



800 West Wells Street  
Milwaukee, WI 53233  
414-278-6128  
www.mpm.edu

To: Supervisor Marcelia Nicholson, County Board Chairwoman

From: Ellen Censky, Ph.D., President/CEO, Milwaukee Public Museum

Date: 1 November 2022

**Subject: Approval to deaccession a Forest County Potawatomi headdress as requested by the Forest County Potawatomi Tribe**

The Milwaukee Public Museum has received a formal request from the Forest County Potawatomi (FCP) to return a headdress created by FCP tribal member Dennis Shepard. The headdress was confiscated as part of a U.S. Fish and Wildlife Service court case. The U.S. Fish and Wildlife Service initially offered the headdress to the Forest County Potawatomi, but they declined. It was then offered to MPM as a donation in 2000. The headdress will never be on exhibit at MPM at the request of the Forest County Potawatomi at the time of accession. It has not been used for education nor will this be a likely possibility in the future.

All necessary investigation has been done to confirm that it complies with the Milwaukee Public Museum Collections Policy. This deaccession request has been approved by all the required staff at the MPM and was approved by the MPM Board of Directors at the August 18, 2022, meeting.

As policy states, we are now requesting approval for permission to deaccession from the Milwaukee County Board and would like these items to be presented at the next possible Milwaukee County Parks and Culture Committee for initial approval.

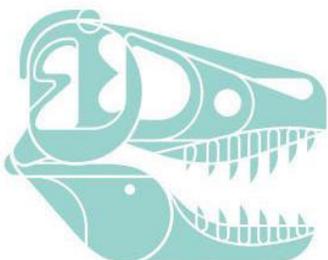
#### **Fiscal note**

The resolution has no fiscal impact.

Upon these final approvals, please indicate the date approved and return these signed documents to:

Sara Podejko  
Registrar  
Milwaukee Public Museum  
800 W. Wells Street  
Milwaukee, WI 52213

c: County Executive David Crowley  
Supervisor Sheldon Wasserman, Chairman, Parks and Culture  
Janelle Jensen, Board of Supervisors Committee Coordinator  
Kelsey Evans, Parks Committee Coordinator



What will you find?



APPROVAL FOR DEACCESSION AND TRANSFER

Person in Charge: Dawn Scher Thomae

Section: Anthropology

Date: 3/30/2022

Section Head: Dr. Aaron Atencio

Deaccession Number: D2022.1

Group Requesting Transfer: Forest County Potawatomi Community
Forest County Potawatomi Cultural Center
Library and Museum

Address: 8130 Mish ko swen Dr.
Crandon, WI 54520

Table with 4 columns: Cat. / Acc. #, Description, Culture, Current Value. Row 1: E66590 / 28839, Feathered headdress (otterskin, crowned with red-tailed hawk and harrier feathers), Forest County Potawatomi, \$1,000

Reason for Deaccessioning:

The Forest County Potawatomi (FCP) Tribe has requested this headdress be returned on behalf of the family from which it was seized in 1996. Headdress was created by FCP tribal member Dennis Shepard and was confiscated as part of a U.S. Fish and Wildlife court case...

Proposed Method of Disposal: Transfer to the Forest County Potawatomi Community

Registrar Report:

Artifact arrived at the museum on February 10, 2000 as a donation from the United States Fish and Wildlife Service under Title 50CFR 12.36. The circumstances under which the artifact arrived are detailed above. Request for return received from Donald Keeble (FCP Museum Director) on December 29, 2021...

Documentation attached (as copy): FCP Request Letter, Record of USFW/MPM Conversation, MPM Accession Card, Transfer Order (February, 2000), Rothstein et al./MPM Correspondence (January, 2000)

Approved:

Curator of Cultural Collections:

Signature of Dr. Aaron Atencio

Dr. Aaron Atencio

Date: 2022-04-01

Vice President/Academic Dean:

Signature of Dr. Jennifer Zaspel

Dr. Jennifer Zaspel

Date: 5-23-22

President/CEO:

Signature of Dr. Ellen Censky

Dr. Ellen Censky

Date: 6-2-22

Action by MPM Board of Directors:

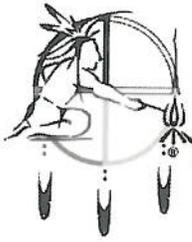
Signature of Christine E. Rudolad

Date: 08-18-2022

Action by Milwaukee County Board of Supervisors:

Date:

Please forward to the Registrar for formal deaccessioning. The Registrar will not take action until the deaccession request has been completely approved and endorsed.



