

LIBRARY OF CONGRESS COLLECTIONS POLICY STATEMENTS

Materials Relating to Indigenous Peoples of the United States, Canada, and Mexico

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I. Scope

This statement covers materials on the contemporary and historical conditions, experiences, and lives of Indigenous peoples of the United States, including Native American, Alaska Native, and Native Hawaiian communities, regardless of federal recognition. Also covered here are materials on Indigenous peoples of Canada (including First Nations, Inuit, and Métis Nation) and Mexico, as well as materials on Indigenous peoples, groups, or nations living on both sides of U.S. federal borders with Canada and Mexico. Materials relating to Indigenous peoples outside the United States, Canada, and Mexico will be covered in a separate forthcoming statement. Materials in any format collected by the Library, including monographs, serials, archival material, audiovisual recordings, prints and photographs, and other primary and secondary source materials, are covered by this statement. Publications about Indigenous peoples of the United States, Canada, and Mexico are often classed in E51-E73, E75-E99, and F1218.5-F1221. Coverage of this statement includes, but is not limited to, these ranges.

Some of the material as described above and created within Indigenous communities may be considered culturally sensitive material. Material defined as culturally sensitive is in scope for this document and for collecting by the Library, but may be subject to additional considerations and restrictions when acquired. While there is no one-size-fits-all treatment of these materials or the communities that create them, for the purposes of this statement, the Library uses the following definition of culturally sensitive materials, adapted from the Protocol for Native American Archival Materials¹ and the American Philosophical Society Protocols for the Treatment of Indigenous Materials²:

Culturally sensitive materials may include property and knowledge that is not intended to be shared outside the community of origin; should be shared only under certain strictures or

¹ First Archivist Circle. (2007, April 9). *Protocols for Native American Archival Materials*. Retrieved from Protocols for Native American Archival Materials: <https://www2.nau.edu/libnap-p/protocols.html>

² American Philosophical Society. (2014). *The American Philosophical Society Protocols for the Treatment of Indigenous Materials. Proceedings of the American Philosophical Society* (pp. 411-420). Philadelphia, PA: American Philosophical Society.

circumstances; or which may be identified as sacred in nature. What is determined to be culturally sensitive can vary by community and may include material that represents a tribal spiritual or religious place, object, belief, or activity to which general access should be restricted or subject to certain terms. A spiritual or sacred activity may include prayers, ceremonies, burials, songs, dances, healings, and medicine rituals not generally open to non-native or general public witness or consumption in published or other form, or in traditional practice. The Library welcomes Indigenous communities to propose other written definitions of culturally sensitive materials that reflect their tribal culture and related Library holdings.

The Library asks that researchers approach materials of Indigenous peoples with respect for the culture and sensibilities of the people whose lives, ideas, and creativity are documented. Researchers must seek permissions for access and use when warranted.

Several of the Library's other [Collections Policy Statements](#) also reference materials of Indigenous peoples or subjects, including [Folklore and Folklife](#), [U.S. History](#), [Ethnic Materials](#), [LGBTQIA+ Studies](#), and [Fine and Applied Arts -- Non-book Materials \(Graphic Arts\)](#). Tribal government documents of Indigenous peoples of the United States are addressed in the Collections Policy Statements for [Government Publications - United States](#) and [Law](#).

II. Diverse and Inclusive Collecting Statement

As the nation's de facto national library, the Library of Congress strives to build an expansive, yet selective, collection that records the creativity of the United States and is reflective of the nation's diversity and complexity. The Library's mandate is to have collections that are inclusive and representative of a diversity of creators and ideas. A priority includes acquiring material of underrepresented perspectives and voices in the Library's collections to ensure diverse authorship, points of view, cultural identities, and other historical or cultural factors. The Library also seeks to build a research collection that comprises a globally representative sample of international materials that are diverse in voice and perspective, relative to their places of origin, further supporting the Library's mission to sustain and preserve a universal collection of knowledge and creativity for Congress and future generations.

Diverse collecting is mentioned within many of the Library's Collections Policy Statements. In addition, the Library has adopted several specific collection policies in an effort to ensure it is building an inclusive and representative collection. For more information, see the Library's Collections Policy Statements on [Ethnic Materials](#), [LGBTQIA+ Studies](#), [Women's and Gender Studies](#), [Independently Published and Self-Published Textual Materials](#), and [Countries and Regions with Acquisitions Challenges](#).

