

Archives, Decolonization, and the Politics of Tribal Sovereignty: An Examination of Accessibility Barriers to Indigenous Federal Recognition Research in the United States

Dana Reijerkerk and Caterina M. Reed

ABSTRACT

While decolonizing accessibility and access to research materials in archives is emerging as an emphasis of scholarship, it is unclear to what extent existing decolonial frameworks operationalize Indigenous sovereignty. The primary goals of tribes and Indigenous communities revolve around sovereignty and self-determination. In the United States, decolonial approaches to archives often prioritize accessibility of collections, rather than contemplating if the accessible changes have tangible positive impacts on Indigenous user needs. In this research, the authors examine whether the intentions underlying decolonial archival work articulated in the literature contribute to a nexus of inaccessibility for Indigenous researchers seeking to assert sovereignty and/or federal acknowledgement. Federal acknowledgment is a socio-anthropological political procedure for recognition as a sovereign nation and a method for tribes to gain access to federal services. This process entangles archives in ongoing settler colonial practices antithetical to professional decolonial ethos. Through an overview of the recognition process, this research centers the politics of sovereignty as a framework to uncover the confluence of colonial logics within accessibility and archival research services. Recognition research elucidates areas of decolonial thinking that continue to remake settler colonial structures rather than enhancing accessibility for Indigenous communities of all statuses.

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KEY WORDS

Access, Accessibility, Archival reference, Decolonization, Federal recognition, Indigenous reference services, Sovereignty

The past, present, and future of Indigenous communities in the United States as experienced through the archival record exist within colonization's ongoing violence—a perpetual state of lived aftermaths of displacement, genocide, erasure, persistence, and resilience. In the nexus of settler state politics are archives—institutional spaces that are both affirming (inaccessibility, lack of transparency, prohibited access) and invalidating of settler colonial logics (decolonized data, free or low cost digital reproductions, open access). As champions of decolonization, archival professional statements and standards espouse the prominence of institutional roles in providing open access to materials as a means of counteracting historic and current systems of oppression. Guides such as the Association of College & Research Libraries Rare Books and Manuscripts Section and the Society of American Archivists' (ACRL/RBMS-SAA) *Guidelines on Access to Research Materials in Archives and Special Collections Libraries* and the SAA Museum Archives Section's *Museum Archives Guidelines* present benchmarks for policies and procedures to the profession to actualize these commitments.¹

For the past three decades, archives worldwide undertook activities to decolonize operations surrounding accessibility and discoverability of Indigenous resources.² Archivists and information professionals have advocated for and integrated decolonization methodologies throughout archival structures, practices, and processes, especially pertaining to collection curation and management.³ Most recently, scholarship has examined strategies for dismantling systems of power related to archival reference, such as offering culturally-responsive reading room accommodations.⁴ While definitions and desired outcomes of decolonization projects vary, many focus on acknowledging the sovereignty of Indigenous peoples in regard to curating their archival materials. The primary goals of tribes and Indigenous communities revolve around sovereignty and self-determination. In the United States, the needs of Indigenous researchers using archival resources reflect these goals.⁵ Tribal political sovereignty in the US turns on whether or not a tribe is acknowledged to be in a political-economic relationship with the federal government. Federal acknowledgment is a socio-anthropological political procedure for recognition as a sovereign nation, and a method for tribes to gain access to federal services. This process entangles archives in ongoing settler colonial practices, since recognition research for evidence that supports claims incorporates primary sources and historical records held in archives. Recognition research essentially precludes the use of digital formats and born-digital materials as recognition hinges on paper-based primary sources since 1900 with evidentiary value for a group's continuous existence prior to the twentieth century, such as textual archival or cartographic records. However, access and discovery of such materials is inherently an obstacle because of the realities of colonial collecting.⁶

Archival research for Indigenous materials brings distinct historical, political, cultural, and legal challenges that impact accessibility.⁷ Those researching for

materials to support federal recognition are interested in official records (e.g., mission records), tribal government records (e.g., tribal council meeting minutes), ethnographies, photographs, or other written documents designating a tribe as Indigenous. As a result of targeted colonial collecting, today Indigenous cultural heritage is often located in repositories geographically distant from source communities and “lodged within a legal system that steadfastly refuses local claims to stewardship of these materials.”⁸ Finding materials is challenging because catalog records, schemas, and classifications used to describe Indigenous materials have often omitted Indigenous contributors and informants, and included misspelled, biased, and sometimes racist information.⁹ For researchers, navigating access requests to archival documents written by federal, state, and tribal government offices is usually an onerous process as many institutions have individual retention schedules, may be governed by unique access laws, or are exempt from laws, such as the Freedom of Information Act (FOIA), that grant public access to records.¹⁰ Tribal archives are fundamental sources of information about tribal histories, politics, and relationships with the surrounding region and territories. Moreover, as sovereign nations, federally recognized tribes have the discretion to release information, or to withhold information in their tribal repositories from the general public and other Indigenous communities.¹¹ Compounding these issues is the hidden nature of Indigenous content among government documents and personal papers of non-Indigenous individuals—they are commonly disconnected from their Indigenous materiality and have untapped potential research value to numerous tribes. Collectively, these settler colonial forces perpetuate intrinsic inaccessibility to Indigenous sovereignty that impedes tribal acknowledgement processes.

While decolonizing accessibility and access to research materials in archives is an emerging emphasis in scholarship, it is unclear to what extent existing decolonial frameworks operationalize Indigenous sovereignty. In the US, decolonial approaches to archives often prioritize accessibility of collections rather than contemplating if the accessible changes have tangible positive impacts on Indigenous user needs. In this research, the authors examine whether the intentions underlying decolonial archival work articulated in the literature contribute to a nexus of inaccessibility for Indigenous researchers to assert sovereignty and/or seek federal acknowledgement. Recognition research elucidates areas of decolonial thinking that continue to remake settler colonial structures rather than enhancing accessibility for Indigenous communities of all statuses. Through an overview of the recognition process, this research centers the politics of sovereignty as a framework to uncover the confluence of settler colonial logics within accessibility and archival research services.

