The events that led to the First Nations Sacred Ceremonial Objects Repatriation Act ($\textsc{fnscora}$) began for me in 1990 when I was director of the Archaeological Survey of Alberta, a branch within the Historical Resources Division of the Department of Culture. The province was not in good financial shape; like other branches of the Historical Resources Division, we had absorbed a number of cuts in a situation in which most branch finances were tied up in salary, with a very small operational budget. When further significant government cutbacks came and additional staff members were lost, the Archaeological Survey of Alberta ceased to exist as an independent branch. A number of its regulatory functions were folded into the Historic Sites Service, while research staff involved in the professional evaluation of archaeological sites went to the Provincial Museum of Alberta ($\textsc{pma}$), now the Royal Alberta Museum. There, I became an assistant
director of the museum, heading up a newly formed Archaeology and Ethnology Section. That role included responsibility for the curatorial program and collections involving First Nations ceremonial materials.

In that era, there was much interest in the loan of artifacts, especially sacred objects used in Blackfoot ceremonies. In consultation with some members of the Blackfoot community, the PMA had adopted a position in which it occasionally loaned sacred ceremonial objects (primarily medicine bundles and pipes), but the much preferred route was to provide access to these objects so that replicas of them could be produced; these replicas were intended to go back into Blackfoot ceremonial life. The reasoning, as I understood it, was that Blackfoot ceremonialists with the proper rights could transfer the power of an older bundle housed in a museum collection into a newly made bundle, leaving the historical object in the museum world. It was believed in some quarters that Blackfoot people had the cultural prerogative to create these types of ceremonial materials and that they could, and should, continue to do that.

**Establishing a Loan Procedure**

During the late 1980s and through the 1990s, the Provincial Museum of Alberta acquired a number of important Plains ethnological collections, sometimes including additional ceremonial objects, in what might be considered another order of repatriation—returning to the people of Canada collections that had been residing in private, foreign hands. These were major acquisitions requiring significant funds; much of this work took place in the office of the museum’s director, Phil Stepney, and with the direct support of elected officials. Decisions regarding loans and repatriation by and large took place in a similar way. I had a limited role in these processes, not unlike any other member of the museum executive. Throughout the early 1990s, the PMA position remained firm. Occasional short-term loans took place, but the process of bundle replication definitely continued to be the museum’s preferred alternative. At roughly the same time, the Glenbow Museum had begun a program of lending pipes and bundles to Blackfoot ceremonialists on a longer-term basis.

Blackfoot disenchantment with the existing state of affairs resulted in a number of visits and representations to the Provincial Museum of Alberta.
in the mid-1990s. By late 1997, Blackfoot representatives raised specific concerns directly with Premier Ralph Klein’s office; this resulted in a request from the premier’s office that the PMA (by then a part of Alberta Community Development) review its policy toward sacred ceremonial objects. By early 1998, the premier had also indicated that there must be a uniform way of dealing with ceremonial objects in museum collections in Alberta, one that both the Glenbow and the Provincial Museum of Alberta would follow, and that artifacts important to Aboriginal ceremonial societies would be loaned to First Nations communities.

It was at this point that I was asked by Alberta Community Development Deputy Minister Julian Nowicki and Assistant Deputy Minister William J. Byrne to play a direct role in bringing forward a coherent loan initiative. This involved consultation with respected ceremonialists in the three Blackfoot communities in Canada (Kainai, Piikani, and Siksika) in the first few months of 1998. For me personally, a defining moment in this process came during a luncheon meeting in Pincher Creek that the PMA’s curator of ethnology, Susan Berry, had arranged with Piikani ceremonialists Allan Pard and Jerry Potts. Allan and Jerry had devoted a great deal of constructive thought to the issues. When I asked what it was that Blackfoot ceremonialists wanted to have happen in connection with loans, they advocated the creation of an advisory committee. The purpose of this committee would be to evaluate requests received by the PMA for the return of ceremonial objects. This committee would ensure that there was a community consensus for any loans the museum made, would assist with traditional arrangements to parallel the formal legal arrangements made with Blackfoot community institutions for loans, and would provide other advice as required. I explained these ideas to the deputy and assistant deputy ministers upon our return to Edmonton and was told to provide ministerial briefing material seeking permission to implement them.

