COLONIAL COLLECTIONS COMMITTEE RECOMMENDATION

Objects	Seven objects from the collection of Wereldmuseum Leiden, namely: RV-362-130, Fragment of a headdress RV-362-135, Tigua double-headed drum and drumstick RV-362-136, Pueblo drum and drumstick R-362-137, Rattle RV-362-141, Tigua shield RV-362-138/138a, Tigua rattle and incipient rattle, RV-362-142, Tigua moccasins
Current owner	The State of the Netherlands
Custodian	Stichting Nationaal Museum van Wereldculturen
Application for restitution from	Joint application from the United States of America and Ysleta del Sur Pueblo
Date of application for restitution	15 August 2024
Recommendation number	US-2024-01
Date of recommendation	13 December 2024
The Colonial Collections Committee [1] consisting of	Lilian Gonçalves-Ho Kang You (chair), Remco Raben, Alicia Schrikker (members)
Secretariat	Jona Mooren, Meehea Park

1. The application

On 15 August 2024 the Department of the Interior of the United States of America submitted an application to the Dutch Minister of Education, Culture and Science.[2] It is an application for restitution for Ysleta del Sur Pueblo, federally recognised as a Tribe[3] by the United States of America, of "important and sacred cultural patrimony objects of the Ysleta del Sur Pueblo" from the collection of the Wereldmuseum. In so doing the United States of America supports the application for restitution submitted to the Wereldmuseum by the Tribal Council of Ysleta del Sur Pueblo on 11 June 2024.

[1] The Advisory Committee on the Restitution of Cultural Objects from a Colonial Context (in short: the Colonial Collections Committee) was established on 6 September 2022 by the Dutch State Secretary for Education, Culture and Science

[2] Appendix 3

[3] This report adopts the word 'Tribe' in accordance with its usage by the Ysleta del Sur Pueblo in the application for restitution.

2. The objects and scope of the recommendation

The application for restitution concerns five objects acquired in 1882 by the Dutch collector Herman Frederik Carel Ten Kate Jr. In the application, the Tribal Council describes the importance of the objects as follows: "These items are the Pueblo's most sacred and spiritually important representations of our culture and faith (…). They are living objects in need of the care and attention that only the Pueblo can provide."

In addition to the objects whose restitution is requested the provenance report, which is attached as Appendix 1 and will be considered in greater detail in chapter 5, describes two further objects which in all probability are also from Ysleta del Sur Pueblo, namely a 'rattle' (RV-362-137) and a 'fragment of a headdress' (RV-362-130).[4] In consultation with the Wereldmuseum and the Ysleta del Sur Pueblo these two objects have been added to the application for restitution.

3. The policy framework

The assessment in this recommendation was made within the framework of the *Policy vision on collections from a colonial context* of the Dutch Minister of Education, Culture and Science.[5] The Policy vision is based on the Council for Culture report *Colonial Collection, a Recognition of Injustice*.[6] An application for restitution of a cultural object may be made by any state where the Netherlands exercised colonial rule for an extensive period of time.

The assessment framework is described as follows in the Policy vision:

First the Committee determines whether the provenance research is satisfactory.

Then the Committee establishes whether involuntary loss of possession occurred. To this end it assesses whether it can be established with a reasonable degree of certainty that possession of the cultural object whose restitution is requested was involuntarily lost in a country where the Netherlands exercised colonial rule for an extensive period of time. If it is established that this is the case, the Committee will recommend unconditional restitution of the cultural object.

If it cannot be established from the provenance history whether involuntary loss of possession occurred, and to the extent that the cultural objects in question are of particular cultural, historical or religious significance for the country of origin, then the Committee will consider the interests involved, whereby the importance of restitution for the country of origin shall be weighed against other relevant interests based on reasonableness and fairness.

Relevant interests may include the cultural importance of the cultural object to the country of origin, the communities involved both in the countries of origin and in the Netherlands, the significance to the Netherlands Collection, future storage conditions and public access. Objects may be significant for national and regional traditions as well as for the identity of a country, people, community or individual. A cultural object will in many cases be of different importance to the Netherlands than to

[4] The Dutch original of this recommendation uses the English descriptions since the Dutch terms deviate substantively. The Wereldmuseum advised the Committee that the English terms are the most current.
[5] Policy vision, 29 January 2021, https://committee.kolonialecollecties.nl/procedure/publications/publications/2021/01/01/policy-vision-on-collections-from-a-colonial-context
[6] Report of 7 October 2020, https://www.raadvoorcultuur.nl/documenten/adviezen/2021/01/22/colonial-collection-and-a-recognition-of-injustice

the country of origin. Colonial cultural objects in Dutch museums may also be of special significance to Dutch citizens with roots in the countries of origin.

If the object whose restitution is requested originates from a former colony of another power then the Committee will similarly consider the interests involved, thereby weighing the importance of restitution for the country of origin against other relevant interests based on reasonableness and fairness. This does not alter the fact that in the case of a cultural object where the loss of possession was involuntary, the basic premise of the assessment must be to rectify the injustice. In this case, whilst the Netherlands did not cause the injustice, as the current holder of the objects it is the only party that is able to rectify that injustice.

If the Committee recommends restitution to the applicant state then the transfer of title procedure for public collections shall be observed – in accordance with the Dutch Heritage Act and the *Policy vision on collections from a colonial context* of the State Secretary for Culture and Media – and the Committee's recommendation shall also be regarded as a recommendation on the indispensability and irreplaceability of the object in the sense of article 4.18 of the Dutch Heritage Act.

4. The procedure

On 15 August 2024 the Department of the Interior of the United States of America submitted a request to the Dutch Minister of Education, Culture and Science. In so doing the United States of America supports the application for restitution submitted to the Wereldmuseum by the Tribal Council of Ysleta del Sur Pueblo on 11 June 2024.

On 24 September 2024 the Minister requested the Committee to advise on the restitution application. The Committee's recommendation is based on the provenance research conducted by the Wereldmuseum.

On 25 October 2024 the Committee held a video conference with Governor E. Michael Silvas, Lieutenant Governor Adam Torres and Jeffrey Wiener of the Tribal Council of Ysleta del Sur Pueblo. During the conference the Committee explained the advisory procedure and the Tribal Council emphasised the importance of the objects. The Tribal Council also explained that Bernardo Holguin, who sold the objects to Ten Kate, was only the holder of the objects and was not authorised to sell them. According to the Tribal Council, Ten Kate managed to persuade Holguin to sell by plying him with alcohol and Holguin tried to reverse the sale the following day.

The custodian of the objects, Wereldmuseum Leiden, conducted research into their provenance history and issued a report on this on 28 October 2024. The provenance research was shared with the Tribal Council of Ysleta del Sur Pueblo on 8 November 2024. The Committee asked whether there were any further questions about the provenance report. The Tribal Council replied on 19 November 2024 that it was of the opinion that the provenance report is a "thorough and accurate historical analysis" of the objects whose restitution is requested and that it only wished to make a few minor additions to the report. Its response is included as Appendix 2 to this recommendation. The Committee discussed the provenance report at its meeting of 15 November 2024 and had no further questions.

On 15 November 2024 the Committee spoke to Wayne Modest, Director of Content at the Wereldmuseum, Mirjam Hoijtink, Head of Research and Collections at the Wereldmuseum, and François Janse van Rensburg, provenance researcher at the Wereldmuseum. During this meeting Professor Modest expressed his support for the policy to restitute, indicating that the provenance research had shown that the community in question had already been opposed to the removal of the

objects at the time of their acquisition. He emphasised that in the lengthy dialogue with the community they have consistently pointed to the fact that the use of the objects remains important in their rituals to this day.