Scope of Literature Review and Sources

This research is organized in three main parts. It begins with an overview of the US federal recognition process and is followed by examples of decolonizing access and discovery of Indigenous archival materials. The literature review is categorized into five thematic sections that align with the stages of the archival research life-cycle articulated in the Society of American Archivists' "Using Archives: A Guide to Effective Research."¹² Recognition politics differ by continent, region, and distinct Indigenous histories; therefore, the literature is situated in US contexts. The selected works are primarily scholarly. When available, the perspectives of non-federally recognized tribes are included. The review concludes with a discussion of strategies grounded in acknowledging Indigenous sovereignty in the US and suggestions to re-envision accessibility for Indigenous archival users.

BACKGROUND: THE US FEDERAL RECOGNITION PROCESS

Recognition is paramount to many US tribes as it helps to "affirm their existence as distinct political communities within the American system."¹³ Gaining recognition creates political and economic opportunities that include access to special programs and services, such as healthcare, and the protection of land and resources.¹⁴ Federal recognition also gives communities the legal rights of self-determinism, which includes the authority to govern themselves and assert political sovereignty.¹⁵ Without this status, communities are "often landless, are denied protections from federal laws designed to aid Native people and tribal nations, are unable to access federal resources for education or health services, and are limited in their ability to practice self-determination."¹⁶ The 2022 *Federal Register* lists 574 federally recognized tribes.¹⁷ There is no official list of unrecognized and legally terminated tribes in the US. Unrecognized communities remain unrecognized for multiple reasons including previous termination legislation, judicial decisions in a state or federal court, and a lack of written evidentiary materials supporting claims to Indigenous ethnicity.¹⁸ Only new legislation by Congress can reestablish eligibility for federal recognition to terminated tribes.¹⁹

Historically, tribes were recognized through an act of Congress, judicial decisions, and treaties; treaty making ended in 1871.²⁰ Today, tribes gain recognition in three ways: a congressional act, a decision by a US court, or the Code of Federal Regulations (CFR).²¹ In 1978, the Bureau of Indian Affairs (BIA) published new administrative procedures for acknowledgement codified in 25 CFR 83.²² As a socio-anthropological approach, 25 CFR 83 outlines seven criteria for petitioning tribes to affirm the Indigenous lineal descent of their membership and continual identification as a cohesive Indigenous group. The law outlines eligible archival and historical documents to meet each criterion. For example, "Indian entity identification" can

be supported by historical correspondence with US government authorities or publications, newspapers, and books identifying the people as Indigenous.²³ Ultimately, the greatest assets to unrecognized communities are materials that provide evidentiary value of public acknowledgement as Indigenous from 1900 and earlier.

For years, tribal leaders and legal scholars have criticized the administrative recognition process for continuing to “marginalize or even erase American Indian identities.”²⁴ Recognition status is not permanent. Policies governing the administrative process for acknowledgement are influenced by the composition and priorities of Congress and each presidential administration.²⁵ The Duwamish Tribe, a treaty people situated in Seattle, Washington, were recognized as a tribe by Congress in 1971, received federal acknowledgement in 2001, and were unrecognized by the George W. Bush administration in 2002. A court of appeals decision remains pending since 2015.²⁶ For many communities, primary sources supporting claims do not exist because of historical policies of paper erasure, such as classifying Indigenous peoples as Black on birth records or blood quantum.²⁷ Furthermore, tribal communities in the South confront unique pressures and access barriers to recognition because of Jim Crow Laws.²⁸ Tribes of the Commonwealth of Virginia remained unrecognized until Congress passed legislation in 2018 because the state destroyed genealogical records proving their Indigeneity pursuant to the 1924 Racial Integrity Act.²⁹ Today, many Indigenous peoples organize into different, distinct tribes and communities yet affirm their lineal descent from one group. The United Houma Nation, a state-recognized tribe situated in Louisiana, began the administrative recognition process in 1979 and were acknowledged as Indigenous, but denied federal recognition in 1994. The decision claimed that chronological gaps in their evidence failed to prove descent as a distinct singular community of Houma people.³⁰ Finally, the administrative guidelines explicitly prohibit terminated tribes from the process. The practice of terminating tribes was US policy from the 1940s to the 1960s.³¹ The state-recognized Lumbee Tribe of North Carolina was recognized by Congress yet barred from federal recognition status in congressional legislation in 1956.³² The Lumbee are ineligible to petition for recognition through 25 CFR 83 per its guidelines.

Literature Review

LOCATING REPOSITORIES RELEVANT TO FEDERAL RECOGNITION

Records pertaining to government-to-government relationships can be found in US federal repositories associated with offices that historically interfaced with Indigenous communities. Renowned US repositories with Indigenous archival collections include the National Museum of the American Indian (NMAI), the various

National Archives and Records Administration (NARA) archives centers, and the American Indian Records Repository (AIRR). NMAI stores administrative records and archival materials relating to the Museum of the American Indian—Heye Foundation with extensive collections of photographs, correspondence, and papers by institutional staff and associated museum scholars.³³ NARA houses “hundreds of thousands” of official records pertaining to Indigenous communities and tribes—notable records include those produced by the Bureau of Indian Affairs (BIA) and the Bureau of Land Management (BLM).³⁴ As a federal security clearance-required underground records depository in Lenexa, Kansas, AIRR preserves inactive BIA records dating to the eighteenth century pertaining to topics such as historical trust fund accounting and boarding schools.³⁵ Although government sources are documented in the literature, there is little discussion of using *tribal* government repositories and collections for research. Tribal archives document tribal history and heritage and can include information about other government-to-government relationships with the US, state, and other tribal nations.³⁶