III. Research Strengths

The Library of Congress collections include a variety of materials by and about Indigenous peoples. The Prints and Photographs Division regularly acquires visual material from contemporary Native American artists who create fine prints and photographs; an area of strength includes 20th and 21st century fine prints. The Manuscript Division holds historical, ethnological, cultural and linguistic manuscript materials

reflecting Native voices and experience, as well as encounter documents in collections focused on exploration and expeditions; materials regarding Native American arts advocacy and education; Indian agencies, Indian policies, and Indian Affairs; legislative and Department of Interior materials in personal papers of members of Congress and other officials; and documentation of aspects of Native American diplomacy, treaty making, warfare and conflict in military history and Presidential Papers collections. More than 1000 hours of ethnographic sound recordings documenting oral traditions and cultural expressions are held in the American Folklife Center. The Latin American, Caribbean and European Division houses the PALABRA Indigenous Voices Project, a subset of the PALABRA Archive focused on poetry and literature written and spoken in Indigenous languages. The Law Library has established an Indigenous Law Web Archive which collects and preserves primary law sources of Indigenous nations, including constitutions of sovereign nations, ordinances, Supreme Court papers, court rules and forms, Tribal executive orders, emergency orders, ordinances and legislation.

IV. Collecting Policy

In collecting materials that are within scope for this statement, the Library places a special emphasis on materials created by Indigenous peoples and communities. Centering collection building around the community perspective and co-curation is encouraged.

The Library collects materials covering the full span of Native American, Alaska Native, and Native Hawaiian life, accomplishments, and experiences. All timeframes, including contemporary and historical, are collected. The same is true for materials on Indigenous peoples of Canada (including First Nations, Inuit, and Métis Nation) and Mexico.

The Library collects material about Indigenous communities across formats, including monographs; serials; audiovisual recordings; fine prints, photographs, and posters; manuscripts and personal papers; born digital materials such as websites; and other archival materials. Of particular interest to the Library are materials stemming from rights and advocacy activism as well as historical, ethnological, cultural and linguistic materials reflecting Native voices and experience.

The Library aspires to collect published material, such as monographs and serials, as comprehensively as possible. Unpublished and archival materials are also collected, in cooperation with the communities of origin particularly when the materials may be considered culturally sensitive.

The Library does not generally collect three-dimensional artifacts (see also the [Non-library Materials Supplementary Guidelines](#)), or materials that cannot be served or that are not available on a defined public basis.

The Library strives to avoid collecting Indigenous cultural material in formats that result in its complete removal or detachment from local knowledge or communities of origin. (This refers primarily to unpublished, special format, or archival material intended to provide documentation or instruction related to a community's identity, cultural or social practice, language, or similar factors. The Culturally Sensitive Materials: Acquisition subsection provides information on published, personal, or creative works by living Indigenous individuals.) Instead the Library strives to collect such material and preserve

it not only for the community of origin's knowledge purposes, but also for the public at large, where permitted. Materials of cultural patrimony³, if considered at all, require particular care and consultation with the appropriate authoritative groups within their nation or community of origin. While this is the current policy of the Library, in the past, the Library acquired some collections without the full consent of their communities of origin, or without full consultation on access policies for the material. For such materials, refer to the Access Policy, *Culturally Sensitive Materials Relating to Indigenous Peoples of the United States, Canada, and Mexico*.

In all matters, Library staff should work in accordance with Library regulations related to provenance of cultural items.

Culturally Sensitive Materials: Collecting Considerations

Material documenting Indigenous communities that is considered culturally sensitive, based on the above definition in the Scope section of this document, may be collected. However, special care and consideration should be taken, in consultation with the relevant Indigenous individuals or communities. Additional factors should be taken into account when considering and acquiring Indigenous materials for the Library's collections, including

- whether the community of origin's definition of culturally sensitive materials may differ from the Library definition

- whether the Library is the appropriate location for this material

- whether the material is sacred or of a spiritual or ceremonial nature, or depicts such activities

- the access and use restrictions requested by the community of origin

- the preservation practices of the community of origin (particularly if they differ from Library of Congress practice)

- which members of the community of origin are authorized to advise on the above matters

See the Acquisition Sources section of this statement for more information.

V. Best Editions and Preferred Formats

For guidance regarding best editions for material acquired via the Copyright Office, see: <http://copyright.gov/circs/circ07b.pdf>.

³ "cultural patrimony...shall mean an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual..."; United States 101st Congress. (1990, November 16). Congress.gov. Retrieved from H.R.5237 - Native American Graves Protection and Repatriation Act: <https://www.congress.gov/bill/101st-congress/house-bill/5237/text>

For guidance regarding recommended formats for material acquired via all other means; e.g., purchase, exchange, gift and transfer, see: <http://www.loc.gov/preservation/resources/rfs>.

For information regarding electronic resources, open digital content, web archiving, and data sets, see the following Supplementary Guidelines: <http://www.loc.gov/acq/devpol/electronicresources.pdf>, <https://www.loc.gov/acq/devpol/opencontent.pdf>, <http://www.loc.gov/acq/devpol/webarchive.pdf>, and <https://www.loc.gov/acq/devpol/datasets.pdf>.