FOREST COUNTY POTAWATOMI  
**CULTURAL PRESERVATION  
DIVISION**

8130 Mish ko swen Drive  
PO Box 340  
Crandon, WI 54520

December 29, 2021

Dear Ms. Scher Thomae,

Thank you for taking the time to meet with me to view and discuss the current Potawatomi items in collections at the Milwaukee Public Museum. In response to our discussion regarding the feathered hat made by Forest County Potawatomi tribal member, Dennis Shepard, I write to formally request the return of this item, Catalogue Number: 66590, Accession Number: 28839.

As you know, this item was donated to the Milwaukee Public Museum by the U.S. Fish and Wildlife Service. As the Museum Director and NAGPRA representative for Forest County Potawatomi, we wish to return this item to the Forest County Potawatomi Community on behalf of the Dennis Shepard family.

I look forward to working with you on returning this item to our community. We appreciate your time and assistance. Please contact me directly if you need any further information from me regarding this matter.

Ahaw, migwëthh

Jigwé (Donald Keeble)  
Museum Director

NAGPRA Representative  
Forest County Potawatomi Cultural Center,  
Library & Museum  
8130 Mish ko swen Drive  
Crandon, WI 54520  
Ph: (715) 478-7474  
Email: [Donald.Keeble@fcpotawatomi-nsn.gov](mailto:Donald.Keeble@fcpotawatomi-nsn.gov)

3/30/2022

Phone conversation between:

Darin Brandenburg (Special Agent, U.S. Fish and Wildlife) and Sara Podejko (MPM Registration).

Summary:

SA Brandenburg required a summary of the proceedings from 1996. After verbally reviewing the summary and consequent request letter from Forest County Potawatomi, SA Brandenburg determined that deaccession and transfer of the hat from MPM to FCP was acceptable. The transfer, however, must occur between MPM and the FCP Community directly. SA Brandenburg felt there would be a conflict of interest of MPM initiated the transfer directly with Dr. Sheppard's family. However, he noted that the FCP Community may choose what to do with the hat upon transfer. As long as there is no monetary component to FCP's possession, USFW will not interfere with MPM's deaccession and transfer to FCP.

MILWAUKEE PUBLIC MUSEUM  
ACCESSION CARD 3807

Accession No. 28839

Accession Date March 22, 2000

Catalog Classification Ethnology

Date Rec'd 02 / 10 / 00 Date Cataloged 10 / 02 / 2000

From S.A. Gregory M. Jackson (staff )

Dept. of Interior/U.S. Fish & Wildlife

4511 Helgesen Drive

Madison, WI 53718

Cat # Description

66590-Feathered hat Potawatomi

squat, circular otterskin hat, crowned  
with red-tailed hawk and harrier feathers.  
beaded leather band of red crosses,  
outlined in orange on a blue field is sewn  
onto the bottom edge of the hat.

*Complete info from vault*

*11/14/2000*

*GGD*

TOTAL NUMBER OF OBJECTS/SPECIMENS 1

Gift  Purchase  Exchange

Field collection

Date of acknowledgment  / /

<b>TRANSFER ORDER</b> <b>SURPLUS PERSONAL PROPERTY</b>		1. ORDER NUMBER(S) a. _____ b. _____		FORM APPROVED OMB NUMBER <b>3090-0014</b>	PAGE <b>1</b> OF <b>1</b> PAGES
2. TYPE OF ORDER <input type="checkbox"/> STATE AGENCY <input type="checkbox"/> DOD(SEA) <input type="checkbox"/> FAA		3. SURPLUS RELEASE DATE <b>2/10/2000</b>	4. SET ASIDE DATE	5. <input checked="" type="checkbox"/> NON-REPORTABLE <input type="checkbox"/> REPORTABLE	6. TOTAL ACQUISITION COST <b>0.00</b>
7. TO: <b>GENERAL SERVICES ADMINISTRATION (FPRS) *</b>				8. LOCATION OF PROPERTY	
9. HOLDING AGENCY (Name and address) * <b>U.S. Fish + Wildlife Service Dir. of LE 4511 McKeown Dr. Abnison, WI 53718</b>				10. FOR GSA USE ONLY SOURCE CODE <input type="checkbox"/> STATE <input type="checkbox"/> CITY <input type="checkbox"/> TYPE OF DONATION <input type="checkbox"/> ADJUSTED ALLOCATION CODE <input type="checkbox"/>	
11. PICKUP OR SHIPPING INSTRUCTIONS * <b>Conditions: NONE Purpose of Donation: Educational, Public Display</b>					