While infrequently considered by the archival profession, congressional collections can provide research insight into Indigenous politics, albeit typically of already recognized groups. Maurita Baldock and Wendel Cox discuss the underused research value for Indigenous peoples in their congressional collections at the University of Arizona Libraries Special Collections.³⁷ The authors reviewed processed manuscript collections of three Arizona politicians and found that they included material about “perspectives of tribes, parties to tribal affairs, stakeholders outside Indian Country, federal officials, elected and appointed state and local officials, interested citizens-writing, calling, speaking-and other members of the House and Senate engaged in policymaking and oversight of the executive branch and its agencies.”³⁸ Collections held at the Carl Albert Center Congressional Archives at the University of Oklahoma are also important for studying Indigenous policy as almost all the senators “communicated with Native American constituents and tribal leaders, and many conducted research, sponsored bills, and monitored the Bureau of Indian Affairs (BIA).”³⁹ NARA, which houses many congressional collections, maintains a public list of other repositories with congressional collections.⁴⁰

Records management practices and colonial collecting’s impact on tribal government documents can create barriers to access. According to Emily Greenwald and Ian Smith, the BIA records disposition practices make public access to AIRR holdings “extremely limited due to litigation, with the public, academic historians, and even tribal members themselves generally denied the chance to conduct research there.”⁴¹ Anishinaabe scholar Allison Krebs criticizes AIRR access restrictions that consolidate records beyond the reach of Indigenous peoples by positioning the inaccessibility of AIRR materials in opposition to acclaimed Standing Rock Sioux scholar Vine Deloria Jr.’s “The Right to Know.”⁴² The paper denounced the federal government for lapsing on its fiscal and knowledge obligations to treaty peoples,

and is cited by scholars as influencing the creation of federally-funded initiatives for Indigenous peoples in the US, such as the creation of NMAI.⁴³ Tribal government archives, in comparison, typically restrict access and its reference and research services to enrolled members only.⁴⁴ As an extension of data sovereignty, community-specific information privacy protocols are reflected in tribal government access restrictions. Due to colonial collecting, however, tribal government documents can be found in regional archives, other tribal archives, and archives maintained by historical societies. Until the late 1970s and early 1980s, tribal nation records were stored in tribal government members' personal homes.⁴⁵ Personal papers of Indigenous relatives and community members can contain evidentiary information that meet recognition criteria, such as continuous existence as a single people and "political influence or authority."⁴⁶ Unknown to the Miami Tribe of Oklahoma, the personal papers of Thomas F. Richardville (Myaamia) held at the Gilcrease Museum Library and Archive contained two historic journals with tribal council records of the Miami Nation from 1862 to 1910.⁴⁷ Miami Tribe of Oklahoma Cultural Resources Officer Julie Olds states that tribal government records "should not have been merged with the personal records or documents of Chief Richardville during his term of office."⁴⁸

SEARCHING COLLECTION HOLDINGS: DISCOVERY AND ACCESS

Since 1990, much of the library and archival literature regarding discoverability and accessibility of Indigenous collections discusses decolonization strategies to literally and metaphorically reckon with dismantling settler colonial power structures.⁴⁹ Decolonization scholarship has examined the incompatible nature of Western cataloging and descriptive standards with Indigenous paradigms and worldviews. The MARC record format and Library of Congress (LC) Authorities are frequently critiqued for their inaccuracies, biases, and lack of representative headings and terms to describe Indigenous materials.⁵⁰ Recognition researchers need to know the historical spellings and name variations of their communities to ensure effective searching during this stage. To aid with their own archival research, the Pointe-au-Chien Indian Tribe⁵¹ and Jean Charles Choctaw Nation,⁵² both state-recognized tribes in Louisiana, compiled a list of "tribal ancestor names, their possible stereotyped and often racist 'nicknames,' the official French butchering of the names, and important locations."⁵³ In acknowledgement of such inadequacies, archivists and librarians devised new reparative description methods and have recataloged materials in culturally-responsive ways, often in consultation or collaboration with Indigenous peoples.⁵⁴

Metadata services librarians at Iowa State University Library (ISUL) designed and implemented a new controlled vocabulary of preferred terms for Indigenous communities situated in Iowa based on direct consultation with community representatives.⁵⁵ This outreach and redescription project also involved the creation

of a new research guide, and an offer of “free ILL services and digital publishing opportunities” for the twenty-one consulted tribes.⁵⁶ In 2021, the Social Networks and Archival Context (SNAC) open education resource project hosted an “edit-a-thon” to revise records of Indigenous archival collections in SNAC.⁵⁷ The event purposefully prioritized Indigenous voices through targeted outreach to Indigenous participants, compensated labor of Indigenous participants by offering honoraria, and developed an editorial guide for Indigenous SNAC records.

In archives, decolonization literature frequently addresses the creation of finding aids or research guides with summary descriptions to bolster the discoverability of unprocessed or minimally described Indigenous collections. Archives have historically dealt with a dearth of unprocessed and underprocessed backlogs that inhibit discoverability and access as these collections are hidden from researcher online searches.⁵⁸ While some archival materials are accessible online, most web presences for archival institutions represent a small sampling of their holdings. Authors Elizabeth Yakel, Barbara Jones and Judith Panitch, J. Gordon Daines III et al., Jackie Dooley and Katherine Luce, and Daniel Santamaria explore “hidden collections” as an accessibility problem and describe research and approaches in the field to reduce processing backlogs throughout various books.⁵⁹ Examples of Indigenous-focused guides include the Texas State Library and Archives Commission’s “Texas State Archives Subject Guide to Native American Holdings” from about 1700-2004,⁶⁰ the University of Washington’s “Guide to Pacific Northwest Native American Materials,”⁶¹ and the University of California Merced Library’s “Native American & Indigenous Communities” guide.⁶²

Indigenous researchers’ information seeking behaviors continue to be overlooked in finding aid and research guide design. Archivists do not necessarily have time in their workday to conduct in-depth research themselves, yet researchers cannot find specific materials by just using finding aids. As a result, research consultations and in-person site visits are usually necessary for most researchers.⁶³ Recognition researchers are interested in information about their specific Indigenous community or people, yet this context is often missing from collection and item descriptions. Researchers need to know the names of specific tribes and Indigenous peoples to successfully conduct their research in federal recognition contexts, which is unique to Indigenous collections. This data and level of detail is often not captured in finding aids. In reference interactions, high-level collection descriptions do not benefit either archivist or researcher, especially when the research request relates to collections about unrecognized communities. In interviews with graduate student researchers interested in Indigenous archival materials, many “expressed some level of frustration that archival finding aids did not describe materials with the keywords and terms that would have helped them determine materials’ relevance easily, such as the names of specific Native leaders or tribes.”⁶⁴ Even when finding aids capture subject knowledge and institutional memory of a repository’s