The Committee discussed the restitution application and the provenance research on 13 December 2024 and resolved to recommend as stated below.

5. The provenance research

The provenance research was conducted by François Janse van Rensburg, who is a provenance researcher at Wereldmuseum Leiden.

The report is an integral part of this recommendation and is attached as an appendix.

The provenance research involved consulting museum inventories, previous provenance reports and a published travel account of Herman Frederik Carel Ten Kate Jr. (1858-1931). The report contains the following findings.
Ysleta del Sur Pueblo is a federally recognised Native American Tribe in El Paso in Texas. Members of the Tribe are called Tigua and are part of the Puebloan peoples of the southwest United States. Colonisation of the area started in the late 16th century, first by the Spanish Empire and later by the United States of America. In the late 19th century the United States of America engaged in systematic seizure of Native American lands and during the 1870s the Puebloan peoples lost almost their land and mineral rights. Around the same time, their rights to mine salt were terminated during the San Elizario Salt War (1877-1878), reducing the Tigua to poverty.

Herman Frederik Carel Ten Kate Jr. visited the United States and Mexico in 1882 and 1883. Ten Kate travelled all over the world to collect ethnographic and archaeological objects for ’s Rijks Ethnografisch Museum, a predecessor of Wereldmuseum Leiden. The Royal Dutch Geographical Society, the Holland Society of Sciences and Humanities and the Dutch Ministry of the Interior made funds available for the purchase of ethnographic objects by Ten Kate. It can be deduced from the numbering of the objects that the purchase of the objects whose restitution is requested was financed by the Dutch Ministry of the Interior.

According to the provenance report Ten Kate was not above using bribes, coercion or threats to induce people to sell objects of great personal or spiritual significance. Ten Kate writes in his travel account of the intimidation he applied during the trip: “…when the Indians realized that they had been called together so they could be examined and touched, many were indignant…Captain H. saved me from my predicament by reading in a loud voice my letter of recommendation from General Sherman[7] and adding what was necessary… That had its effect…”

A number of the objects whose restitution is requested are mentioned in Ten Kate’s travel account. He notes that acquiring these objects had not been easy. During his visit to Ysleta del Sur Pueblo from 27 to 29 December 1882 Ten Kate conducted protracted negotiations with War Captain Bernardo Holguin. The provenance report cites Ten Kate’s travel account, which gives the impression that the objects were not relinquished voluntarily: “…[t]he next day [Bernardo] expressed remorse over the sale of his bonnet, associated with the recollection of so many campaigns against the

[7] William Tecumseh Sherman (1820-1891) was the American general who led the U.S. forces in what are often referred to as the ‘Indian Wars’.

Apaches, but with effort I hung on to what I had acquired and, in addition, was still able to obtain one of his graying locks of hair."

The objects arrived at 's Rijks Ethnografisch Museum in Leiden in June 1883. In May 1884 the museum's director submitted a list of the acquisitions from the *'Eigenlijke Pueblo-Indianen'* [original Pueblo Indians] for publication in the *Staatscourant*, the Dutch government gazette. Four of the five objects whose restitution is requested are marked on the list as being from 'Isleta Texas'. The numbers on the list correspond to the current inventory numbers, meaning that there is no doubt as to their identification. The 'Pueblo Drum' (RV-362-136) is not attributed to 'Isleta Texas'. Given the drum's position on the list below an object whose provenance is given as 'Isleta Texas', as well as the mention of the acquisition of two drums rather than one in Ten Kate's travel account, the provenance report considers it likely that this object is also from Ysleta del Sur Pueblo.

In addition to the objects whose restitution is requested the provenance report mentions two other objects which are probably or very probably from Ysleta del Sur Pueblo, namely a 'rattle' (RV-362-137) and a 'fragment of a headdress' (RV-362-130).

The provenance report also provides an insight into the frequent contacts and previous applications for restitution in 2014 and 2016. In a response to the provenance report the Tribal Council noted that an initial restitution application was submitted in 1967. This and subsequent applications for restitution were rejected. In its applications the Tribal Council explained the importance of the objects. The double-headed drum and drumstick were made around 350 years ago in New Mexico from the same wood as the drum that still remains in Ysleta del Sur Pueblo. The drums are considered to be twins and are of great importance to the summer and winter ceremonies. In its requests the Tribal Council emphasised that Bernardo Holguin, who sold the objects to Ten Kate, was only the holder of the objects and was not authorised to sell them.

6. Assessment of the restitution application

First the Committee examined the admissibility of the application from the United States of America, with regard to which it considered as follows.
Ysleta del Sur Pueblo has been a federally recognised Tribe since 1967 and is now part of the United States of America as a sovereign nation recognised by it. In the application for restitution the United States of America refers to the letter of 11 June 2024 from the Tribal Council of Ysleta del Sur Pueblo to the Wereldmuseum. In its application the United States of America explains that: "The United States has a political, government-to-government relationship with the Tribe, and we stand united with the Tribe in making the request for repatriation."

On submitting its request the Department of the Interior of the United States of America stated that it is obliged under the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the United Nations Declaration on the Right of Indigenous Peoples and the Safeguard Tribal Objects of Patrimony (STOP) Act to assist and support Tribes in making restitution applications.
The Committee follows the *Policy vision on collections from a colonial context*, in which it is determined that applications for restitution of a cultural object may be made by states. The application was made by the United States of America and is thus admissible. In this matter the Committee respects the request by the United States of America described above to support Ysleta del Sur Pueblo in their application under the applicable legislation and request the return of the objects for Ysleta del Sur Pueblo.

Ysleta del Sur Pueblo was colonised in the past, first by the Spanish Empire and later by the United States of America. The objects were acquired in this colonial context by a Dutchman for 's Rijks Ethnografisch Museum using funds from the Dutch Ministry of the Interior. The Committee therefore concludes that the application from the United States of America falls within the scope of the restitution policy as set out in the *Policy vision on collections from a colonial context*.

Next the Committee looked at whether the provenance research into the objects is sufficient. The Committee is of the opinion that the provenance research, as outlined in chapter 5, was conducted properly and provides a satisfactory basis for issuing a recommendation. The museum conducted thorough research into the acquisition and provenance of the objects. The report provides sufficient information regarding the origins of the objects, the context in which they were acquired by Ten Kate at the behest of the museum and their transfer to the Netherlands.
The Committee is therefore of the opinion that the provenance research is sufficient.

The Committee also looked at whether involuntary loss of possession occurred and considers as follows regarding this. In acquiring the objects Ten Kate, as a Dutch collector in a territory colonised by the United States of America, took advantage of the desperate plight in which Ysleta del Sur Pueblo found itself. The provenance report details the methods Ten Kate used in acquiring ethnographic and archaeological objects; these included coercion, threats and bribes. According to the provenance report War Captain Bernardo Holguin did not sell the objects voluntarily as is clear for example from the fact that he tried to reverse the sale the following day. Moreover the Tribal Council argues that Holguin was not authorised to sell the objects given that they were not his personal property but merely held by him on behalf of the group. Based on the above grounds the Committee is of the opinion that it is very likely that the objects whose restitution is requested were involuntarily lost in a territory where another power exercised colonial rule for an extensive period of time.

