

Background

- Nov. 2017: Executive Order 17-12 est. Tribal Cultural Items Taskforce
 - Members from each tribe, universities, schools, and state agencies
 - Active from 2017-2020, dormant during and post-pandemic
- Jan 2024: Gov reestablishes



EXECUTIVE ORDER NO. 17-12

In 1996, Executive Order 96-30 formally established government-to-government relations between the State of Oregon and the nine federally recognized Indian Tribes that reside within Oregon's borders. For more than twenty years, the State of Oregon has benefitted from the resulting increased communication with Tribal Governments about state and tribal interests.

Oregon's Tribes have an interest in obtaining information relating to cultural items currently held in storage or on display at Oregon state agencies, state universities, colleges, and public schools. Some of these items are associated with Oregon's Tribes, and the Tribes and the State share an interest in determining the provenance, the appropriate custodian, and the appropriate storage or display of such items.

There has never been a survey of how many of these items currently are held in storage by or on display within a State agency or public academic institution, and no complete inventory of such items exists. The State of Oregon and Oregon's Tribes deserve an established process to determine best practices for gathering information about these types of cultural items associated with Oregon Tribes, and for determining the most appropriate "next steps" for establishing workable strategies and plans for discussion regarding these cultural items and/or return of the items to associated Oregon Tribes.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. There is established a Task Force on Oregon Tribal Cultural Items ("the Task Force").
2. The Members of the Task Force shall include the following (members identified in paragraphs (e) – (h) shall be invited by the Governor, with the understanding that the relevant bodies may determine whether or not to participate by recommending members for appointment to the Task Force):
 - a. The Governor's Legal Counsel or other designee;
 - b. Any additional member of the Governor's staff as directed by the Governor;



Task Force Intersection with Records

- State agencies to inventory items of potential tribal value
- Records included in initial ask, some agencies start surveys
- Existing retention schedules not known by agency Tribal Liaisons, Records Officers not consulted
- 2019: State Archivist presents to Task Force, gives basics of Public Records Law

Archives Takes Action

- Archives hold on special schedule destructions for ~2 years starting Aug. 2019
- 2021: Archives institutes Tribal Liaison sign-off on agency destructions from State Records Center
 - Sends letters to suggest process

Tribal Liaison Letter

OFFICE OF THE SECRETARY OF STATE

Tobias Read
SECRETARY OF STATE

Michael Kaplan
DEPUTY SECRETARY OF STATE
TRIBAL LIAISON



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701

In keeping with our respectful Government-to-Government relationship with Oregon federally-recognized tribes, in collaboration with state agencies the Secretary of State is inviting each tribal government to review, provide valuable feedback, and request copies of records scheduled for destruction per their authorized retention schedule. You may recall the Governor's ([Executive Order 17-12](#)) and the August 2019 destruction pause prior to agency tribal liaison sign-off, along with the [task force](#).

The State Archives recommends the following process pertaining only to holdings at the Oregon State Records Center. Additionally, each agency may elect to deploy a similar process to address additional agency records, both paper and electronic within the agency's possession. The Oregon Department of Agriculture has been instrumental in leading their own process and has offered to be available to agencies for further insight. ODA's Tribal Liaison, Christina Higby, can be reached at chigby@oda.state.or.us.

Review Process for Agency Tribal Liaison Records Destruction Signoff

1. Receive your agency's State Records Center holdings destruction report in June and December of each year.
2. Communicate with each tribe (template below). Either attach your full destruction report, or include a list of the records series within the communication.
3. Email the designated tribal contacts below.
4. Include at least a 3 week preferred response timeline.
5. If unresponsive, indicate as such by signing the tribal liaison authorization line of the destruction authorization.
6. Send signed destruction authorization back to State Records Center for processing.
7. If feedback indicates a retention period should be lengthened, send to Oregon State Archivist, Stephanie Clark (stephanie.clark@oregon.gov) to allow state level updating

Updated Destruction Authorization

Oregon State Records Center
Records Destruction Authorization
for
Appraiser Certification and Licensure Board

Authority is requested to destroy the records listed below in accordance with ORS 192.105

Accession #: 2020 RC 0047
Series Title: Licensing Records, Individual
Contents: 05/01/18 - 01/31/19
Schedule/Series #: 166-350-0010(17)
Cubic Feet: 3
Retention: 5 Years after license has lapsed or becomes inactive
Destruction Date: 2024/02/01

I authorize the destruction of the above referenced records in accordance with ORS 192.105.