Indigenous collections, many emphasize federally recognized groups and materials related to them.⁶⁵ For example, guides, such as those at the University of Minnesota Duluth Archives and NARA, commonly reference and link to web presences for federally recognized tribes.⁶⁶ Finally, discovering collections among tribal archives poses additional challenges. Tribal archives often do not have finding aids or guides. Research and reference rely on the curator's knowledge of their collections which may be "incompletely inventoried (or uninventoried, as donated boxes of elders' papers wait for volunteers to review them)."⁶⁷

REQUESTING MATERIALS: REPRODUCTION COSTS AND REQUEST METHODS

As part of remote reference services, many archives and repositories offer researchers digital copies of primary source documents as a way to enhance collection accessibility and save time and resources needed for onsite visits.⁶⁸ Archival reproduction services operate within a legal framework of copyright, donor agreements, and other legal obligations stipulated by state and federal law.⁶⁹ For recognition petitions, tribes must assemble evidence tracing the genealogy of each enrolled member, which can constitute thousands of documents for larger groups. While some institutions do not charge fees for reproductions, many repositories relevant to recognition research do. Prices vary greatly, which establishes a financial barrier to access. NARA charges different fee schedules for self-service and staff mediated reproduction services.⁷⁰ Due to the temporal scope of the legal process, recognition researchers will likely use historical documents on microforms and be charged "microform to digitized" (\$4 per scan) or "microfiche digitization, domestic shipping" (\$12 per fiche). The Tomaquag Museum, one of the oldest US tribal museums in Exeter, Rhode Island, charges for reproductions (\$1.50 per page, black and white), digital scanning (\$25 per image), and new photography (\$50 an hour).⁷¹ The Bentley Historical Library, which holds one of the largest print and photograph collections related to Northeast and Midwest Indigenous histories, charges fees for duplication based on file format and number of copies.⁷² Standard duplication is generally twenty-five cents per page whereas oversize items are \$40 a sheet plus a \$5 preparation fee. For the acknowledgement petition, low quality copies of documents might work, however, tribes also conduct recognition research to collect for their own tribal archives. Federally recognized and unrecognized groups are both interested in preserving high quality versions and ultimately the physical material itself for their tribal archives. Collecting copies of tribal records enhances or prepares communities for developing a records management program; the BIA requires federally recognized tribes to be in compliance with federal and state records retention laws.⁷³

In addition to financial barriers, other nuanced aspects of common archival reproduction services, such as copyright, can create barriers to recognition research.⁷⁴ As William Landis et al. explain, limitations on sharing archival materials and special collections are common to the profession and impose barriers for research because “public services staff members interpret and enforce whatever access conditions have come to us through donor or transfer terms.”⁷⁵ For Indigenous materials, copyrights and access policies have historically been contentious.⁷⁶ Most Indigenous material held in non-Indigenous archives is in the public domain or the copyrights are not held by the tribe.⁷⁷ Archivists and legal scholars admit that Western legal paradigms are incompatible with calls to reckon with legal ownership, and in response, developed alternative models for Indigenous peoples to assert sovereignty over the access and use of materials precluded by copyrights. David Hansen and Jane Anderson and Kimberly Christen’s research proposed traditional knowledge labeling as a way to assert authority over intellectual property.⁷⁸ In 2012, the non-profit Local Contexts, created Traditional Knowledge (TK) Labels, a cataloging standard for traditional knowledge labeling in online catalogs.⁷⁹ TK Labels could be a tool for tribes to assert data sovereignty;⁸⁰ however, in the US, TK Labels have primarily been adopted by Indigenous tribal archives, libraries, and museums. The lack of adoption among non-Indigenous institutions is an issue that deserves further examination in the literature.

Providing digital surrogates as a digital repatriation service is another non-legal solution documented in the literature. There is no corpus of scholarship that connects digital repatriation to recognition researcher reproduction needs. As a decolonization strategy, copies of print analog sources created through low-cost, non-archival quality methods are returned to source communities.⁸¹ Digital repatriation can also be an outcome of digitization for preservation projects. For example, in August 2022, the Minnesota Historical Society digitally repatriated high resolution, full color copies of “45 volumes of writings and illustrations, thousands of photographs, and other documents” to the Manda, Hidatsa, Arikara Nation Interpretive Center.⁸² Financial, legal, and political burdens placed on recognition researchers could be addressed through digital repatriation projects. Scholars such as Ricardo Punzalan and Heidi Bohaker et al. suggest digital repatriation as another method to assert sovereignty over digital reproductions.⁸³ Kimberly Christen, however, cautions that digital repatriation efforts can be hindered by “tacit assumptions about professional standards concerning the extent and limitations of access within the ‘public domain,’ the parameters of ‘open access’ in public settings, and the value of, and conditions for, ‘expert knowledge.’”⁸⁴