Then there is the question of whether a broader consideration may need to be taken with regard to this. The Committee follows the *Policy vision on collections from a colonial context,* in which the Minister writes: "The colonial powers maintained intensive contacts, both in Europe and in the former colonies. These international contacts of the past are also evident in the collections of today, with cultural objects from territories that were colonised by other powers for example having ended up in the Dutch National Art Collection via trade and collectors. (…) To accommodate the specific nature of each case I also adopt the recommendation to take a broader consideration here, albeit that rectifying injustice must be the basic premise in the assessment."[8]

In the above the Committee concludes that it considers it very likely that the objects whose restitution is requested were lost involuntarily. Although the State of the Netherlands did not exercise colonial rule in the area of origin of the objects it was a Dutch collector acting on behalf of a Dutch state museum, financed by the Dutch Ministry of the Interior, who took advantage of the desperate plight of Ysleta del Sur Pueblo. In this case the involuntary loss of possession was not caused by another colonial power but by or because of an individual acting on behalf of the Dutch State. The Committee therefore does not believe it is opportune to take a broader consideration on this and is of the opinion that the requested objects ought to be restituted unconditionally.

The Committee was asked to advise on the application of article 4.18 of the Dutch Heritage Act should its recommendation be in favour of restitution of the requested objects. It is the opinion of

[8] See *Policy vision on collections from a colonial context*, appendix to *Kamerstukken II* 2020/21, 32820, no. 405, pp. 5-6.

the Committee that rectification of past injustice prevails in this case, meaning that article 4.18 of the Heritage Act is not applicable.

7. The recommendation

The Committee has assessed the application for restitution and recommends that the Minister proceed with the unconditional restitution of seven objects from the collection of the Wereldmuseum which are held by the Dutch State (RV-362-130, Fragment of a headdress, RV-362-135, Tigua double-headed drum and drumstick, RV-362-136, Pueblo drum and drumsticks, R-362-137, Rattle, RV-362-141, Tigua war shield, RV-362-138/138a, Tigua rattle and incipient rattle, RV-362-142, Tigua moccasins) to the United States of America for Ysleta del Sur Pueblo.

This recommendation was adopted by the Colonial Collections Committee on 13 December 2024.

Chair	Secretariat
Lilian Gonçalves-Ho Kang You	Jona Mooren and Meehea Park

Provenance Report

Subject: Objects requested via letter from the Commission Colonial Collections/ Ministry of OC&W dated 24 September 2024 for restitution to the United States of America and Ysleta del Sur Pueblo from the collection of NMVW/Wereldmuseum

Date: 28 October 2024

Author: François Janse van Rensburg

Infosheet

RV-362-135	Custodian	Stichting Nationaal Museum van Wereldculturen
	Current owner	Dutch State
	Name and object number	Tigua double-headed drum and drumstick (póhojèt and làh) RV-362-135
	Material/technique	cottonwood, hide, pigment
	Dimensions	width: 30-39.5 cm height: 56.5 cm

 RV-362-136 Photo: Stichting Nationaal Museum van Wereldculturen	Custodian	Stichting Nationaal Museum van Wereldculturen
	Current owner	Dutch State
	Name and object number	Pueblo drum and drumstick RV-362-136
	Material/technique	wood, hide, pigment
	Dimensions	drum width: 28 cm height: 8.7 cm stick length: 23 cm

RV-362-141

Photo: Stichting Nationaal Museum van Wereldculturen

Custodian	Stichting Nationaal Museum van Wereldculturen
Current owner	Dutch State
Name and object number	Tigua shield (gweeyèr) RV-362-141
Material/technique	wood, hide, cloth, feathers
Dimensions	width: 45 cm height: 7 cm

RV-362-138

RV-362-138a

Photo: Stichting Nationaal Museum van Wereldculturen

Custodian	Stichting Nationaal Museum van Wereldculturen
Current owner	Dutch State
Name and object number	Tigua rattle and incipient rattle RV-362-138, RV-362-138a
Material/technique	gourd, wood, hide
Dimensions	rattle width: 11 cm length: 21 cm incipient rattle width: 11 cm length: 12 cm

  RV-362-142 Photo: Stichting Nationaal Museum van Wereldculturen	Custodian	Stichting Nationaal Museum van Wereldculturen
	Current owner	Dutch State
	Name and object number	Tigua moccasins RV-362-142
	Material/technique	hide, sinew, dye
	Dimensions	length: 25 cm height: 10 cm

Summary of Findings

This report is written in response to the request for the restitution of objects from the collection of the NMVW/Wereldmuseum Leiden by the United States government and the Ysleta del Sur Pueblo. All the objects (depicted in the infosheet) were collected by the Dutch anthropologist Herman Ten Kate jr. during his visit to Ysleta del Sur from 27-29 December 1882.

Ysleta del Sur is a federally recognized Native American tribe based in El Paso, Texas. Since 2014, Ysleta del Sur has actively requested the return of five artefacts collected by Ten Kate from the NMVW/Wereldmuseum Leiden. The museum rejected the request in 2015. Ysleta del Sur has continued to ask for the restitution of these objects, making a new request for restitution in 2024.

Ysleta del Sur's inhabitants, the Tigua, are Native Americans, originally from Isleta Pueblo in New Mexico. They were forcibly relocated to El Paso in 1680 following the Pueblo Revolt — an anti-colonial uprising of the Puebloan People against Spanish rule. In Texas, they established Ysleta del Sur, a prosperous community that successfully preserved many of the institutions and traditions brought from New Mexico. During the late 19th century, United States federal and state governments systematically seized Native American lands. In the 1870s, the Pueblo, now part of the United States, lost almost all of its land and mineral rights, which plunged the Tigua into poverty.

During his 1882 visit to Ysleta del Sur, Ten Kate, using Dutch government funding, purchased sacred, communally-owned objects from War Captain Bernardo Holguin, who almost immediately regretted the transaction and unsuccessfully tried to reverse the sale. Ysleta del Sur Pueblo has argued that the sale occurred under duress, driven by the poverty the Tigua faced at the time. Among these objects is the double-headed drum (RV-362-135), which the community regards as the twin of their sacred drum.

The Wereldmuseum's records indicate that all the objects requested for restitution are definitely from Ysleta del Sur, except the drum RV-362-136. However, it is probable that the drum is from Ysleta del Sur as well. In addition to the objects requested, two more objects in the Wereldmuseum collection are linked to Ysleta del Sur: RV-362-130, a fragment of the war bonnet of Bernardo Holguin, is definitely from Ysleta del Sur, while the rattle RV-362-137 is probably from Ysleta del Sur.

Report

This report is written in response to the request for the restitution of objects from the collection of the NMVW/Wereldmuseum Leiden. The objects are:

- RV-362-135, Tigua double-headed drum and drumstick[1]
- RV-362-136, Pueblo drum and drumstick[2]
- RV-362-141, Tigua shield
- RV-362-138, -138a, Tigua rattle and incipient rattle
- RV-362-142, Tigua moccasins[3]

The objects were collected by the Dutch anthropologist Herman Ten Kate jr. during his visit to Ysleta del Sur Pueblo from 27-29 December 1882 and arrived at what is now the Wereldmuseum Leiden in June 1883. This report discusses the provenance of these objects. It is structured as follows:

Section 1 examines the history of the Ysleta del Sur Pueblo. At the time of Ten Kate's visit in 1882, the Pueblo had been reduced to poverty following the seizure of their land and mineral resources.

Section 2 discusses Ten Kate's expedition to North America from November 1882 to November 1883. This section highlights a) the integral role played by the Wereldmuseum Leiden and the government of the Netherlands in Ten Kate's expedition, and b) the nature of Ten Kate's collecting practices.