12. SURPLUS PROPERTY LIST

L/I NO.	IDENTIFICATION NUMBER(S)	DESCRIPTION	DEMIL. CODE	COND. CODE	QUANTITY AND UNIT	ACQUISITION COST	
						UNIT	TOTAL
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
	<b>INU # 302-60 (Case Account) (Vickson) Dependant: Shepard's.</b>	<b>Donation - Under authority of 50 CFR 12.36  1- Native American Ceremonial Hat decorated with Hawk feathers.</b>			<b>1 EA</b>		

13. TRANSFEREE ACTION Transferee certifies and agrees that transfers and donations are made in accordance with 41 CFR 101-44, and to the terms, conditions, and assurances as specified on this document.	a. TRANSFEREE (Name and address of State Agency, SEA, or public airport) * <b>Milwaukee Public Museum ATTN: ANN McMullen 700 West Wisconsin Ave. Milwaukee, WI 53233</b>	b. SIGNATURE AND TITLE OF STATE AGENCY OR DONEE REPRESENTATIVE <b>x Ann McMullen</b>	c. DATE <b>4/10/2000</b>
		d. SIGNATURE OF HEAD OF THE SEA (School or National Headquarters)	e. DATE

14. ADMINISTRATIVE ACTION I certify that the administrative actions pertinent to this order are in accordance with 41 CFR 101-44 and as specified on this document have been and are being taken.	a. DETERMINING OFFICER (DOD or FAA) * <b>SA Greg Jackson Madison, WI</b>	b. SIGNATURE OF DETERMINING OFFICER <b>Margay M. Johns</b>	c. DATE
	d. GSA APPROVING OFFICER <b>[Signature]</b>	e. SIGNATURE OF APPROVING OFFICER <b>[Signature]</b>	f. DATE

CERTIFICATIONS, AGREEMENTS, AND ASSURANCES

TRANSFER ORDER

The transferee specified in block 13a on the obverse of this transfer order, in consideration of and for the surplus personal property for donation covered by such transfer order, agrees that any such transfer will be made by the United States in reliance on the following certifications, agreements, and assurances:

1. OFFICIAL SIGNING IN BLOCK 13a AS REPRESENTATIVE OF: a. STATE AGENCY (1) As a condition of the allocation of property listed in block 12, the State agency, for itself, and with respect to any such property to be distributed in an adjacent State, pursuant to an approved Interstate Distribution Agreement as agent for an authorized representative of the adjacent State, hereby certifies:

(a) It is the agency of the State designated under State law and as such has legal authority within the meaning of section 203(j) of the Federal Property and Administrative Services Act of 1949, 62 Stat. 386, as amended (hereinafter referred to as the Act), and the regulations of the General Services Administration to receive surplus property for distribution within the State to eligible donees within the meaning of the Act and regulations:

(b) The property listed on this document or attachments hereto is usable and needed by a public agency for one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, public safety, and programs for older individuals, by an eligible nonprofit organization or institution which is exempt from taxation in the State under section 501(c) of the Internal Revenue Code of 1954 for the purpose of education or public health (including research for any such purpose), or by an eligible nonprofit tax-exempt activity for programs for older individuals.

(c) When the property is picked up by or shipped to a State agency, the State certifies that it has available adequate funds, facilities, and personnel to effect accountability, warehousing, proper maintenance, and distribution of the property.

(d) When the property is distributed by a State agency to a donee, or when delivery is made direct from a holding agency to a donee, that the donee who is acquiring the property is eligible within the meaning of the Act and the regulations of the General Services Administration, and that such property is usable and needed by the donee.

(2) With respect to donable property picked up by or shipped to a State agency, the State agency agrees to the following:

(a) The right-to-possession only is granted and the State agrees to make prompt statewide distribution of the same, on a fair and equitable basis, to donees eligible to acquire property under section 203(j) of the Act and regulations of the General Services Administration, after such eligible donees have properly executed the appropriate certifications and agreements established by the State agency and/or the General Services Administration.

(b) Title to such property shall remain in the United States of America although the State shall have taken possession thereof. Conditional title to the property shall pass to the eligible donee when it executes the certifications and appropriate agreements required by the State agency and has taken possession of the property.

(c) The State agency further agrees that it will pay promptly the cost of care, handling, and shipping incident to taking possession of such property and that during the time the title remains in the United States of America, it will be responsible, as a bailee for mutual benefit, for such property from the time it is released to the State agency or to the transportation agent designated by the State agency; and that in the event of any loss of or damage to any or all of the property, it will file such claim and/or institute and prosecute to conclusion such proceedings as may be necessary to recover for the account of the United States of America the fair value of any such property lost or damaged.