PREPARING FOR A VISIT: REVIEW OF ACCESS AND USE POLICIES

Archives are governed by use and access policies which are designed to protect the materials and are typically specific to the repository. Security and protection are recognized in the profession as essential to ensure materials are accessible over time. SAA provides sample policy and procedure forms on its website regarding registration, access, duplication and photography requests, and permissions for publishing collection material.⁸⁵ Institutional policies typically include guidance on visit registration, requesting materials, and prohibited behaviors.⁸⁶ Since 1990, the literature has documented the rise of Indigenous-specific guidance in institutional policies. SAA's Native American Archivists Section published a four-part case study that highlights "evolving access policies to Native American materials" in the profession.⁸⁷ Common examples include culturally-relevant access restrictions based on community protocols and local processes for NAGPRA compliance. Guidelines for cultural stewardship of Indigenous materials held in non-tribal repositories are usually collaboratively drafted in consultation with tribal communities.⁸⁸ Common themes in culturally responsive guidelines include deference to descendant communities on access requests in consultation with institution staff and take-down policies for audio-visual materials depicting deceased Indigenous peoples.⁸⁹ The NMAI policy states that viewing "culturally sensitive or confidential" collections or information requires written permission from lineal descendants or a tribal representative.⁹⁰ While more common in Aboriginal contexts in the settler state of Australia, US institutions are beginning to address cultural sensitivity concerns of publishing photos taken without the consent of the photographed and images depicting secret, forbidden, or inappropriate information. The Hearst Museum's digital collection portal does not display images of the deceased or funerary objects, which is a common Indigenous cultural protocol, and will consider requests for removal of other images ad hoc.⁹¹

PLANNING FOR TRAVEL: THE COST OF RESEARCH

The archives profession acknowledges that cost is an inherent barrier to archival research. Institutions and professional organizations have created funded research opportunities (grants, fellowships, stipends, and residencies) to circumvent financial barriers to access.⁹² Institutions offer grants for research on specific collections, such as NARA funding for the "study of Federal Records or Presidential Papers."⁹³ The American Philosophical Society's grant "Phillips Fund for Native American Research" provides up to \$3,500 in funding to conduct research in Indigenous linguistics, ethnohistory, and history within North America and covers the costs of "travel, audio and video recordings, and consultants' fees."⁹⁴ Tribes can leverage grant programs designed to assist in establishing tribal historic preservation

offices or archives to conduct acknowledgement research. Since 1990, 460 Native American and Alaskan Native communities have been awarded more than \$17 million in funding from the National Park Service's "Historic Preservation Fund Competitive Grant" which assists tribes in "protecting and promoting their unique cultural heritage and traditions."⁹⁵ The National Historic Publications and Records Commission (NHPRC) offers grants for research about Native American records to "nonprofit organizations and institutions, State and local government agencies, and Federally acknowledged or State-recognized Native American tribes or groups."⁹⁶ Among the supported activities for the NHPRC grants is the surveying and copying of documents about Indigenous groups in repositories including "research libraries, universities, and state and local historical societies."⁹⁷

The cost to conduct recognition research embodies the inaccessibility of Indigenous researchers to assert sovereignty or seek federal acknowledgement. Preparing the initial petition for 25 CFR Part 83 is "expensive, time consuming, and requires expert assistance."⁹⁸ It calls for expertise in multiple types of research including historical, archival, legal, and political science. Past researchers have produced digital and print annotated bibliographies representing the sum of archival knowledge for an Indigenous group, which offer insight into the complex realities and extent of research costs.⁹⁹ The National Indian Law Library maintains research guides for Indian Law, such as on "Tribal Enrollment," which can be helpful in understanding historical context and legal realities to acknowledgement and status.¹⁰⁰ In 2006, emeritus law professor Nancy Carol Carter created the "Indian Nation Archives: How to Build a Tribal Legal History" website in collaboration with the Native American Rights Fund. This toolkit offers piecemeal counsel on search strategies and potential repositories for documents with evidentiary value for legal histories, such as legal agreements.¹⁰¹ Travel logistics involve navigating access barriers, such as "closed collections, repositories' hours of operation, and difficulties with transportation in getting to repositories—mostly related to parking fees, time limits (e.g., 2 hour maximum parking) or an overall lack of adequate parking."¹⁰² Financially, repositories in remote US territories and states involve additional costs that incur thousands of dollars in flight fees. Even for relatively close repositories, travel costs might be prohibitive on the length of research time. In Native Hawai'ian contexts for example, flight fees to conduct research on the main island O'ahu, where most local repositories are located, are often too expensive for residents living on neighboring islands.¹⁰³

THE ONSITE VISIT: ARCHIVAL RESEARCH CONSULTATIONS AND READING ROOMS

Scholars have considered how physical archives, including reading rooms, are colonial spaces. Historically, archives built by settlers and governments leveraged

colonial collecting to surveil, control, and erase Indigenous identities, peoples, and lifeways.¹⁰⁴ Scholars and Indigenous community members worldwide have connected settler colonial experiences related to surveillance to other state structures of power like prisons and reservations.¹⁰⁵ Common security measures in archives (e.g., cameras, limitations on items in the space) can trigger shared traumatic experiences of state violence for many Indigenous peoples. For many Indigenous peoples, archives symbolize ongoing trauma and theft, and historically have been unapproachable and unwelcoming spaces. Curator Brian Carpenter of Native American Materials at the American Philosophical Society (APS) reports that many first-time Indigenous researchers disclose their long-standing interest in the APS collections, yet “had not asked for copies or had not come to the Library because they thought that they had to be granted permission (and wouldn’t be given it), had to be academically affiliated, or just could not afford it.”¹⁰⁶

In recent years, scholarship has focused on practical decolonization strategies for Indigenous user interactions with archival spaces including emphasis on transforming archives into welcoming spaces for underrepresented researchers. Institutions and repositories claim to improve approachability as a permanent institutional responsibility through endorsement and adoption of culturally-responsive guidance, such as the *Protocols for Native American Archival Materials* (PNAAM).¹⁰⁷ Created in 2006, PNAAM articulates best practices for cooperating between tribal and non-tribal archives and libraries and aspirational goals that acknowledge Indigenous sovereignty in caring for Indigenous archival materials.¹⁰⁸ The Harry Ransom Center revised their written and verbal reading room guidelines to be more “welcoming and inclusive” for all cultural heritage backgrounds by reformatting their written document with more friendly and less intimidating language in both English and Spanish.¹⁰⁹ In 2021, the SAA Native American Archives Section and Human Rights Archives Section recommended decolonizing practices for more inclusive reading room spaces for Indigenous users which included modified security processes, the creation of ceremonial rooms, and inclusion of cultural safety and humility staff training.¹¹⁰