Working toward these objectives involved intense activity during the spring of 1998. Each of the Blackfoot communities passed a band council resolution supporting the loans procedure and the committee’s advisory role and nominating recognized ceremonialists to the committee. The initial members of the Blackfoot Confederacy Advisory Committee on Museum Relations were Frank Weasel Head, Narcisse Blood, and Martin Heavy Head from Kainai; Allan Pard, Jerry Potts, and Reg and Rose Crowshoe from Piikani; and Herman Yellow...
Old Woman and Irvine Scalplock from Siksika. At that time, cabinet ministers regularly appeared before different standing policy committees of members of the legislative assembly in connection with their ministry activities. The Standing Policy Committee for Community Services reviewed and supported the loan procedure, as did cabinet and the premier’s office. Five full committee meetings were held in the year that followed, with numerous other consultations also taking place. The loan procedure called for each community to name a borrowing institution—initially, the Mookaakin Cultural and Heritage Society, for Kainai, the Oldman River Cultural Centre, for Piikani, and the Siksika Nation Museum.

Nine bundles or other items of ceremonial regalia were loaned to Siksika and Kainai First Nations in that interval. Another singular memory I have from that time period involved a trip to meet Andrew Weasel Fat, Andy Blackwater, and other Blackfoot ceremonialists concerning the return of a Horn Society (Iitskinaiksii) bundle. Later that summer, it re-entered Blackfoot ceremonial life during the Kainai O’kaan, or Sun Dance, as it is often termed.

PRELIMINARY NEGOTIATIONS

By 1999, it was clear that further winds of change were to affect loan and repatriation activity. The Glenbow Museum, through its CEO, Robert Janes, hosted a national meeting on loans and repatriation as these affected First Nations, museums, and archives. One of the more prominent questions debated in that Calgary setting involved the need for overarching federal legislation concerning repatriation issues in Canada. Such legislation would, in some fashion, parallel the Native American Graves Protection and Repatriation Act (NAGPRA) enacted earlier in the 1990s by the US government. At the end of the two-day session hosted by the Glenbow, there seemed to be near consensus among participants that such federal legislation was not required and that better solutions were to be found by individual Canadian jurisdictions and institutions finding suitable procedures for their unique circumstances, most particularly with respect to loan procedures. Although there has periodically been discussion of federal legislation in this realm for Canada, nothing concrete has ever materialized.

I say “near” consensus because I do have a clear recollection of Kainai ceremonialist Frank Weasel Head quietly but firmly dissenting from this majority.
position: as I recall, Frank saw a need for a real legislative sanction to underlie loan and repatriation activities. These sentiments were soon to become significant with respect to Alberta’s legislation.

We had thus arrived at a juncture where both of the major institutions holding First Nations ceremonial objects in Alberta, the Glenbow and the PMA, were loaning more and more bundles, pipes, and other artifacts to Blackfoot communities in Canada. These objects were re-entering active Blackfoot ceremonial life, where Blackfoot cultural precepts guided their transfer among participants in ceremonial societies. There were, however, several powerful considerations in this situation that had not been addressed. The loan process had the advantage of leaving the institutions, and therefore the Alberta government, in a position of responsibility toward the sacred and ceremonial objects, particularly should something go amiss. Loans in the museum world are ordinarily renewed on a periodical (often annual) basis. Yet, as Blackfoot people regained the use of loaned sacred and ceremonial objects, even the foreshortened formality of renewing loans proved to be difficult, no doubt serving as an unwelcome reminder of the unclear status of these important artifacts.