(d) No surplus property hereafter approved for transfer by the General Services Administration shall be retained by the State agency for use in performing its functions unless such property use is authorized by the General Services Administration in accordance with the provisions of a cooperative agreement entered into between the State agency and the General Services Administration.

(3) Where an applicant State agency is acting under an interstate distribution agreement approved by the General Services Administration as an agent and authorized representative of an adjacent State with which it shares a common boundary, the certifications and agreements required above shall also be made by the applicant State agency respecting the donees in such adjacent State to which distribution will be made and the property to be distributed in the adjacent State, and such certifications and agreements shall constitute the certifications and agreements of the adjacent State on whose behalf and as whose authorized representative the applicant State agency is acting.

b. SERVICE EDUCATIONAL ACTIVITY. Pursuant to section 203(j) of the Act and regulations promulgated thereunder, and a designation of this organization by the Secretary of Defense as an educational activity of special interest to the armed services, donation of the surplus personal property

listed in block 12 is requested. It is hereby certified that (1) the signer is appropriately authorized; (2) the property is usable and necessary to carry out the educational purposes of the transferee, is required for use to fill an existing need, and will be used for such purposes within 1 year after it is obtained; and (3) funds are available and will be paid, when requested, to cover cost of care and handling incident to the donation, including packing, preparation for shipment, loading, and transporting such property.

c. PUBLIC AIRPORT. Pursuant to the Act and section 13(g) of the Surplus Property Act of 1944, 58 Stat. 770, as amended, and regulations promulgated thereunder, request is hereby made for the property listed in block 12. The transferee agrees that (1) funds are available to pay the costs of care and handling incident to donation, including packing, preparation for shipping, loading, and transporting such property; and (2) if such property is donated to the transferee it will (a) not be used, sold, salvaged, or disposed of for other than airport purposes without the consent of the Federal Aviation Administration; (b) be kept in good repair; (c) be used for airport purposes; (d) be appropriately marked as Federal surplus property and will be made available for inspection upon request; and (e) at the option of the United States, revert to the United States, in its then existing condition, if all the aforesaid conditions are not met, observed, or complied with.

d. STATE AGENCY, SERVICE EDUCATIONAL ACTIVITY, PUBLIC AIRPORT, OR DONEE. (1) Assurance of Compliance with GSA regulations under Title VI of the Civil Rights Act of 1964, section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and section 303 of the Age Discrimination Act of 1975.

The transferee agrees that (a) the program for or in connection with which any property covered by this transfer order is acquired by the transferee, will be conducted in compliance with, and the transferee will comply with and will require any other person (any legal entity), who through contractual or other arrangements with the transferee is authorized to provide services or benefits under said program, to comply with all requirements imposed by or pursuant to the regulations of the General Services Administration (41 CFR 101-6.2 or 101-8) issued under the provisions of Title VI of the Civil Rights Act of 1964, section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and section 303 of the Age Discrimination Act of 1975, to the end that no person in the United States shall, on the ground of race, color, national origin, sex, or age, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the transferee receives Federal assistance from the General Services Administration; (b) this agreement shall be subject in all respects to the provisions of said regulations; (c) this agreement shall obligate the transferee and any other person (any legal entity), who through contractual or other arrangements with the transferee is authorized to provide services or benefits under said program, for the period during which it retains ownership or possession of any such property; (d) the transferee will promptly take, and continue to take, such action as may be necessary to effectuate this agreement; (e) the United States shall have the right to seek judicial enforcement of this agreement; and (f) this agreement shall be binding upon any successor in interest of the transferee and the word "transferee" as used herein includes any such successor in interest.

(2) The transferee agrees that the Government assumes no liability for any damages to the property of the State or donee, any person, or public property, or for the personal injuries, illness, disabilities or death to employees of the State or donee, any other person subject to their control or any other person including members of the general public, arising from or incident to the property use, processing, disposition, or any subsequent operation performed upon, exposure to or contact with any component, part, constituent or ingredient of this item, or substance, or material, whether intentional or accidental. The State and/or donee agrees to hold harmless and indemnify the Government for any and all costs, judgment, action, debt, liability costs and attorney's fees or any other request for monies or any type of relief arising from or incident to the transfer, donation, use, processing, disposition, or any subsequent operation performed upon, exposure to or contact with any component, part, constituent or ingredient of this item, material or substance, whether intentional or accidental.