Practical accessibility issues during research consultations and in-person reading room interactions remain largely unexplored in the literature. Archival reference generally uses a unique set of skills including subject expertise, customer service, and research. Indigenous reference also uses nuanced understandings of Indigenous histories and community-specific access and use protocols.¹¹¹ The self-identified mixed settler and Anishinaabe scholar Johannah Bird believes archival staff should develop awareness around colonization histories and the emotions Indigenous researchers can experience when interacting with the material: “It helps if a researcher doesn’t have to educate the staff and archivists who are working with them about, say, Indigenous histories while the researchers are also trying to do their own work in the archives.”¹¹² In “How Practitioners Serve Indigenous and Native Libraries,”

Analu Kameeiamoku Josephides asserts that information professionals who serve Indigenous users in libraries should have specialized knowledge of working with Indigenous peoples, such as familiarity with Indigenous languages and keeping current with research and literary works published by the local Indigenous community.¹¹³ Depending on the Indigenous group, legacy materials with evidentiary value for the acknowledgement process are in a written Indigenous language. Therefore, knowledge of Indigenous languages is an accessibility issue to reference services. In a 2015 study of “successes and challenges in accessing Hawaiian knowledge in libraries and archives,” interviewees reported that library and archives staff were access barriers for research about Native Hawai’i; participants reported that most staff did not have ‘ōlelo Hawai’i (Hawaiian language) skills and reference interactions would be more effective for Indigenous students with ‘ōlelo Hawai’i as a first language if in ‘ōlelo Hawai’i.¹¹⁴

Discussion

Archival reference for Indigenous materials is entangled in a complex global system of unrecognizing Indigenous sovereignty. Recognition research is relevant to all Indigenous peoples because the US acknowledgement is not necessarily permanent (e.g., the Chinook Indian Nation lost federal recognition in 2002).¹¹⁵ Research findings help develop tribal legal histories and legal arguments for assertions of tribal sovereignties such as to “efficiently negotiate water rights settlements, rightly discuss accounting claims, aptly participate in government-to-government consultations, and exercise their sovereignty to its fullest ability.”¹¹⁶ Federal recognition exists at the junction of competing forces of maintaining white supremacy and professional ethos in libraries and archives designed to rectify settler colonial legacies.

Previous revisions to 25 CFR Part 83 regulations have positively impacted the process, such as marking 1900 as the starting date from which evidence is required to show continuous identification as a tribe and allowing oral history as “direct evidence for the modern period.”¹¹⁷ Nevertheless, the acknowledgement criteria are designed to minimize the culpability of documents with evidentiary value and settler colonial logics of Indigenous identity.¹¹⁸ The acknowledgement process protects the power structures, logics, and domination narrative of the US settler colonial state by rewriting the temporal sovereignty of Indigenous histories to fit within contemporary US political arrangements.

The majority of analog, paper-based historical documents and archival materials prioritized in the acknowledgement legal process are written by non-Indigenous entities who historically had genocidal intent to erase Indigenous identity and authenticity (e.g., the Dawes Rolls).¹¹⁹ For groups seeking recognition today, demonstrating political and cultural continuity is difficult because “scholars and politicians interpreted the adoption of European technology, language and religion as

evidence of assimilation and a loss of cultural identity.”¹²⁰ Scholars have challenged politically-motivated definitions of Indigenous identity to incorporate more fluid, complex interpretations of Indigenous cultures. In the case of the state-recognized Nipmuc Tribal Nation, Stephen Mrozowski et al. argue that material evidence found at the Magunkaquog archaeological site supports that Christianity was interwoven and became a part of, rather than supplanted, Native spirituality. Similarly, in an anthropological analysis, Les Field explores the settler colonial logics behind denial of the Muwekma Ohlone Tribe’s federal recognition which stems from the ongoing power that salvage anthropology holds over legitimizing Indigenous identity.¹²¹

The US has incentive to ignore or selectively acknowledge political sovereignty of Indigenous peoples. The federal government’s failure or dismissal to recognize a tribe “does not mean the government denies the members of the unrecognized tribe are Indian.”¹²² Unrecognized communities are still impacted by the socio-economic and health disparities prevalent among Indigenous populations. Yet, because only recognized tribes are eligible for protection and application to federal laws, policies, funding, and opportunities specifically for tribal communities, unrecognized communities suffer additional political-economic disparities. During the COVID-19 pandemic, Indigenous peoples in the US had higher transmission and death rates from COVID-19 than non-Hispanic White Americans, yet non-federally recognized tribes did not receive any federal aid targeting Indigenous communities, including vaccinations and testing.¹²³ Tribes continue to fight for recognition because federal status and its special protections offer leverage when the federal government infringes on tribal sovereignty. For example, Bears Ears, a land formation in Utah sacred to five federally recognized tribes, gained protected monument status that empowered local recognized tribes to manage their ancestral land. In 2017, the Trump administration revoked the status. After litigation, the Biden administration reinstated protection in 2021 and signed the inaugural co-management agreement between the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and Pueblo of Zuni.¹²⁴

As institutions complicit in Indigenous erasure, it is unclear to what extent existing decolonial frameworks in archives operationalize Indigenous sovereignty. Recognition of the inherent Indigenous sovereignty of all groups should be embedded in decolonization strategies that are employed at all levels of an institution’s operations. In its *Core Values of Archivists* statement, SAA acknowledges that “archivists should be mindful of the ways in which their professional work can function both as harmful force and reparative resource.”¹²⁵ According to Donna Frederick, the gradual (de)colonization of cultural heritage institutions globally obscures colonized beliefs and assumptions for providing public services, collection stewardship, and meeting operational needs.¹²⁶ Archives play an essential role within the US federal recognition process in erasing Indigenous groups within the settler colonial state through the “simultaneous double move of acknowledging and disavowing

Native communities.”¹²⁷ When sovereignty is operationalized in strategic plans or strategic partnerships with local tribes, the groups are often federally recognized or it is a NAGPRA consultation, which only federally recognized groups are eligible for. If decolonizing accessibility only operationalizes sovereignty as defined by federal recognition, it continues to remake colonial structures rather than enhance accessibility for Indigenous communities of all statuses. While sovereignty is a legal concept, the idea that all Indigenous groups are inherently sovereign needs to be realized in the profession and in archival repositories.