Another consideration might be said to involve “due process.” As loans and repatriations proceeded across Canada and the United States, there were occasions when cultural property was returned to First Nation or Native American communities under rather casual, if well-intentioned, circumstances or in situations in which there could be some dispute about who should receive the artifact. In some cases, sacred ceremonial objects were provided to communities who had an interest in them, even though the communities from which the objects had come had not been consulted and in no way approved of such actions. Various scenarios could and did lead to litigation, especially in the United States. Institutions and governments had a tremendous responsibility to carry out loan and repatriation activities through careful deliberation and consultation, and there were genuine and important liability issues connected with such actions. From the Blackfoot perspective, the 49th parallel artificially separated the North Piikani (Apatohsipiikani), in Alberta, from the South Piikani (Ammskaapipiikani), in the Browning area of Montana, and there was every expectation that the use and transfer of sacred and ceremonial objects would also involve crossing the international border.

doi:10.15215/aupress/9781771990172.01
In all of my time working in the museum sphere, I did not meet curators or administrators who thought of ethnological collections primarily in terms of their monetary value. By “monetary value,” I mean that there was, and is, an international market for ethnological artifacts generally and sacred ceremonial objects in particular. Values of several hundred thousand dollars are not at all uncommon. Because the history of these artifacts had caused them to reside in a Western legal realm, they were also, as assets of the Crown, governed by formal auditing principles, among other things. By 1999, millions of dollars of these “assets” were circulating in Blackfoot ceremonial life, with widespread recognition that they would not be returning to government or museum collections.

The 1999 report to the Standing Policy Committee for Community Services concerning activities of the Blackfoot Confederacy Advisory Committee on Museum Relations clearly articulated these critical issues, also indicating that the ultimate Blackfoot desire was the outright repatriation of sacred and ceremonial objects. In this same interval, the Glenbow executive indicated that their institution was determined to move forward with repatriation of both the sacred ceremonial objects they had on loan and others remaining in their collections. Although the Glenbow wanted to proceed in this fashion, it was, in fact, the Government of Alberta that owned the great majority of the sacred and ceremonial objects that the Glenbow wished to repatriate. There were a number of intense discussions and communications surrounding this proposed course of action, at times shedding far more heat than light. The Glenbow had enlisted the aid of the premier’s office in this regard, and the premier was indeed highly supportive of this goal.

At the very end of 1999, matters came to a head within government. Alberta Community Development, the ministry then responsible for historical resources and the PMA, sought input from the Office of the Attorney General. This resulted in a clear affirmation that the Government of Alberta held the great majority of the Glenbow artifacts in public trust and that the Glenbow simply did not have the latitude to sever ties with these objects in the way that outright repatriation would entail. This ultimately resulted in a key meeting in the legislature. I accompanied Assistant Deputy Minister William J. Byrne to a preliminary gathering with the minister of Alberta Community Development, Stan Woloshyn, and Deputy Minister Donald Ford, reviewing key elements
of the repatriation file. Byrne and I did not attend the meeting immediately following between the premier, the minister, and the deputy minister, but my understanding a few moments after that meeting was that Premier Klein had been advised that the Glenbow simply could not proceed independently with repatriation. Klein was unhappy with the outcome but had no desire to proceed in a fashion that would transgress these legal constraints. He wanted to know what could be done to move constructively beyond the impasse that existed. The answer to that question was to create legislation that would allow both the Glenbow and the PMA to engage in actual repatriation, in which the government and museums would sever their ties to Blackfoot sacred and ceremonial objects, allowing them to circulate freely in Blackfoot ceremonial life.

DRAFTING ALBERTA’S REPATRIATION ACT

By the first week of 2000, we were actively engaged in framing the purpose and principles of proposed repatriation legislation, preparing for a consultative process. There was urgency to this work because the premier had committed to attending a ceremony on 14 January 2000 at the Glenbow Museum. There, he intended to sign a formal commitment that the Government of Alberta would fully repatriate 251 sacred and ceremonial objects that the Glenbow had already loaned or intended to loan. This commitment was to involve changes in the provincial legislation governing the Glenbow-Alberta Institute (allowing repatriation of the Glenbow artifacts), and the premier further intended to announce that the Government of Alberta would begin a consultation process that would result in broader legislation for the repatriation of sacred ceremonial objects to Alberta’s First Nations from both institutions. At the ceremony on 14 January, Premier Klein spoke passionately about this from notes that several of us had prepared, making these very commitments; he also extemporized at some length in Blackfoot. At the conclusion of his remarks, Bruce Wolf Child sang an honour song for the premier.