Section 3 discusses a) Ten Kate's visit to Ysleta del Sur, and b) the objects from Ysleta del Sur in the collection of the Wereldmuseum Leiden.

Section 4 details the history of the relationship between the Wereldmuseum and Ysleta del Sur Pueblo.

The Wereldmuseum Leiden has had many names throughout its long history. For simplicity's sake, only the term 'Wereldmuseum Leiden'[4] is used in this report, except in a few places where 'Stichting Nationaal Museum van Wereldculturen' (or NMVW, the overarching organization of which Wereldmuseum Leiden is part) is used. The ownership is in NMVW. As of October 2023, the term 'Wereldmuseum' is used to refer to the entire organization.

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[1] The letter from the Commissie Koloniale Collecties incorrectly gives the inventory number RV-362-315. There is no object of that number. The correct number is RV-362-135.

[2] Aforementioned letter mentions 'drumsticks'. There is only one drumstick.

[3] Aforementioned letter does not include an inventory number. The number is RV-362-142.

[4] Inventory numbers of objects registered in the collection of the Wereldmuseum Leiden before the creation of the NMVW are given the prefix -RV.

1. Ysleta del Sur Pueblo

Ysleta del Sur Pueblo is a federally recognized Native American tribe[5] located in El Paso, Texas. It is the oldest town in Texas and one of the oldest continuously inhabited settlements in the United States. The tribe's members are Tigua (pronounced Tiwa) Native Americans, part of the Puebloan peoples of the Southwest United States.[6]

The Spanish Empire began colonising Puebloan territory in New Mexico in the late 16th century. In 1680, the Puebloan peoples rose against Spanish rule. During the Pueblo Revolt, the Spanish forcibly resettled hostages from Isleta Pueblo in New Mexico[7] near what is now El Paso, Texas, resulting in the establishment of Ysleta del Sur Pueblo. The Puebloans managed to bring sacred ceremonial objects with them, including their sacred drum[8] and the image of their patron saint, St. Anthony.[9]

By 1848, the United States had formally claimed the entire region west of the Mississippi River through treaties with Mexico and European powers, though the land remained largely under Native American control. The systematic seizure of Native American lands, often referred to as the 'Indian Wars,' intensified after the American Civil War (1861-1865), particularly under the leadership of General William Tecumseh Sherman (1820-1891).

In 1864, the U.S. government reaffirmed Spanish land grants to the Puebloan peoples, but Ysleta del Sur was excluded because, at the time, Texas had seceded from the United States during the Civil War. After the war, the Texas legislature moved to seize Tigua land and resources. In 1871, Tigua lands were incorporated into the county of El Paso, which quickly sold the land to speculators. Though this was unconstitutional under Texas law and repealed two years later, most Tigua lands were already lost.[10] Around the same time, their rights to mine salt were terminated during the San Elizario Salt War (1877-1878).[11] As a result, by the time of Ten Kate's visit, the Tigua were reduced to poverty.[12]

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[5] From the U.S. Bureau of Indian Affairs (https://www.bia.gov/faqs/what-federally-recognized-tribe): 'A federally recognized tribe is an American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States… Furthermore, federally recognized tribes are recognized as possessing certain inherent rights of self-government (i.e., tribal sovereignty)…'

[6] TxDot Tribal Histories, Ysleta del Sur Research Report, 2021, pp. 21-22

[7] Unless specified otherwise, all references to 'Isleta' and 'Ysleta' in this report refer to Ysleta del Sur, Texas.

[8] Ysleta del Sur Pueblo has linked this drum to the drum (RV-362-135) in the collection of the Wereldmuseum in their restitution claims.

[9] TxDot Tribal Histories, Ysleta del Sur Research Report, 2021, pp. 19-22

[10] Restoration of Federal Recognition to the Ysleta Del Sur Pueblo…, Hearing Before the Select Committee on Indian Affairs, United States Senate, June 25, 1986, pp. 321, 324-325

[11] TxDot Tribal Histories, Ysleta del Sur Research Report, 2021, p. 33

[12] Ibid., p. 33

2. Ten Kate's Expedition, 1882-1883

Herman Frederik Carel Ten Kate jr. (1858-1931)[13] was a Dutch anthropologist and a key collector for the Wereldmuseum Leiden, where he is renowned for his Native American collections.[14] He conducted expeditions across the world, collecting ethnographic and archaeological objects, human skeletal remains, and records on linguistics and physical anthropology, while also taking photographs and making sketches. Ten Kate visited the United States and Mexico — his first major expedition — from November 1882 to November 1883 to study Native Americans.[15] Several months before the expedition, he began corresponding with Lindor Serrurier, the director of the Wereldmuseum Leiden (1880-1896).[16]

a) Role of the Wereldmuseum Leiden and the Dutch government

Lindor Serrurier[17] was known for his ambitious collecting practices. During his tenure as director, the size of the museum's collection increased fivefold.[18] Serrurier maintained a sprawling correspondence with collectors, officials, and governments, persistently lobbying to acquire objects for his museum. He also wrote a guide for collectors.[19] He was particularly focused on collecting objects from regions unrepresented in his collection, including the Americas.[20]

Serrurier convinced Ten Kate to collect Native American objects for the museum, and helped Ten Kate secure grants[21] from the Koninklijk Nederlandsch Aardrijkskundig Genootschap (KNAG),[22] the Dutch Ministry of the Interior,[23] and the Hollandsche

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[13] Kate, Herman Frederick Carel ten, Huygens Instituut, https://resources.huygens.knaw.nl/bwn1880-2000/lemmata/bwn4/kate

[14] Mentioned in publications on the history of the Wereldmuseum Leiden including *'Wat is er te doen in Volkenkunde'* (Van Wengen, 2002, p. 30), *Held van Deshima* (Imanse, 2012, p. 194-202), and *Masterpieces of Rijksmuseum Volkenkunde* (Sijmonsbergen and Veys, 2013, pp. 54-55, 62-63, 80-83).

[15] Hovens, 2010, pp. 14-15

[16] As part of the restitution of knowledge, all correspondence related to the donation have been documented and made findable on the museum's database. Museum library volunteer René van Oers has provided invaluable assistance with finding and interpreting all relevant correspondence.

[17] Previously curator for Japan, 1877-1880.

[18] Van Wengen, 2002, p. 37

[19] *De Pionier* (Serrurier, 1891), was the culmination of several years of work, which started with simple guidelines sent to collectors in the 1880s.

[20] Van Wengen, 2002, p. 37

[21] The museum also assisted Ten Kate in shipping the collections, by arranging waiving of customs fees by American and Dutch authorities, as well as arranging for free shipping or contributing to shipping costs.

[22] The Royal Dutch Geographical Society, founded in 1873.

