



# THE PEABODY

THE ROBERT S. PEABODY INSTITUTE OF ARCHAEOLOGY

April 6, 2021

Department of the Interior  
Office of the Assistant Secretary—Indian Affairs  
Attn: Office of Federal Acknowledgment  
1849 C Street NW, MS-4071 MIB  
Washington, DC 20240

RE: Southern Sierra Miwuk, comments on Proposed Finding

Dear Assistant Secretary—Indian Affairs:

Thank you for the opportunity to provide comments on the Proposed Finding regarding federal recognition of the Southern Sierra Miwuk Nation (a.k.a. American Indian Council of Mariposa County and Petitioner #82).

I am a professional archaeologist and director of the Robert S. Peabody Institute of Archaeology at Phillips Academy in Andover, MA. I received graduate training at the University of Florida, resulting in awards of Master's (1992) and Ph.D. (1996) degrees. Since completing my graduate training, I have worked in a variety of roles, including State Archaeologist of Florida (2004-2011) and my current position at the Peabody. All of my work has involved collaboration with Native American tribes and groups throughout the country, including work to repatriate ancestors and Indigenous cultural heritage materials under the Native American Graves Protection and Repatriation Act (NAGPRA).

In January, I was delighted to hear from I.V. and her family, members of the Southern Sierra Miwuk Nation. I.V. recognized that a basket in our collection was made by Dulcie Beale, her great, great, great grandmother. The family history and connections to Dulcie Beale were easily established, and I recently had the pleasure of meeting I.V.'s mother, brother, and grandmother, P.S., who was born in Yosemite. Publicly available census data from the early twentieth century shows that Dulcie and her family were recognized as Native Americans. I.V. asked that we repatriate the basket to her family following the lineal descendant provisions of NAGPRA. It became clear, however, that the lack of federal recognition precluded any transfer of the basket. As things stand today, a federally recognized tribe could make a claim for this basket, which would take precedence over the claim by direct lineal descendants. This is, in my professional opinion, one of the great failings of NAGPRA.

I also had the opportunity to read the letters submitted to your agency by former employees Aldo Salerno, Mark Nicholas, and Gordon Schoepfle, which address issues with the negative decision regarding federal recognition. I would add to those comments, that, in fact, the process should consider this specific case of Dulcie Beale's basket, which reflects the nineteenth and early twentieth century situation, as well as present-day exercise of sovereignty by the Southern Sierra Miwuk Nation. Dulcie's basket is featured in the 1991 book *Tradition and Innovation: A Basket History of the Indians of the Yosemite-Mono Lake Area* by Craig D. Bates and Martha J. Lee. During the research for their book, Bates

and Lee had an opportunity to visit our museum and examine our Native American baskets from Yosemite—that visit resulted in an offer by the National Park Service to buy the baskets from us, since they represent one of the most significant and early collections of Yosemite baskets. The ongoing relationship between the Southern Sierra Miwuk Nation and the National Park Service, another branch of your own agency, underscores not only the identity of the tribe, but demonstrates their significant connection to the country's oldest national park.

Dulcie's basket was again considered by Catherine K. Hunter in her 2018 article, "Indian Basketry in Yosemite Valley, 19th-20th Century: Gertrude "Cosie" Hutchings Mills, Tourists and the National Park Service." In that publication, Hunter identifies Dulcie as both an accomplished basket maker and an activist, whose signature appears on the Indian Petition of 1891. The fact that Dulcie's name was attached to her basket is unusual for the time, when most Indigenous artwork was unattributed and anonymous. Considering Dulcie's activism, this is probably no accident. Her name on the basket is an act of sovereignty, and the work for recognition and repatriation by her descendants follow in this tradition. If you have not read the Indian Petition of 1891, I recommend it—it documents the painful dispossession suffered by the Indigenous inhabitants of Yosemite and asks for compensation for the damage to their homes and lives, none of which has ever been forthcoming.

I hope that the Southern Sierra Miwuk Nation's petition receives favorable reconsideration and that we can resume consultation around Dulcie's basket in the near future. Please feel free to contact me for any additional information.

Sincerely,



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cc: Southern Sierra Miwuk Nation, Attn: William Leonard, Tribal Chairman, P.O. Box 186, Mariposa, CA 95338; The Honorable Deb Haaland, Secretary of the Interior, United States Department of the Interior, 1849 C Street NW, Washington DC 20240