Events had begun to move at an extraordinary pace, but they were soon to accelerate even more dramatically. The Glenbow ceremony had taken place on a Friday afternoon. Over the weekend, Minister Woloshyn had reflected upon the situation and determined that not only would the Glenbow-Alberta
Institute legislation be so amended for the next sitting of the legislature but that Alberta would proceed directly to drafting its own repatriation legislation. We had been intending to begin a consultation process regarding such legislation that we imagined might take a year. The following Monday, we suddenly found ourselves carrying out new instructions not only to prepare amendments to the Glenbow-Alberta Institute Act but also to provide comprehensive repatriation legislation that was to be read as Bill 2 in the legislative session beginning 1 March, now less than six weeks away.

Drafting legislation is by no means a simple process, but in the case of what was to become the First Nations Sacred Ceremonial Objects Repatriation Act, the complexities were formidable. Advancing the time frame so dramatically meant that a consultative process became virtually impossible—all our efforts had to be directed toward framing the proposed legislation if we were to have any hope of being ready for 1 March. While the fundamentals of the situation were quite well known among Blackfoot communities in the area covered by Treaty 7, other First Nations there and in Treaties 6 and 8 had less familiarity with the issues. In fact, some communities were specifically asking that we not visit repatriation upon them at this particular time, as they had other pressing priorities.

Whereas we had been contemplating legislation that might have had a breadth comparable to NAGPRA, the foreshortened time frame meant that certain other matters simply could not be dealt with. NAGPRA speaks also to the reburial of ancient human remains and associated grave goods, for example. There was simply insufficient time to deal with these matters, and, in fact, it seemed to us that, at least from a Blackfoot ceremonial perspective, dealing with sacred ceremonial objects and human remains issues in the same piece of legislation could be construed as highly inappropriate. The time frame therefore narrowed the scope of the legislation.

Like other legislation, however, the act was intended to create enabling powers: most legislation receives its specific procedural form from regulations enacted pursuant to an act. The key was to ensure that those enabling powers were enshrined in the draft legislation, leaving further procedural detail to be worked out in regulations geared to individual First Nations, tribal councils, treaty organizations, or other future options that would meet community needs.
Yet this was not straightforward in terms of Canadian legal precepts, where the doctrine of interjurisdictional immunity holds sway. In accordance with this legal precept, matters exclusively concerning Aboriginal people can be dealt with only by the Crown in right of Canada; provincial legislation should not impinge upon this federal prerogative. A number of practical issues surfaced in this realm. While there was a strong desire to return sacred ceremonial objects to First Nations, there was little appetite to make these returns to individuals. Returning them to a First Nation with collective rights in the use of the objects—certainly the case for Blackfoot peoples—made a great deal of sense, but then, in terms of the Indian Act, chiefs and councils could not receive property in this way. So there needed to be some way to convey legal rights in the sacred ceremonial objects to other entities with a capacity to guide the process. Ultimately, entities like the Mookaakin Cultural and Heritage Society came to serve in this role, as they had in the pre-existing loan process.

Our work thus required input from government officials working in a variety of areas, including law, Aboriginal Affairs, and historical resources. I was given the responsibility for guiding the drafting process, although a number of individuals in the Historical Resources and Cultural Facilities Division were involved, including Assistant Deputy Minister William J. Byrne, Susan Berry (Curator of Ethnology, PMA), and Jack Brink (Curator of Archaeology, PMA). We worked intensively through lengthy meetings, developing principles and the requisite enabling powers for the draft legislation.