[23] Ministry of the Interior to Serrurier, 29 January 1883 (no. 42); Serrurier to the Ministry of the Interior, 12 February 1883 (no. 86)

Maatschappij van Wetenschappen.[24] The funds from the Ministry of the Interior and the Hollandsche Maatschappij were reserved for buying ethnographic objects. Ethnographic objects bought with money from the Hollandsche Maatschappij were registered in the Wereldmuseum Leiden series RV-361 and objects bought with funding from the Department of the Interior were registered in the Wereldmuseum Leiden series RV-362. All objects requested for restitution by Ysleta del Sur Pueblo, are from the RV-362 series, meaning they were bought with Dutch government funding.[25]

b) Ten Kate's collecting practices

Ten Kate had a number of strategies to acquire objects and information from people who were not otherwise willing to cooperate. These practices included methods such as paying bribes with tobacco and cigarettes and using letters from U.S. military commanders to gain access to reluctant Native American communities and their rituals.[26] Ten Kate had a letter of recommendation from General Sherman,[27] then Commanding General of the U.S. Army. Sherman was responsible for the U.S. Army's involvement in the Indian Wars. According to Ten Kate's travel narrative, on at least one occasion he used this letter to assure the cooperation of an unwilling group of Mohave people in his physical anthropological research.[28]

Ten Kate pressured Native American community leaders to sell important personal or spiritual objects which they were reluctant to part with, and bought objects from individual leaders who did not have the authority to sell them. In one incident, Ten Kate misled a Native American community by falsely promising gifts from the U.S. government in exchange for their cooperation.[29] He also engaged in grave robbing to acquire skulls for the Société d'Anthropologie de Paris.[30]

[24] The Holland Society of Sciences and Humanities is a Haarlem based society for science established in 1752; Serrurier to Hollandsche Maatschappij, 26 January 1883 (no. 36); Hollandsche Maatschappij to Serrurier, 3 February 1883 (no. 58); Serrurier to Hollandsche Maatschappij, 5 February 1883 (no. 36); Serrurier to Curatoren, 7 February 1883 (no. 74)
[25] This information is also recorded on the (surviving) original inventory cards of those objects.
[26] Ibid., pp. 198-199
[27] Ten Kate, 2004, pp. 57, 159
[28] Ibid., p. 159, '…when the Indians realized that they had been called together so they could be examined and touched, many were indignant…Captain H. saved me from my predicament by reading in a loud voice my letter of recommendation from General Sherman and adding what was necessary…That had its effect…'
[29] Ibid., pp. 198-199, Hovens, 2010, pp. 12-13
[30] Ibid., 2012, p. 197

3. Ysleta del Sur Collection

a) Acquisition

Ten Kate briefly describes his visit to Ysleta del Sur in his travel narrative. Below, **in bold**, are the parts of the English translation of Ten Kate's narrative that refer to the use of indigenous artefacts and clothing (excluding mentions of modern clothes which Ten Kate was not interested in collecting)[31] as well an explicit account of acquiring artefacts, hair samples, and photographs from War Captain Bernardo Holguin.

Ten Kate witnessed Tigua year-end festivities. Including a dance where '…ten to fifteen men and boys, holding **rattles made from gourds**, hopped up and down alternately…[and] bent their upper body so strongly to the side and stretched the right arm with the rattle out to the ground. All this was accompanied by monotonous droning from a **leather drum**.'[32]

Ten Kate visited the governor José Maria Durán and other prominent members of the Pueblo. Ten Kate also '…**photographed** him and his wife, along with some of his friends.' Ten Kate recounts that he initially struggled to acquire ethnographic objects, but eventually made contact with '…a very old Indian called Bernardo who, after protracted negotiations, sold me his **war bonnet** (emóh) decorated with feathers and a **round leather shield** (gweeyèr), along with a **big drum** (póhojèt) coated with red paint and a **[drum] stick** (làh).'[33] 'Bernardo' has been identified by the Ysleta del Sur Pueblo[34] and by Ten Kate's biographer (and former Wereldmuseum Leiden curator) Pieter Hovens as War Captain Bernardo Holguin.[35]

[31] Hovens, 1989, p. 108
[32] Ten Kate, 2004, p. 70
[33] Ibid., 2004, p. 71
[34] Ysleta del Sur Pueblo Tribal Council to Nationaal Museum van Wereldculturen, 11 September 2014
[35] Also spelled Holquin (by Hovens) and in some sources as Olguin, Alguin, or Holguín. A profile has been created on the museum's database and connected to the objects mentioned in Ten Kate's travel account.

Photo: José Maria Durán (bottom right), Bernardo Holguin (bottom left), ca. 1876[36]

Although Ten Kate had purchased the items, his travel narrative suggests that the transaction had not been entirely voluntary on Bernardo Holguin's part: '…[t]he next day [Bernardo] expressed remorse over the sale of his **bonnet**, associated with the recollection of so many campaigns against the Apaches, but with effort I hung on to what I had acquired and, in addition, was still able to obtain one of his **graying locks of hair**. I also took a **photograph** of him, as well as of his wife and two daughters. He had been able to impart a warlike appearance of himself for the occasion by smearing his face with red and yellow paint and putting on an American officer's coat, which he received as a gift from the commandant of Fort Davis.'[37]

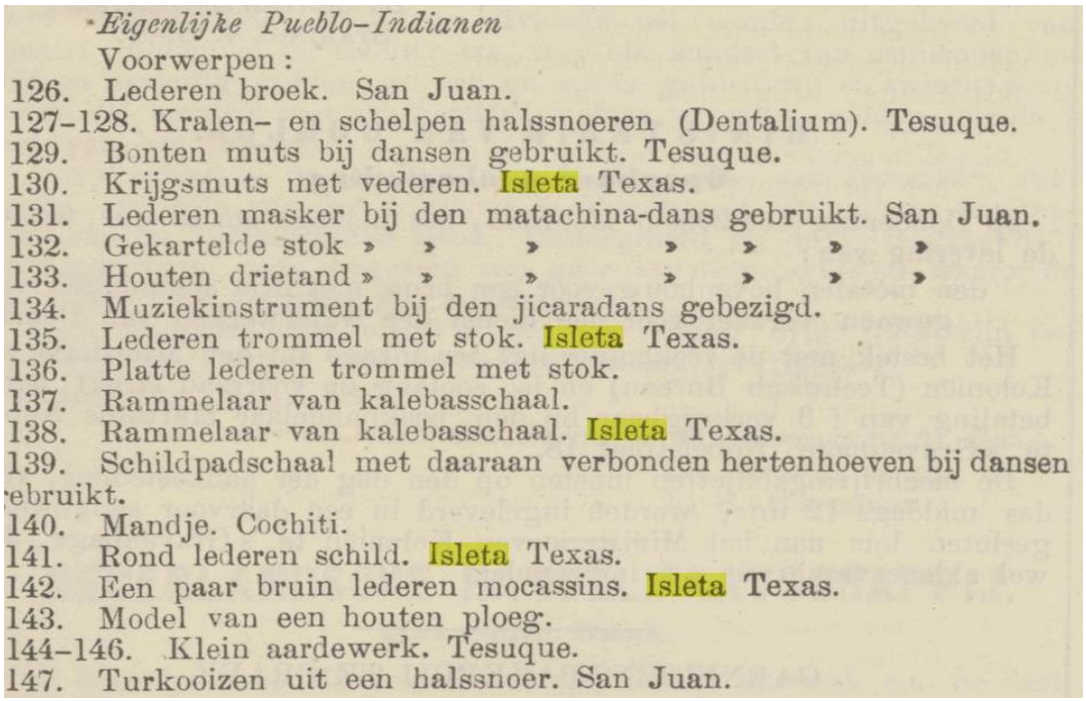
Finally, Ten Kate comments on the attire of people in Ysleta del Sur: 'The Indians of Isleta have almost completely abandoned their original attire… **Moccasins** (Indian footwear) of brown leather, with thin soles and without any ornamentation, are still widely worn.'[38]

b) Collection at Wereldmuseum Leiden

Objects from 'Pueblo Indians' arrived at the Wereldmuseum Leiden on 7 June 1883.[39] Once all the objects had arrived, the then director of the museum Lindor Serrurier made a descriptive list of the objects,[40] based on information from Ten

[36] TxDot Tribal Histories, Ysleta del Sur Research Report, 2021, p. 30; photo credit in that report is courtesy of Ysleta del Sur Pueblo.
[37] Ten Kate, 2004, p. 72
[38] Ibid.
[39] Dagboek I (NL-LdnRMV-A3-7), p. 84
[40] Found in the collection archive for RV-362.