Records Officer or Agency Head _____ Date _____

Tribal Liaison _____ Date _____

I certify that the above referenced records were destroyed in accordance with ORS 192.105 on: _____

Records Center Signature _____ Date _____

Please sign and email this form to the address below. A copy will be returned to you.

Staterecordscenter.SOS@oregon.gov



Oregon Secretary of State
Archives Division

Outcomes

- Agencies work to designate Tribal Liaisons
- Example change from Department of State Lands:

035 Archaeological Records

- (a) Retain site forms, isolate forms, survey reports and sites & survey database permanently
 - (b) Retain field notes and maps permanently, transfer to State Archives 10 years after project completion
 - (c) Retain site maps 10 years after project completion, destroy
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HB 2112: Adding Native Voices to Public Records Law

- Legislative Concept from spring 2022 for 2023 legislative session
- Formally adds “Tribal Cultural Value” to legal definition of Public Record in Oregon
- Support by tribal members in state legislature



Revised Definition

ORS 192.005(5):

“Public Record” means any information that:

- (A) Is prepared, owned, used or retained by a state agency or political subdivision;
- (B) Relates to an activity, transaction or function of a state agency or political subdivision; and
- (C) Is necessary to satisfy the legal, administrative, fiscal, **tribal cultural** or historical policies, requirements or needs of the state agency or political subdivision.

Prioritizing Tribal Perspective

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DIGITIZATION RUBRIC

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Agency Mission	Allows full access to public records with robust search capabilities	Allows access to public records with some searchability	Allows access to public records, no search capabilities	Allows no access to public records
Collection Availability	Rare or unique records, not published, not online	Rare or unique records, may be published	Records may be published or available online	Identical records are published and online
Audience	Current audience demand and/or will attract new users	Some current audience demand, may attract new users	Rare demand, not likely to attract new users	No current demand, will not attract new users
Representation	Represents local community or representative of minority or historically underrepresented groups	Some representation of local community or minority or historically underrepresented groups	Little representation of local community or minority or historically underrepresented groups	No representation of local community or minority or historically underrepresented groups
Community	Substantive conversations with impacted communities	Preliminary discussions with impacted communities	Contact has been made with impacted communities	Impacted communities have not been contacted
Restrictions	No copyright or access restrictions	May have copyright or other access restrictions	Needs redactions for access restrictions	Fully restricted by copyright or other factors
Preservation	Fragile documents, no public handling allowed	Fragile documents, electronic preservation preferred	Not fragile, may need some preservation	Not fragile, free from preservation needs
Arrangement & Description	Series is fully arranged and described	Series arranged and minimally described	Records with preliminary arrangement	Series is unarranged and no description has been created
Timeline	Project can be completed within 4-6 weeks	Completion within 6 weeks to 4 months	Project completion within 5-12 months	This is a multi-year project



Gallery Space at State Archives



Courtesy of Deanne Johnson, Confederated Tribes of the Warm Springs Reservation



Eels from Willamette Falls. Courtesy of the Confederated Tribes of Grand Ronde



Coquille Tribal members Metcalf Ida Lawrence and Maggie Sacchi. Courtesy of Coquille Indian Tribe



Coquille tribal family Allotment and Sacchi Farm. Courtesy of Coquille Indian Tribe



Coquille Tribal members in Washington DC for restoration hearing. Courtesy of Coquille Indian Tribe



Courtesy of Deanne Johnson, Confederated Tribes of the Warm Springs Reservation



Grand Ronde Tribal member Andrew Freeman fishing at Willamette Falls.



Gladys Thompson on horseback (1915-2012), last fluent speaker of Kiksh Language of the Wasq'u people. Courtesy of Deanne Johnson, Confederated Tribes of the Warm Springs Reservation



Grand Ronde tribal member Paul Lafferty. Courtesy of the Confederated Tribes of Grand Ronde



Powwow photo of tribal members Dakota Zimmer and her sister Nichole Liebelt. Courtesy of the Confederated Tribes of Grand Ronde

Lessons and the Future

- Inviting and welcoming tribal research staff at archives
- Welcome subject matter experts to help make decisions
- Provide advice to Records Officers regarding tribal cultural value in retention schedules

Questions?

Ricardo Lujan Valerio
Deputy Chief of Staff - Government Relations
Executive Office | Oregon Secretary of State
(503) 779-5451
Ricardo.LujanValerio@sos.oregon.gov
sos.oregon.gov