In beginning this process, I remember a key conversation initiated by Susan Berry. This concerned the need for the legislation to address the pivotal issue of practice. One of the more influential consequences of the important dialogue between First Nations and Historical Resources Division staff members was the clear recognition—instilled into the senior levels of government over the years—that museum possession of sacred ceremonial objects actively impeded the collective conduct of Blackfoot ceremonial life. That is, certain pipes and bundles were required to fulfill roles in various ceremonial activities; their absence interfered with the renaissance in Blackfoot traditional and cultural life that had been going on since the 1970s. Moreover, through our committee work, we had come to see clearly that the practice of this ceremonial life had social, economic, linguistic, and cultural consequences rippling far beyond the immediate matter of repatriation. Pledging to receive pipes or
bundles involved important—at times, life-changing—commitments in all those spheres of life for Blackfoot people engaging in ceremonial practices. Our task was to identify and enshrine principles like this in the legislation. We worked toward specific objectives with a deadline looming, but, in retrospect, it seems to me that we were applying principles that paralleled notions of practice and treaty rights that the Supreme Court of Canada has clearly articulated for other spheres of activity.

With an outline of objectives, we began the next step in the process, that of working directly with legislative counsel. Staff members of this part of the attorney general’s office specialize in turning “drafting instructions” for legislation (the principles and enabling powers we were specifying) into legal phraseology. This is a demanding process, because casual wording or imperfectly expressed definitions and procedures ultimately lead to flawed legislation that will neither survive legal tests nor meet practical objectives. Legislative counsel staff members have the task of probing and challenging definitions, assumptions, and procedures with this in mind, finally providing wording to deal with all the eventualities that can reasonably be foreseen. A final phase of the process saw a return to the initial higher-minded principles now being articulated in the preamble to the legislation. Actual legislation is the outcome of a collaborative process involving all of these parties and processes.

This phase of our work had to be completed well in advance of 1 March so that senior government officials, cabinet ministers, and the premier himself could approve of the legislation in its draft form. We also needed to alert First Nations across the province that this legislation would receive reading in the forthcoming session of the legislature. At the time, the government did not share draft legislation with stakeholders. Susan Berry and I had the delicate task of approaching treaty organizations and communities to explain in general terms what was about to take place and to solicit broader support for the legislation. This was vital in its own right, but it was equally important because the reading of this legislation was clearly going to be an event of some pomp and pageantry in the legislature, involving many First Nations representatives. We greatly appreciated the consideration of individuals such as Norman Calliou, then the executive director for the Confederacy of Treaty 6 First Nations, in letting us speak with elected officials and Elders in these rather general terms.
LAUNCHING THE ACT AND FRAMING REGULATIONS

Much of our effort then turned toward planning for what was clearly going to be a moment of great symbolic as well as practical importance. While one might attempt a chronology of events surrounding the tabling of First Nations Sacred Ceremonial Objects Repatriation Act on 1 March 2000 in the legislature, in truth, my present sense of that time is more like a kaleidoscope of intense activities. Just prior to 1 March, celebrations and ceremonies were to begin in the Provincial Museum of Alberta. There was, for example, to be a pipe ceremony making use of the circle in the Gallery of Aboriginal Culture. This was to be attended by a variety of Elders and ceremonialists, as well as by Pearl Calahasen, then the minister of Aboriginal Affairs, who would provide first reading of the proposed act in the legislature. There was a hurried but important meeting in the museum cafeteria involving respected ceremonialists from across the province, in which it was agreed that a distinguished Frog Lake Elder, (the late) Pete Waskahat, would preside over the pipe ceremony and offer a blessing for the events to follow. Briefing notes, guest lists, speaking notes, media briefings, and a prayer for the speaker of the legislative assembly, Ken Kowalski, all had to be drafted for approval. There was a swirl of media activity for which press releases and talking points for participants were required. And there needed to be coordination for yet other important events, such as the honour song to be sung by Martin Heavy Head for the premier as he led ministers into the chamber for the opening of the session. Amidst the considerable pageantry of the day, there were also occasional moments to reflect quietly with individuals in both government and First Nations circles who had worked toward this moment. The First Nations Sacred Ceremonial Objects Repatriation Act received its second reading a few days later; in May, it received royal assent.