Kate.[41] He sent a copy of the list to the Dutch newspaper of record, the Staatscourant, where it was published verbatim on 10 May 1884.[42] Below, is the relevant section of the list in the Staatscourant, with references to Ysleta del Sur ('Isleta Texas') highlighted in yellow. The list published in the Staatscourant is identical to the handwritten list in the museum's archive. The numbers on the list correspond to the numbers of the RV-362 series.



Eigenlijke Pueblo-Indianen
Voorwerpen:
126. Lederen broek. San Juan.
127–128. Kralen- en schelpen halssnoeren (Dentalium). Tesuque.
129. Bonten muts bij dansen gebruikt. Tesuque.
130. Krijgsmuts met vederen. Isleta Texas.
131. Lederen masker bij den matachina-dans gebruikt. San Juan.
132. Gekartelde stok » » » » » » »
133. Houten drietand » » » » » » »
134. Muziekinstrument bij den jicaradans gebezigd.
135. Lederen trommel met stok. Isleta Texas.
136. Platte lederen trommel met stok.
137. Rammelaar van kalebasschaal.
138. Rammelaar van kalebasschaal. Isleta Texas.
139. Schildpadschaal met daaraan verbonden hertenhoeven bij dansen gebruikt.
140. Mandje. Cochiti.
141. Rond lederen schild. Isleta Texas.
142. Een paar bruin lederen mocassins. Isleta Texas.
143. Model van een houten ploeg.
144–146. Klein aardewerk. Tesuque.
147. Turkooizen uit een halssnoer. San Juan.

Image: Pueblo-Indian section of series RV-362, Staatscourant, 1884-05-10

This list indicates the requested objects RV-362-135, -141, -138, -138a, and RV-362-142 are from Ysleta del Sur Pueblo. This attribution is further supported by entries in the museum's inventory books, inventory cards, and database. Ten Kate's travel account explicitly mentions the purchase of two of these items: the drum (RV-362-135) and the shield (RV-362-141). One requested object, the Pueblo Drum (RV-362-136), is not clearly attributed to Ysleta del Sur Pueblo. However, all the objects in this list are from Pueblo Native Americans in New Mexico and Ysleta del Sur. Positioned directly after a drum from Ysleta del Sur, it likely has the same provenance. Additionally, Ten Kate's account of his visit to Ysleta del Sur mentions drums twice, suggesting he may have bought more than one during his time there.

Research for this report has uncovered two additional objects not requested for restitution which can be linked to Ysleta del Sur Pueblo. The rattle RV-362-137, like the drum discussed above, has no specific attribution, but is placed directly adjacent to the rattle and incipient rattle from Ysleta del Sur. Rattles made from gourds are

[41] Serrurier to Curatoren, 5 April 1884 (no. 114)
[42] Nederlandsch Staatscourant, 10/05/1884, see sections reproduced below. From Delpher, https://resolver.kb.nl/resolve?urn=MMKB08:000140843:mpeg21:p007

mentioned in Ten Kate's travel account. Therefore, the rattle is probably from Ysleta del Sur. Finally, the Staatscourant and museum records indicate that RV-362-130, a fragment of a headdress, is also from Ysleta del Sur. This object is almost certainly the war bonnet of Bernardo Holguin described in Ten Kate's account. Pieter Hovens, Ten Kate's biographer and former Wereldmuseum Leiden curator for North America, erroneously states that the war bonnet was never acquired by the Wereldmuseum Leiden in his book on the Ten Kate collection.[43] In fact, it was acquired by the museum, but it appears that it had been destroyed at a later date (likely due to decay or insects).[44] Today, a fragment of the war bonnet remains in the collection.[45]

Finally, Ten Kate also collected a hair sample from Bernardo Holguin, and took photos of him and his family as well as photos of Governor José Maria Duran and his friends.[46] Despite extensive search, the hair sample and photos could not be located in the collection database or depots of the Wereldmuseum.[47]

Photos: (left) Rattle (RV-362-137) probably from Ysleta del Sur, (right) fragment of headdress from Ysleta del Sur (RV-362-130)

[43] Hovens, 2010, p. 132

[44] There is no (surviving) inventory card for RV-362-130. Curiously, the inventory card for RV-362-129, a dance cap from Picuris Pueblo, contains a handwritten comment stating that it was destroyed on 18 September 1924. Given that RV-362-129 is still in the collection today (and intact), the comment likely refers to the next object in the series, RV-362-130.

[45] The fragment consists of a button from a U.S. Army Corps of Engineers uniform and a buckle from a cartridge box worn by Union soldiers during the U.S. Civil War. They form a tassel which would have hung from the headdress. These objects can be dated to Bernardo Holguin's lifetime.

[46] At least three (or more) photos (copies or original negatives) of Ysleta del Sur were sent to Roland Bonaparte in Paris. These photos depicted 'Tiwa Indians', Mariano Colmenero (a Tigua scout and later War Captain), and Bernardo Holguin and his family. See Serrurier to Escard, 30 June 1884 (no. 100).

[47] The Wereldmuseum curator for photography and collection managers assisted in the search of two Wereldmuseum Leiden depots. Multiple visits were made to each depot.

4. Relationship between Ysleta del Sur and the Wereldmuseum

In the 1980s, author Bill Wright began working on a book about the Tigua people of Ysleta del Sur. As part of his research, a delegation from Ysleta del Sur visited the Wereldmuseum Leiden on 6-7 March 1990 to view objects collected by Ten Kate, four of which were depicted in Wright's 1993 book.[48]

In 2010, Ysleta del Sur and the El Paso Museum of History began planning a 2013-2014 exhibition titled 'The People of the Sun.' Historian Nick Houser, along with a delegation from Ysleta del Sur visited the Wereldmuseum Leiden's depot in 's-Gravenzande. During the visit, the delegation was able to handle the objects, and play a drum (presumably RV-362-135).[49]

Following the visit, the El Paso Museum of History submitted a loan request for the Tigua objects.[50] Shortly before the exhibition's closing, War Captain Javier Loera contacted Pieter Hovens, curator for North America at the Wereldmuseum Leiden, to discuss the restitution of the objects on loan. On 22 July 2014, the Tribal Council of Ysleta del Sur Pueblo passed a resolution to request the repatriation of six Tigua artefacts, stating that 'the people of the Pueblo have a broken-hearted desire that the artefacts be repatriated.'[51] The Nationaal Museum van Wereldculturen extended the loan,[52] pending a final decision on repatriation.[53]

On 11 September 2014, the Tribal Council of Ysleta del Sur Pueblo formally requested the return of six items from the Ten Kate collection, all of which constituted the loan to the El Paso Museum of History, and the same objects again requested for restitution in 2024.[54] The request argued that, as Bernardo Holguin was Ysleta del Sur's keeper of sacred things, all the objects from him should be regarded as sacred. The Pueblo contends that Bernardo Holguin's apparent willingness to sell sacred communal artefacts was due to extreme poverty experienced in Ysleta del Sur after the theft of their lands in the 1870s. Additionally, they asserted that 'Pueblo tradition holds that whatever proceeds Bernardo received…were used for the relief of the Pueblo's most needy.'[55]

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[48] Recommendation from the Curator of the North America Department, 16 April 2015, p. 2; four photos of Ysleta del Sur taken by Bill Wright were also donated to the museum and registered as RV-11706.
[49] Bussinger and Angus, 2014, p. 4
[50] UB2013-08; at this time RV-362-136, the smaller Pueblo drum, was part of the permanent display at Leiden. It was removed from the display to be sent to El Paso.
[51] Ysleta del Sur Pueblo Tribal Resolution, 22 July 2014 (TC-041-14)
[52] UB2018-47
[53] Recommendation from the Curator of the North America Department, 16 April 2015, pp. 2-3
[54] Ysleta del Sur Pueblo Tribal Council to Nationaal Museum van Wereldculturen, 11 September 2014
[55] Ibid.