VI. Acquisition Sources

Whenever possible the Library attempts to acquire materials through non-purchase means, such as copyright, exchange, gift, or the Cataloging in Publication program. The Library of Congress collections, particularly those of published materials, are heavily dependent upon materials received through the copyright deposit provisions of U.S. copyright law ([17 USC section 407](#) & [17 USC section 408](#)). For copyright demand, the U.S. regulations allow for the Library to receive analog and some digital materials. When items are offered in both formats the Library's default is normally the Best Edition print version, unless the publisher has arranged a special relief agreement with the Copyright Office. For materials not available to the Library through copyright deposit, or other non-purchase means, the Library acquires materials through purchase. Purchase is used predominately for non-U.S. publications that are not widely available within the United States. The Library utilizes an array of traditional methods of library acquisition (firm orders, subscriptions, and approval plans) with vendors located in different areas of the world. In addition, the Library uses its six Overseas Operations Offices to broaden its acquisitions opportunities outside the United States. The Library also receives and considers offers of unpublished materials, including personal papers, recordings, photographs, maps, legal treatises, and other special collections items for purchase or by gift through individual authors, creators, collectors, and dealers, and auction houses.

The preceding paragraph documents the many pathways of acquiring materials at the Library. While it indicates that Copyright is a common pathway, for the Library to fulfill its mission to be a universal and enduring source of knowledge and creativity that is inclusive of Indigenous perspectives, it must continue to look beyond copyright and publishing mechanisms to preserve Indigenous histories. Primary source material, audiovisual material, archival material, and other documentary evidence of Indigenous community life are also key acquisitions. When acquisition sources and the material itself are already removed from the community of origin (such as non-Indigenous collectors or dealers who do not provide provenance information), strong consideration should be given to consulting with cultural authorities of the community of origin.

Culturally Sensitive Materials: Acquisition

Consultation with Indigenous communities on what is appropriate for preservation in the National Library is to be encouraged. In general, consultations with communities of origin when the Library acquires Indigenous material of potential cultural sensitivity is highly recommended. (As is creating a mechanism by which to compensate such advisors whenever appropriate.) Acquisition consultations or notification to tribal communities is particularly recommended when considering historical materials

documenting Indigenous communities that may be of a culturally sensitive or sacred nature. Courtesy notification regarding new materials that have been added to the Library’s research and collections base is also highly recommended. Agreements undertaken directly with Indigenous communities regarding acquisition of material should define terms for any culturally sensitive materials, and the Library should remain open to developing agreements that may contain special provisions to promote community access.

Acquiring widely published materials, personal papers, or other creative work by living Indigenous creators who are in direct contact with the Library does not require such consultation.

VII. Collecting Levels

Meeting the Library’s Diverse and Inclusive Collecting Statement (see Section II) and the collecting levels outlined below requires continual evaluation of the publishing and special collections landscape, sources of expression, current events, and socio-cultural trends to thus maintain effective collecting policies and acquisitions methods. Changes in publishing or in the creation of materials covered by this policy statement may necessitate collecting efforts not explicitly referenced here. Such efforts will be handled on a case-by-case basis while the Library evaluates the need for policy statement updates.

For explanation of the Collecting Levels used by the Library, see <https://www.loc.gov/acq/devpol/cpc.html>. It should be noted that these collecting levels are aspirational in nature. That is, they are goals for guiding the Library’s collecting policies. Changing resources in, for example, budgets or human capital, may require adjustments in collection building, especially at the comprehensive level (level 5).

Materials published within the U.S. about Indigenous individuals’ and communities’ lives and experiences are collected at a level 5; materials published outside the U.S. are collected at a level 4.

Unpublished, archival, manuscript, and similar materials created within and outside the U.S. are collected in accordance with the guidance in the Collecting Policy and Acquisitions Sources sections of this document, with the goal of fulfilling the Library’s mission while maintaining proper respect and treatment of Indigenous materials, particularly those that are culturally sensitive.

The table below provides collecting levels for materials classified using the Library of Congress Classification system. Note that these are ranges where materials on Indigenous peoples are often classed, but these are not the only ranges.

LC Classification	Subject	U.S. Levels	Non-U.S. Levels
E51-E73	Pre-Columbian America. The Indians	5	4
E75-E99	Indians of North America	5	4

LC Classification	Subject	U.S. Levels	Non-U.S. Levels
F1218.5-F1221	Mexico—Antiquities. Indians	5	4

The following subclasses of K are also in the Collections Policy Statement for [Law](#) and are repeated here for convenience in identifying collecting levels for Indigenous law materials.

LC Classification	Subject	Primary Material	Secondary Material
KIA-KIL	Law of Indigenous Peoples in the Americas	5	5

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