In a way, the final chapters of the legislation remain to be written. The act receives its full force through regulations written pursuant to its powers, and this capacity to generate regulations has yet to be fully exploited in relation to other Alberta First Nations. In the Blackfoot case, these regulations (Blackfoot First Nations Sacred Ceremonial Objects Repatriation Regulation, Alta Reg 96/2004) were developed in what turned out to be a longer interval between 2001 and 2004, a length of time I regretted. Several factors contributed to this delay. Many of us who had been transferred into the provincial museum in

doi:10.15215/aupress/9781771990172.01
the 1990s had now returned to the divisional headquarters as part of a newly formed Historic Resources Management Branch, reconstituted because it was apparent that earlier changes were impeding Alberta’s regulatory work for historical resources more generally. The pace of work remained furious, with the museum finishing a series of high-profile millennium exhibits. The regulatory work connected with the historical resource management sphere soared as Alberta entered another boom period. The Government of Alberta also began coming to terms with its responsibilities to consult with First Nations about the impact of development on treaty rights, a critical and time-consuming process that would play out in the first decade of the new millennium.1

Another factor was the inherent complexity of the drafting process, which now needed to specify yet more exact details of the return process, again subject to the necessary scrutiny of legislative counsel. More profoundly, there existed a genuine tension between the public needs of legislation and the private world of Blackfoot ceremonial life. From a government perspective, there was a need for open disclosure of its intended action for any given repatriation to ensure that it was following an appropriate course of action that would allow others to intervene if they had an interest.

With respect to a means for public disclosure, we looked to parallels with the provincial designation process. When the minister decides to designate an archaeological site or a historic building, for example, notice of this action is posted in the Alberta Gazette, allowing others to express an interest or concern. Similar provisions exist in the Blackfoot repatriation regulation, but, of course, these needs do not necessarily parallel Blackfoot cultural precepts. At one point, Frank Weasel Head, Rhonda Delorme (undertaking consultation on the regulations at the time), and I sat in Old St. Stephen’s College, the divisional headquarters on the University of Alberta campus, and talked about a draft of the regulations. Frank had difficulty with the intrusiveness of the regulations, such as the announcement process. So I said to Frank words to the effect, “As much as possible we would like the regulations to be sensitive to Blackfoot cultural interests and not tread in areas that are private, so let us rework that.” And he said words to the effect, “I’m tempted to say just go ahead with it as it is, because I can see you are willing to change it.” It was almost as though my offer to change the draft was sufficient for something bound to have imperfections in ensuring the transit of a sacred ceremonial object from residing in the museum...
world as a government “asset” back into the Blackfoot ceremonial world. In any case, these and other factors conspired to delay the implementation of the Blackfoot regulations until 2004.

Return of Blackfoot sacred ceremonial objects through the loan process did continue apace in this interval, however, with loans becoming repatriations when the Blackfoot regulations came into force. The First Nations Sacred Ceremonial Objects Repatriation Act provides the continuing capacity for other First Nations communities or tribal organizations to enter into consultations about drafting regulations for Alberta collections of sacred ceremonial objects significant to them.

SOME REFLECTIONS ON ALBERTA’S REPATRIATION LEGISLATION

In 2002, I had the good fortune to be invited as a guest speaker for an Australian conference involving archaeologists and linguists. This was held in the rarified surroundings of the new National Museum of Australia in Canberra. Knowing that similar issues existed in that country, I created an opportunity to meet with Australian museum colleagues working on repatriation matters. In travelling to that meeting, however, I found myself on a long taxi ride to warehouse office space on the periphery of Canberra. When I inquired as to why my colleagues were so far away from their museum, they responded, “Oh, you know, repatriation work . . . pariahs of the museum world.”

In some instances for those of us working in the museum world, misconceptions about repatriation would arise. In the wake of the First Nations Sacred Ceremonial Objects Repatriation Act, for example, media commentary from other institutions in Canada wondered why Alberta thought it had any prerogative to legislate with respect to their collections. This was simply not the case: the Alberta repatriation legislation dealt strictly with collections that the Alberta government had acquired. It was not uncommon to be asked in other circumstances how NAGPRA worked for collections in Alberta, as though the Alberta legislation was subsidiary to the American legislation. It is true that First Nations in Alberta can be affected by NAGPRA in cases where American institutions might hold objects of cultural patrimony that originated in this country. NAGPRA has no effect with respect to collections owned by
the Government of Alberta, however, and the First Nations Sacred Ceremonial Objects Repatriation Act is not in any way connected with NAGPRA.