Of particular importance is the double-headed drum and drumstick, believed to be the twin of the Pueblo's remaining ceremonial drum. According to tradition, both drums were made from the same tree in New Mexico before the Tigua's exile to El Paso, and tribal tradition dates them at 350 years old. The claim also noted the drum's importance to the ceremonial cycle and its connection to the Winter clan (now the Pumpkin and Corn villages) while the remaining drum belonged to the Summer clam. Without the Winter clan's drum, the Summer clan's drum is used for both summer and winter dances.[56]

Based on the recommendation of Pieter Hovens, the Nationaal Museum van Wereldculturen rejected the request on 20 May 2015.[57] In his report, Hovens emphasised the importance of the Ten Kate collection in the museum. He argued that the objects had been legally sold, as documented in Ten Kate's travel narrative. Hovens argued that 'Ten Kate's itinerary documents the transfer of the artefacts from Bernardo Holguin to the Dutchman as a private transaction in which personal property was willingly exchanged for cash and/or goods.'[58] According to Hovens, Bernardo Holguin's expressed regrets over the sale were tied to his personal memories associated with the objects, rather than their sacred status. Additionally, the argument that the sale was driven by extreme poverty was for Hovens unproven.

Hovens cited several reasons for the rejection: i) the objects were legally purchased by Ten Kate under U.S. law, ii) Bernardo Holguin had the right to sell them and did so willingly, iii) the museum had preserved the artefacts over a period of 130 years, iv) the artefacts were not essential to Tigua religious practices, as Ysleta del Sur had become 'the least traditional Pueblo Indian Community', v) museums generally do not repatriate legally acquired artefacts, vi) no other Pueblo communities had requested repatriation of similar objects from Leiden or other museums, and vii) the artefacts had already been made accessible through photography and loans. In the rejection letter, director Stijn Schoonderwoerd invited Ysleta del Sur to 'discuss alternatives to making the Tigua collection as accessible to your community as possible.'[59]

The Tribal Council of Ysleta del Sur Pueblo responded on 7 July 2015, expressing 'sadness and dismay' at the museum's decision, taking particular offence at Hovens' description of Ysleta del Sur as 'the least traditional' of the Pueblos. They rejected all of Hovens' arguments and noted that the decision was made without any consultation with the Pueblo, and requested the museum to reconsider its decision.[60]

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[56] Ibid.
[57] Stijn Schoonderwoerd to Tigua Tribal Council, 20 May 2015
[58] Ibid., cf. Ten Kate, 2004, p. 72
[59] Recommendation from the Curator of the North America Department, 16 April 2015, pp. 8-9
[60] Ysleta del Sur Pueblo Tribal Council to Nationaal Museum van Wereldculturen, 7 July 2015

On 16 July 2015, the All Pueblo Council of Governors passed a resolution supporting Ysleta del Sur's claim.[61]

The then director Stijn Schoonderwoerd proposed that Laura van Broekhoven, head of the curatorial department, and conservator Margrit Reuss take part in conversations with Ysleta del Sur. He also further extended the loan of the objects.[62] Meetings with Ysleta del Sur were held in November 2015[63] and May 2016.[64] The reports from the first meeting recommended that the drum (RV-362-135), being part of the ceremonial cycle of Ysleta del Sur, be reintegrated into their living culture by allowing the storage, feeding, reskinning, and use of the drum by the community, which could be achieved without transfer of ownership, though the possibilities of a long-term loan, or full-restitution should be considered.[65]

Following these meetings, Ysleta del Sur Pueblo submitted a reformulated request for the restitution of the objects on 31 March 2016. After this request, Pieter Hovens wrote a draft report advising the museum to return the drum in light of its status as inalienable communal religious property of the Tigua people. He also advised the other Tigua objects be made available as a long-term loan.[66] It is unclear if the museum adopted this draft report.[67]

In 2017, the new head of curators, Henrietta Lidchi, wrote to Ysleta del Sur informing the Pueblo that staff changes would delay the museum's response to the request.[68] In 2018, the El Paso Museum of History requested that the loan of the Tigua objects since 2013 be ended, claiming, as it was no longer able to store the objects.[69] Henrietta Lidchi saw this as an opportunity to renew the dialogue with Ysleta del Sur, and visited the Pueblo in March 2019.[70] The objects returned to Leiden in the same year.

No further action appears to have been taken for the next few years. At the time, the Nationaal Museum van Wereldculturen was developing a policy for the return of cultural objects, published in 2019.[71] An advisory report on the restitution of colonial collections, commissioned by the Dutch government, was completed in 2020[72] and

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[61] All Pueblo Council of Governors, resolution no. APCG 2015-09
[62] Stijn Schoonderwoerd to Ysleta del Sur Pueblo Tribal Council, 24 September 2015
[63] Report on Meeting Tigua Tribal Council Ysleta del Sur Pueblo El Paso, 16-18 November 2015
[64] Report on Meeting on Tigua Repatriation Request, May 2016
[65] Report on Meeting Tigua Tribal Council Ysleta del Sur Pueblo El Paso, 16-18 November 2015
[66] Final Curatorial Recommendation from the Curator of the North American Department, 12 May 2017
[67] Only the draft report could be found in the museum's archive, not a finalized one.
[68] Henrietta Lidchi to Samantha Villarreal, 19 December 2017
[69] Email from Henrietta Lidchi to Vladimir von Tsurikov, 18 December 2018
[70] Email from Henrietta Lidchi to Stijn Schoonderwoerd, 10 March 2019
[71] Nationaal Museum van Wereldculturen, 2019
[72] Adviescommissie Nationaal Beleidskader Koloniale Collecties, 2020

adopted as government policy in 2021.[73] Since then, the Netherlands has returned colonial collections to Indonesia and Sri Lanka,[74] including objects from the Wereldmuseum Leiden.[75]

Starting in 2023, Ysleta del Sur once again reached out to the museum regarding the restitution. On 28 June 2024, in a letter addressed to Mark Rutte, the Prime Minister of the Netherlands, six members of the United States Congress requested the Dutch government's cooperation to ensure the return of the items.[76] The Governor of Ysleta del Sur Pueblo, Michael Silvas, once again asked the museum for the return of the items on 11 June 2024.[77] On 10 July 2024, Wayne Modest, director of content at the now Wereldmuseum, had a meeting with Governor Silvas, and on 19 July, he wrote a letter informing the governor of the new restitution policies established by the Dutch state in 2022. He concluded that the Wereldmuseum was happy to assist Ysleta del Sur in the preparations for this claim.[78]

