Access: There may be times that it would be appropriate for tribes to receive special access or private programming at sites. For example, at Schoenbrunn Village, where the Delaware Tribe buried 82 ancestors, the Delaware will at times need access to those gravesites.

GIFT SHOP CONSIDERATIONS

Gift Shop Inventory Selection for Ohio History Connection Sites
Adapted from the Serpent Mound policy

The Ohio History Connection Philosophy Statement for Ohio History Connection Museum Gift Shops

Ohio History Connection's American Indian sites operate their gift shops in their museums and visitors centers for the following purposes: a) to provide additional opportunities for visitors to learn more about the sites and regional American Indians and b) to continue the experience.

The Ohio History Connection is committed to the following gift shop merchandise standards:

- The educational content of Ohio History Connection gift shop merchandise shall remain consistent with American Indian cultural history as verified by legitimate American Indian voices, and/or in accordance with anthropological and archaeological or other scientific research.
- The content and items on sale at the gift shop shall strive to anchor Ohio History Connection sites first and foremost as American Indian sites (where applicable), and shall avoid misrepresentation or misappropriation of American Indian legacies.
- The signage accompanying the sale of gift shop items shall be in accordance with The Indian Arts and Crafts Act of 1990, which can be found at the end of this document.
- If you have questions about what is appropriate for your gift shop, please reach out to your regional coordinator and/or the Business Ventures Manager at the Ohio History Connection.



GUIDELINES ON AMERICAN INDIAN RELATIONS

The following types of items in Ohio History Connection Gift Shops reflect American Indian history and culture.

- Books, educational, and interpretive items related to Ohio history, archaeology, anthropology or other research or area that fits into the interpretative mission of the site.
- Books written by American Indian authors.
- Books, educational, and interpretive items that interpret American Indian history and culture, past and present, in a culturally sensitive and knowledgeable way.
- Educational and interpretive items that focus specifically on the Eastern Woodland American Indian tribes with additional emphasis on the specific region of Ohio and the larger Ohio Valley.
- American Indian-made artwork and gift items.
- Content created in consultation with Tribes.

The following types of items reflect American Indian legacies

- Carefully selected, tasteful, locally-made gift items.
- Well-made replicas of tools and other cultural materials associated with known American Indian legacies, with a special focus on the Eastern Woodland American Indians.
- Natural History items for children, such as fossils, polished stones, small carvings, simple necklaces and bracelets made of natural materials such as bone, leather, wood and stone.
- Educational children's activity kits and tools with outdoor themes, such as compasses, magnifying lenses and children-safe atlatls and bows/arrows. Timeless toys made of wood, bone, leather and stone.
- Art items and tasteful adult jewelry, so long as the items have nature themes featuring plants and animals that are native to the Americas and preferably native to Eastern North America, and/or history themes relevant to the local area, the state and American Indian legacies.
- Historical and simple musical instruments made of natural materials, such as flutes, drums and rattles.

The following items in Ohio History Connection Gift Shops are NOT permitted for sale or display:

- Books about mystical and alternative topics, conspiracy theories, wild speculations of American history and spiritual topics not authored by American Indians.



GUIDELINES ON AMERICAN INDIAN RELATIONS

- American Indian ceremonial items or regalia, such as dancing sticks, feathered headdresses or beaded breastplates, out of respect of the sacred nature of these items.
- Gifts and collectibles that mimic American Indian crafts that are not made nor sold by American Indians.
- Items that depict idealized or offensive stereotypes of American Indian people - such as depictions of chiefs in headdress, painted warriors or maidens surrounded by wolves and horses, etc.
- Crystal points, pendulums, healing wands, items channeling or depicting unseen energies, and other items that have become associated with modern mystical or alternative ceremonies and thought. That would be tobacco, sage and ribbons. Otherwise, polished stones and mineral specimens are acceptable.
- Animal skulls, unworked animal bones, undomesticated bird feathers, full or partial skeletons, stuffed animal specimens, preserved or taxidermy animals or parts, such as rabbit feet, alligator heads and cane toad purses.
- Wildlife pelts. Cow and deer leather items with small pieces of fur are acceptable.

The Indian Arts and Crafts Act of 1990

The Indian Arts and Crafts Act of 1990 (P.L. 101-644) is a truth-in-advertising law that prohibits misrepresentation in marketing of Indian arts and crafts products within the United States. It is illegal to offer or display for sale, or sell any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian Tribe or Indian arts and crafts organization, resident within the United States. For a first time violation of the Act, an individual can face civil or criminal penalties up to a \$250,000 fine or a 5-year prison term, or both. If a business violates the Act, it can face civil penalties or can be prosecuted and fined up to \$1,000,000.

Under the Act, an Indian is defined as a member of any federally or officially State recognized Indian Tribe, or an individual certified as an Indian artisan by an Indian Tribe.

The law covers all Indian and Indian-style traditional and contemporary arts and crafts produced after 1935. The Act broadly applies to the marketing of arts and crafts by any person in the United States. Some traditional items frequently copied by non-Indians include Indian-style jewelry, pottery, baskets, carved stone fetishes, woven rugs, kachina dolls and clothing.

All products must be marketed truthfully regarding the Indian heritage and tribal affiliation of the producers, so as not to mislead the consumer. It is illegal to market an art or craft item using the name of a tribe if a member, or certified Indian artisan, of that tribe did not actually create the art or craft item.

For example, products sold using a sign claiming "Indian Jewelry" would be a violation of the Indian Arts and Crafts Act if the jewelry was produced by someone other than a member, or



GUIDELINES ON AMERICAN INDIAN RELATIONS

certified Indian artisan, of an Indian tribe. Products advertised as "Hopi Jewelry" would be in violation of the Act if they were produced by someone who is not a member, or certified Indian artisan, of the Hopi tribe.

If you purchase an art or craft product represented to you as Indian-made, and you learn that it is not, first contact the dealer to request a refund. If the dealer does not respond to your request, you can also contact your local Better Business Bureau, Chamber of Commerce and the local District Attorney's office, as you would with any consumer fraud complaint. Second, contact the Indian Arts and Crafts Board with your written complaint regarding violations of the Act.

Before buying Indian arts or crafts at powwows, annual fairs, juried competitions and other events, check the event requirements on the authenticity of products being offered for sale. Many events list the requirements in newspaper advertisements, promotional flyers and printed programs. If the event organizers make no statements on compliance with the Act or on the authenticity of Indian arts and crafts offered by participating vendors, you should obtain written certification from the individual vendors that their Indian arts or craftwork were produced by tribal members or by certified Indian artisans.

By working together across our site network, and working closely with American Indian Tribal Nations, we will create meaningful experiences and quality programs that are authentic and inclusive of tribal perspectives. The Ohio History Connection commends the work of our sites as they share the stories of Ohio and its rich history, people and cultures.

A handwritten signature in blue ink that reads "Burt Logan".

-Burt Logan, Executive Director/CEO