I also recall being asked what the government would do if a repatriated sacred ceremonial object were to somehow go astray, for any of a variety of reasons failing to re-enter ceremonial life. This question betrays a fundamental misapprehension of the legislation: the effect of repatriation is to convey the Crown’s title in the object to the First Nation. This ends the government’s connection with the sacred ceremonial object—the government no longer has a say in its fate. Repatriation marks the beginning of renewed First Nations responsibility for the sacred ceremonial object. I will conclude by exploring this theme briefly, because I believe that in such actions lie seeds for hope about future directions in the relationship between First Nations and broader Canadian society.

My Australian colleagues, in the response quoted above, were no doubt referring to the way repatriation issues evoke much stronger emotions than simple misconceptions. Certainly, for many in the museum world, the axiom would be that things come into museums—they do not go out. Often, powerful emotions would come crowded together. There were meetings in which individuals on either side of the table might speak with anger or intransigence. I recollect one such incident where, rather than being provoked by angry words from the museum side of the table, a Blackfoot ceremonialist instead expressed the Horn Society perspective with great dignity and perseverance in a way that moved me considerably.

On the day that one of the first bundles was to be loaned under the new process, an occasion on which a Blackfoot couple came directly to the museum, I sensed in the museum a mood of suspicion in some quarters and sadness in others. Having, in some cases, curated these objects for virtually their entire careers, staff members had honest concerns about the course of action upon which we were all departing. One of the understandings I came to have was that Blackfoot people have a strong sense of reverence for medicine bundles and pipes, very like the attitude that one would exhibit toward children, albeit very powerful children. As we walked down the hallway that morning, the wife of the elderly couple transporting the bundle gently cradled it in her arms; when we walked through the museum entrance into the sunlight, her husband burst into an honour song. The contrasting emotions, culminating in reverence, pride
and joy, made for a moment I will not forget. I returned to my desk and wrote a brief email to the assistant deputy minister indicating that the bundle was on its way—the premier had asked specifically to be informed when this had taken place.

While it is true that there was apprehension at the Provincial Museum of Alberta about the consequences of loans and repatriation, it is important to point out that a decade later, none of those fears has been realized. Insofar as I know, the various bundles, pipes, and other forms of ceremonial regalia continue to be governed by Blackfoot protocols and to circulate in the various ceremonial societies. During the 1990s, an Alberta cabinet minister had mused about how some people were “having more rights than others,” an allusion that certainly included First Nations aspirations. Considerable discussion can indeed go on concerning rights in the absence of that other, critical dimension—responsibilities. There is compelling research in this regard, showing that even where Native American and First Nations communities have access to considerable resource wealth, communities and tribal administrations generally do poorly when they are not responsible for their own affairs. Correspondingly, a number of economically disadvantaged Native American and First Nations communities have done very well while in command of their own affairs, the key ingredient clearly being that of taking independent responsibility. In my view, the legislation has been a vital instance of a government yielding and First Nations assuming a responsibility of paramount cultural significance.

I am sure that for many First Nations people, the First Nations Sacred Ceremonial Objects Repatriation Act might be seen simply as redress for previous wrongs. Some thoughtful First Nations observers have probed beyond this and have seen in repatriation opportunities for reconciliation between the larger Canadian society and First Nations communities. My views about subsequent consultation with First Nations were very much affected by learning from the repatriation process. In my own work, I was to move quickly to the matter of government consultation with First Nations about the impact of development on treaty rights and traditional uses of the landscape. Decisions from the Supreme Court of Canada were creating important change in this area, and industry, too, was clamouring for government to set a direction in its consultation policies toward First Nations. In this newer context, much of
our heritage work concerned cultural landscapes and places of historical and traditional importance.