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[73] Engelshoven, 2021
[74] Koloniale collecties terug naar Indonesië en Sri Lanka,' 6 July 2023, from https://amsterdam.wereldmuseum.nl/nl/over-het-tropenmuseum/pers/persberichten/koloniale-collecties-terug-naar-indonesie-en-sri-lanka
[75] Koloniale Collectie Overgedragen aan Indonesië, Wereldmuseum, 10 July 2023, from https://amsterdam.wereldmuseum.nl/nl/over-het-tropenmuseum/pers/persberichten/koloniale-collecties-terug-naar-indonesie-en-sri-lanka
[76] Letter to Mark Rutte, 28 June 2024
[77] Governor E. Michael Silvas to van Bommel [General Director of the Wereldmuseum], 11 June 2024
[78] Wayne Modest [Director of Content of the Wereldmuseum] to Governor E. Michael Silvas, 19 July 2024

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January 13, 2025

Ms. Jona Mooren
Secretary Colonial Collections Committee
Ministerie van Onderwijs, Cultuur en Wetenschap
Rijksdienst voor het Cultureel Erfgoed
Delivered Via Email -- J.m.mooren@cultureelerfgoed.nl

Dear Ms. Mooren:

I hope this correspondence finds you well. Please know Ysleta Del Sur Pueblo is in receipt of the Provenance Report prepared by the Museum van Wereldculturen regarding the Pueblo's items obtained by Herman F.C. Ten Kate in 1882 and now in possession of the Museum. I very much appreciate the opportunity afforded by the Dutch Advisory Committee on the Restitution of Cultural Objects from a Colonial Context to provide our commentary on the Provenance Report. Our Tribal Council found the Provenance Report to be a very thorough and accurate historical analysis. As such, the Tribal Council and I only seek to add a few minor edits to the Provenance Report. Please find those edits immediately below in red with reference the page number and paragraph of the report.

Ysleta Del Sur Pueblo Requested Edits to the Provenance Report

Page 4, Paragraph 2 -- Ysleta del Sur is a federally recognized Native American tribe based in El Paso, Texas. Since 2014, Ysleta del Sur has actively requested the return of five artefacts collected by Ten Kate from the NMVW/Wereldmuseum Leiden. The museum rejected the request in 2015. Ysleta del Sur has continued to ask for the restitution of these objects, making a new request for restitution in 2024. It should also be noted that Ysleta del Sur requested the repatriation of these objects as far back as 1967, and the 1967 request was denied.

Page 4, Paragraph 4 -- During his 1882 visit to Ysleta del Sur, Ten Kate, as an agent of the Dutch government using Dutch government funding, purchased sacred, communally-owned objects from War Captain Bernardo Holguin, who almost immediately regretted the transaction and unsuccessfully tried to reverse the sale. Ten Kate's own records indicate he plied the War Captain with alcohol, tobacco, and money – more and more throughout the evening – until the War Captain finally agreed to the sale. Ysleta del Sur Pueblo has argued that the sale occurred under duress, driven by the poverty the Tigua faced at the time. Among these objects is the double-headed drum (RV-362-135), which the community regards as the twin of their sacred drum.

Page 6, Paragraph 1 -- Ysleta del Sur Pueblo is a federally recognized Native American tribe located in El Paso, Texas, with more than 5,000 inhabitants today. It is the oldest town in Texas and one of the oldest continuously inhabited settlements in the United States. The tribe's members are Tigua (pronounced Tiwa) Native Americans, part of the Puebloan peoples of the Southwest United States.6

Page 9, Paragraph 3 -- Ten Kate visited the governor José Maria Durán and other prominent members of the Pueblo. Ten Kate also '...**photographed** him and his wife, along with some of his friends.' Ten Kate recounts that he initially struggled to acquire ethnographic objects, but eventually made contact with '...a very old Indian called Bernardo who, after protracted negotiations, sold me his **war bonnet** (emóh) decorated with feathers and a **round leather shield** (gweeyèr), along with a **big drum** (póhojèt) coated with red paint and a **[drum] stick** (làh).'33 'Bernardo' has been identified by the Ysleta del Sur Pueblo34 and by Ten Kate's biographer (and former Wereldmuseum Leiden curator) Pieter Hovens as War Captain Bernardo Holguin.35 These negotiations were enhanced with alcohol, tobacco, and money.

In closing, I thank you and your colleagues on the Committee for your regular communication with Pueblo leadership. I look forward to our next conversation toward the hopeful return of Pueblo's iconic antiquities.

Most Sincerely,

E. Michael Silvas
Governor

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG 15 2024

The Honorable Eppo Bruins
Minister of Education, Culture, & Science
Rijnstraat 50
2515 XP The Hague

Dear Mr. Minister:

I write to you today about the important and sacred cultural patrimony objects of the Ysleta del Sur Pueblo (Tribe). The Tribe is a sovereign, federally recognized Indian Tribe located near the City of El Paso in the U.S. State of Texas. The location of the Tribe has been the historical homelands of their people for more than 300 years and the current Tribal population has more than 4,000 citizens nationwide. The United States is aware that the Tribe has made a repatriation request to the Museum of World Cultures in Amsterdam for the return of sacred and cultural patrimony objects. Based on coordination with the Tribe, these items were taken from Ysleta Del Sur Pueblo in 1882 and should be returned as expeditiously as possible.

Through federal coordination among the U.S. Departments of the Interior and State, the United States is charged with supporting the efforts of the Tribe to regain possession of these items of patrimony. The United States has a commitment to assist Tribes in repatriation of sacred cultural objects, which under Tribal customary law are owned by the Tribe and should remain with their kin in their traditional territory. Repatriation is consistent with the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property to ensure that we do not contribute to irremediable injury to a requesting State's cultural heritage. Repatriation is also a priority of the United Nations World Conference on Indigenous Peoples – which our countries support – implementing Article 16 of the United Nations Declaration on the Rights of Indigenous Peoples.

Furthermore, in December 2022, the President of the United States signed the Safeguard Tribal Objects of Patrimony (STOP) Act of 2021 into law as Public Law 117-196. The STOP Act aims to prevent the international export of cultural items prohibited from trafficking under the Native American Graves Protection and Repatriation Act (NAGPRA) and the Archeological Resources Protection Act (ARPA). The STOP Act directs the Interior and State Departments, in coordination with the U.S. Departments of Justice and Homeland Security, to regulate export of Tribal cultural items, facilitate voluntary repatriation of Native American human remains and cultural items from overseas back to Tribes in the United States, and to operate a program to carry out core functions of issuing export certifications, consulting with Tribes, and other associated functions.

The United States has a political, government-to-government relationship with the Tribe, and we stand united with the Tribe in making the request for repatriation. As such, we request that your government facilitate a dialogue between the Tribe and the associated parties within your jurisdiction for the repatriation of the Tribe's sacred cultural patrimony objects as expeditiously as possible.

Thank you very much for your consideration and assistance in this matter. Please do not hesitate to contact Samuel Kohn, Senior Counselor to the Assistant Secretary – Indian Affairs, via email at [redacted], Joaquin Gallegos, Assistant to the Assistant Secretary – Indian Affairs, via email at [redacted], or Rachel Brown, Senior Advisor to the Assistant Secretary-Policy, Management, and Budget, via email at [redacted] if you have any questions or require additional information.

Sincerely,

[redacted]

Bryan Newland
Assistant Secretary – Indian Affairs

cc: E. Michael Silvas, Governor, Ysleta del Sur Pueblo
Marieke van Bommel, General Director, Wereldmuseum Amsterdam