RECOMMENDATIONS

Archives can be decolonized by rethinking the concept of inclusive, accessible spaces. In their research, Christen and Anderson assert that decolonial paradigms would benefit from slowing down the structures, practices, and processes of archival work in order to consciously collaborate.¹²⁸ Slow archives recenter the web of relationships in decolonization and “expose where current cultural authority is placed, valued, and organized within archival workflows.”¹²⁹ Popular approaches to decolonize the archives through collection management rely on and unwittingly denounce the sovereignties of tribes and Indigenous groups by attempting to adhere to seemingly benign practices and processes of the profession. Default structures of access, use, and effective research remake colonial structures that impact community health, safety, and socio-economic wellbeing. Misuse of Indigenous knowledge held captive in archives “can cause severe physical or spiritual harm” that can affect the entire community.¹³⁰ In her 2021 SAA Presidential Address, Rachel Vagts called for archives to reflect on how to radically welcome researchers. She said, “How can we make sure that our customers know that they are welcome here?”¹³¹ Transforming archives into welcoming spaces for Indigenous researchers requires conscious, sustainable choices that affirm Indigenous power and agency in all aspects of archival structures.

Repositories and archives must embrace the inherent sovereignties of all Indigenous peoples regardless of federal acknowledgement status. Memorandums of Understanding (MOUs) can be developed by the institution in collaboration with local tribes, in addition to collaboratively drafted formal land acknowledgement statements detailing tribal political sovereignty. In the University of Washington’s (UW) MOU with several regional tribes, UW affirms tribal “powers of self-governance and self-determination” and outlines actionable priorities as directed by the tribes such as recruiting Indigenous students and building a long-house style facility on campus.¹³² Brown University created a Land Acknowledgement Working Group of staff, students, and faculty that led to a collaboration with the federally recognized Narragansett Indian Tribe and a formal adoption of a commitment to meaningfully acknowledge Narragansetts.¹³³ Institutions can adopt more inclusive

language of all Indigenous peoples such as found in Stony Brook University's land acknowledgement:

Stony Brook University resides on the ancestral, traditional, and contemporary lands of the aboriginal territory of the Setauket or the Setalcott tribe. We acknowledge federal and state recognized tribes who live here now and those who were forcibly removed from their homelands. In offering this land acknowledgement, we affirm indigenous sovereignty, history, and experience.¹³⁴

Stony Brook University is located on Long Island, which is home to the federally recognized Shinnecock Indian Nation, the state-recognized Unkechaug Indian Nation, and three unrecognized tribes: Montaukett Indian Nation, Setalcott Indian Nation, and Matinecock Tribal Nation.

Facilitating access is a core function of an archives. Common strategies to Indigenize discovery and access of collections include participatory description, crowd-sourcing metadata, and revising record terminology to include traditional words and specific community names.¹³⁵ To amplify existing work, catalogers and collection stewards can use other existing and emerging standards for access. The Digital Preservation Coalition developed guides for providing access to born-digital and digitized materials, such as *Developing an Access Strategy for Born Digital Archival Material* and *Computational Access: A Beginner's Guide*.¹³⁶ SAA's *Describing Archives: A Content Standard* guide creates an access benchmark for archival description that considers the "growing convergence between archival, museum, and library descriptive standards."¹³⁷ Collections with little attention given to their federal recognition research value, such as congressional collections, should be considered as possibilities for selection in decolonizing description projects. Archives can also assess how well their websites prepare researchers for onsite visits by using the *Archival Research Preparation Online Index*.¹³⁸ The design of web pages for Indigenous collections or outreach could be influenced by the *International Indigenous Design Charter: Protocols for Sharing Indigenous Knowledge in Professional Design Practice*.¹³⁹ This ten step best practice protocol includes tenets that emphasize self-determination, sovereignty, and reciprocal benefits to design collaborations. Finally, impact assessments of digital access and use of Indigenous materials held at non-Indigenous institutions should be adopted into workflows. In their study, Ricardo Punzalan, Diana Marsh, and Kyla Cools found that meaningful impact assessment of digital access to digitized ethnographic archives can evaluate the effect on knowledge, professional discourse, attitudes, institutional capacity, policy, and relationships.¹⁴⁰

Collaborations between institutions and Indigenous groups are most successful when they are mutually beneficial and in support of community-driven objectives. According to Punzalan and Marsh, reciprocity as an archival practice is an emerging archival responsibility gaining momentum in institutional collaborations with Indigenous partners.¹⁴¹ A 2014 study disseminated to members of Association of Tribal Archives Libraries and Museums (ATALM) found that strong collaborations

between tribal and nontribal partners were based on trust and respectful communication of clear realistic project goals and timelines.¹⁴² Institutions can consider opportunities to collaborate with Indigenous groups when reviewing collection holdings pursuant to NAGPRA compliance or updating collection descriptions. History Colorado's repatriation consulting work with local tribes evolved into collaborative exhibition planning with shared curatorial authority of materials from the museum archives.¹⁴³ Existing community-driven decolonization efforts to develop tribal archives can be enhanced with partnerships with archives and universities to develop comanaged digital archives.¹⁴⁴

Institutions can also consider other modes of partnerships outside NAGPRA—which dictates a tribe must have federal status to be legally eligible—that encourage equitable access to reparation through repatriation. From a community perspective, repatriation is a form of resistance, survival, and tool to “ensure community health and wellbeing through maintaining, reclaiming, and revitalizing cultural knowledge and practices.”¹⁴⁵ An emergent area of scholarship explores how archival materials can be applicable to both voluntary and NAGPRA repatriations. Archival materials do not necessarily fit under NAGPRA's categories; however, Krystiana Krupa and Kelsey Grimm contend that traditional manuscript archives, including documents associated with archaeological or ethnographic archives, arguably fall under “objects of cultural patrimony” and should be repatriated (physically and digitally).¹⁴⁶