I was privileged to be able to continue working in this realm with Narcisse Blood, one of the Kainai ceremonialists who had been directly involved in the loan and repatriation work. At times, Narcisse spoke of his interest in “reverse archaeology”—the possibility of archaeologists and First Nations together returning archaeological artifacts excavated from what could be regarded as sacred ceremonial contexts, such as Medicine Wheels. This struck a chord with me because I did regret that the pace of the repatriation process may have caused us all to miss an important opportunity for reconciliation in the realm of ethnological collections.

Many difficult decisions—and, in some cases, even the actions of “bad actors”—resulted in sacred ceremonial objects entering North American museums. Yet in reviewing the history of the PMAs’s acquisition of sacred ceremonial objects, I was struck by the many diligent and thoughtful actions, on the part of both the Elders of that day (the 1960s and early 1970s in Alberta) and museum staff members. It is perhaps not well known that, in seven instances, Blackfoot sacred ceremonial objects were not simply purchased by the PMAs. They were formally received through transfer ceremonies, with museum staff members standing in appropriate roles for the transfer process. Time did not permit formal transfer of the sacred ceremonial objects back to the Blackfoot, and I understand that, at least for some, such an action may not have been welcome. Still, such transfer, through Blackfoot protocol, of those particular sacred ceremonial objects back to the societies involved would have brought highly symbolic closure and created further opportunities for greater mutual understanding.

In 2006, another unfortunate instance of vandalism affected Okotoks, or what is referred to as the Big Rock, south of Calgary, a place of great cultural significance in Blackfoot oral tradition. At the time, we were developing consultation protocols concerning cultural landscapes, protocols very much informed by our repatriation experiences. After the vandalism incident, I turned to Allan Pard, who was by then working as a senior manager in Aboriginal Affairs for the Alberta government, and Narcisse Blood for direction on what to do, since we intended eventually to try removing the offending spray paint. Allan and Narcisse felt that there would first need to be a cleansing ceremony; they presided over this ceremony on a brilliant fall afternoon. It was attended by former Chief Roy Fox of Kainai, the reeve, the MLA, the vice-principal of the Okotoks...
Figure 29. A cleansing ceremony at Okotoks in September 2006, presided over by Iitskinaiksi (Horn Society) grandfathers Allan Pard and Narcisse Blood, after an incident of vandalism. Photograph courtesy of John Ives.
high school, staff members of our Historical Resources Division, the couple who had reported the vandalism, University of Calgary professors, the president of the Archaeological Society of Alberta, and a representative of the RCMP. Unbidden, the officer came in red serge (fig. 29).

For me, and I suppose for many of us, we may sometimes go to and from our daily work without a great deal of reflection. That particular evening, I said to my wife that I had taken part in something important that day. The ceremony created a deep sense of goodwill among all its participants. Narcisse spoke thoughtfully about the task before us, indicating that although Okotoks represented a place critically important to Blackfoot heritage, it was a place that could be protected only by creating in mainstream society a wider understanding of its significance.3

However difficult were the circumstances that saw so many sacred ceremonial objects enter museum collections, and whatever imperfections the repatriation legislation and process may have, the end result is something in which we should see hope. Reconciliation goes beyond redress: it also creates understanding. And understanding carries with it the prospect for respect. These ideals must continue to be cultivated in emerging new relationships between First Nations and broader Canadian society.

NOTES

1 The legal landscape for consultation of this sort continues to evolve in the present decade, particularly with the Supreme Court of Canada ruling of 24 June 2014 in Tsilhqot’in Nation v. British Columbia (2014 SCC 44).


3 I was struck by the precise parallels between his remarks and those of then Justice Beverly McLachlin in her commentary on another matter involving First Nations heritage before the Supreme Court of Canada. In Kitkatla Banc v. British Columbia (Minister of Small Business, Tourism and Culture), 2002 SCC 31, [2002] 2 S.C.R. 146, now Chief Justice McLachlin wrote that First Nations’ heritage “must be protected, not only as an essential part of the collective material memory which belongs to the history and identity of First Nations, but also as part of the shared heritage of all British Columbians.”