Institutions collaborating with Indigenous groups should also consider how they can support data sovereignty. Data sovereignty in the US is a growing framework among tribal leaders to control information and data about their people.¹⁴⁷ A growing body of research is considering how linked data can decolonize archival descriptions by establishing a more complex understanding of archival provenance.¹⁴⁸ Rethinking provenance of collections with recognition research needs in mind will prepare staff to better assist Indigenous researcher reference requests. The International Council of Archives' developed Records in Contexts (RiC), a conceptual model to actualize linked data by identifying multiple provenances such as the agents that created, used, or documented records.¹⁴⁹ In their research, Krista McCracken and Skylee-Storm Hogan propose archival provenance be organized based on Indigenous community needs and understandings as articulated in the First Nations Principles of Ownership, Control, Access, and Possession (OCAP®).¹⁵⁰ OCAP® is a data sovereignty standard articulating that Indigenous groups alone control data collection processes of and in their communities including how information is “stored, interpreted, used, or shared.”¹⁵¹ Institutions can implement a high-level survey for the presence of specific tribes and Indigenous groups among its collections, like the Special Collections and University Archives Department at the University of Nevada, Reno in 2019, as a starting point to align the principles of OCAP®.¹⁵²

Ultimately, advocacy efforts should target colonial logics underlying oppressive policies and institutional practices that uphold white supremacy.¹⁵³ Institutional policies need to be cognizant of how institutionalizing settler colonial logics tied to recognition status can be a form of white supremacy that works to further exclude Indigenous peoples from archives. For example, consider amending acceptable forms of identification to include tribal identification cards; federally recognized and state-recognized tribes distribute enrollment cards to their membership. Collection policies for materials relevant to recognition research can be expanded to encompass wide-ranging historical research needs in American history, politics, economics, and law. The Ohio Public Policy Archives at Ohio State University Libraries updated its collection policy to reflect the collection's wide applicability to public policy research, which could help the archivist "further efforts to document underrepresented perspectives and individuals involved in policy making."¹⁵⁴ Institutions can actualize decolonial thinking in policies with formal inclusion of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) and *Protocols for Native American Archival Materials* (PNAAM) in strategic plans.¹⁵⁵ As an SAA endorsed standard, non-Indigenous institutions signify tangible commitment to decolonization that "recognizes the equal, sovereign role communities ought to play in archival stewardship" when endorsing PNAAM.¹⁵⁶

Conclusion

Decolonization of archives demands a critical lens on past, present, and imagined realities of operational services for Indigenous researchers, or the lack thereof. Tribes and Indigenous communities of all statuses in the US are interested in preserving their Indigenous heritage and asserting sovereignty over their data, historical narratives, and political and economic circumstances. The legal foundation of determining tribal recognition in the US views continuous existence as a static representation of a pre-Columbian people that cannot exist in US modernity. The effects of settler colonization impact(ed) all Indigenous communities, yet status provides needed services that engage in redressing health, economic, and social disparities. The federal recognition process unsettles the status quo of colonial and decolonial paradigms in archival work by co-opting Indigeneity to fit US settler state narratives. In archives, consideration of the accessibility challenges to recognition research exposes the confluence of settler colonial logics persisting within archives accessibility practices. As advocates for Indigenous self-determinism, archivists take on a radical mediator role that opposes normative decisions about how accessibility should be prioritized and institutionalized in the profession's language of decolonization.

Decolonization is an ongoing process of self-reflection that white settlers and institutions should be accountable for. Archives occupy a liminal space between imagined and actualized undoing of settler colonialism in US society that affords

opportunities to recognize sovereignties of Indigenous peoples unacknowledged by the federal government. The act of thinking about and consciously changing historical knowledge production, retention, and preservation is an act of decolonization.¹⁵⁷ Inherited colonial collecting legacies of disenfranchisement, removal, and displacement are incompatible with professional ethos that expect archivists to rethink past and future practices for managing collections. Decolonial frameworks should be periodically assessed to determine if institutional output provides tangible positive impacts on Indigenous user needs to assert sovereignty. Impact of reconciliation and decolonization efforts can be measured by developing institutional competence in legacy and current settler colonial histories. While archivists need to be equipped with strategies to navigate the workplace, the profession can examine how its decolonial values and ethics may inadvertently be contributing to this nuanced and under-examined issue. In addition to individuals generating competences in decolonization, the profession can continue to promote and support further understandings of possibilities beyond current structures and barriers. Without strategic planning and implementation of decolonial logics, the push to decolonize the profession and archives as an institution “does little more than add ‘data’ from colonially suppressed peoples without re-examining the dominant discursive narratives.”¹⁵⁸

NOTES

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ABOUT THE AUTHORS



Dana Reijerkerk is a data analyst, data scientist, digital asset manager, taxonomist, video game designer, and writer. Her data work and research in the cultural heritage and nonprofit sectors explores sociotechnical issues in data with emphasis on the intersections and borders between technology and social power structures. She has published on the absence and omissions of Library of Congress Subject Headings for Indigenous Long Island, trusted digital repositories, and decolonization through user experience and user interface design. Her most recent interactive design is *All Are Welcome* (2023), an immersive psychological horror story and video game available on itch.io that explores the terror of Black and Indigenous experiences through public art and artificial intelligence.



Caterina M. Reed is an interdisciplinary humanities scholar. Her research interests include redressing colonial and intergenerational trauma; centering marginalized voices and the experiences of racialized communities, particularly Filipino immigrants; and improving organizational cultures with kindness, authenticity, and transparency. She holds an MS in information and library science from the University at Buffalo as well as an MA in English and a BA in comparative literature from Stony Brook University. She strives to incorporate diversity, equity, inclusion, and accessibility in all aspects of her work, including, but not limited to, collection development, programming, and grant-writing. She currently serves as a managing editor for the *International Journal of Information, Diversity, and Inclusion* and is employed as an instructional support associate in the acquisitions department at Stony Brook University Libraries located on Long Island, NY.