STATEMENT OF ADMINISTRATIVE ACTIONS

2. OFFICIAL SIGNING IN BLOCK 14b AS REPRESENTATIVE OF: a. DEPARTMENT OF DEFENSE. The Department of Defense (DLA or Sponsoring Military Service) has determined that the personal property listed in block 12 is authorized and approved for donation to the service educational activity in block 13a (subject to any interim request by a Federal agency).

b. FEDERAL AVIATION ADMINISTRATION. The Administrator of the Federal Aviation Administration has determined that the surplus personal property listed in block 12 is essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport, or reasonably necessary to fulfill the immediate and/or foreseeable future

requirements of the grantee for the development, improvement, operation, or maintenance of a public airport.

3. OFFICIAL SIGNING IN BLOCK 14a AS REPRESENTATIVE OF GENERAL SERVICES ADMINISTRATION: The surplus personal property listed in block 12, except any disapproved items, is approved for transfer for donation purposes. Property listed hereon requested for transfer by a State agency is hereby allocated to that State. Such property will be held by the holding agency for a period not to exceed 42 calendar days from the surplus release date pending receipt of pickup or shipping instructions, whereupon it will be released to the donee.

Dennis Shepard lives in Grandon, suspected of killing eagles, which led to seizure of half November 1954. D. next to ... 40c 6 1956

N. G. ... Red ... STANDARD FORM 123 BACK (REV. 6-82)

ROTHSTEIN, DONATELLI, HUGHES, DAHLSTROM, CRON & SCHOENBURG, LLP

Attorneys at Law

January 7, 2000

PETER SCHOENBURG  
NM Board of Legal Specialization  
Recognized Specialist in Criminal Law

TEL: 505/243-1443  
FAX: 505/242-7845  
EMAIL: rothlawabq@aol.com

Milwaukee Public Museum  
ATTN: Ann McMullen  
800 West Wells Street  
Milwaukee, Wisconsin 53233

RE: Potawatomi ceremonial hat

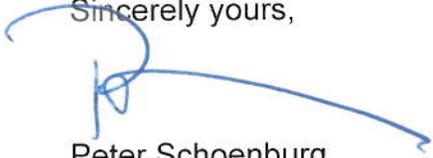
Dear Ms. McMullen:

Pursuant to your conversation with my office, I have enclosed color copies of a ceremonial Potawatomi hat that my client, Dennis Shepard, made and unfortunately, became part of a criminal proceeding with the U.S. Government.

In lieu of destroying this hat, the U.S. Attorneys office in your area and my client have agreed to donate the hat to your museum if you are interested. The hat is currently in the possession of the U.S. Fish and Wildlife Service and if you would like to obtain the hat, arrangements could be made for its transfer.

Please free feel to keep the enclosed color copies and contact me directly or my Paralegal, Tracy Fosbinder, at 505-243-1443 if you have any concerns or comments. Your assistance in this matter is greatly appreciated.

Sincerely yours,



Peter Schoenburg  
Attorney

PS/tlf

cc: Dennis Shepard  
Christian R. Larsen, Assistant US Attorney

call Claudia about this: OK  
schedule delivery when Claudia will be here:  
Fish + wildlife has to deliver it to us / needs to be prescheduled  
need copies of documentation  
fish + wildlife should let us know before hand

SANTA FE • PHOENIX • ALBUQUERQUE

320 CENTRAL SW • SUITE 30 • ALBUQUERQUE, NEW MEXICO 87102



Milwaukee Public  
**MUSEUM**

25 January 2000

Mr. Peter Schoenburg  
Rothstein, Donatelli, Hughes, Dahlstrom, Cron, and Schoenburg, LLP  
320 Central SW, Suite 30  
Albuquerque NM 87102  
fax: 505-242-7845

Dear Mr. Schoenburg:

Thank you for your letter of 7 January. In response to your offer to donate the Potawatomi feathered hat made by Dennis Shepard which was confiscated as part of a criminal proceeding, the Milwaukee Public Museum would be happy to accept the hat as a donation to its collection.

As I mentioned to Tracy Fosbinder in a recent telephone conversation, we would also like to receive as much documentation on the item as possible, including a statement from Mr. Shepard on the circumstances under which he made the hat. This documentation is important to our collections, especially in creating a context for the hat in the future.

Our experience with accepting Fish and Wildlife seizure items for the collections suggest that Fish and Wildlife officials will deliver the hat to the Milwaukee Public Museum and that official forms will accompany it. If you would, please ask Fish and Wildlife to contact me directly about scheduling delivery and completion of the necessary forms. My direct number is 414-278-2786 or, in my absence, they should speak to MPM's Registrar, Claudia Jacobson, at 414-278-2796.

Should you have any questions, or if you would like to discuss this transfer, please feel free to contact me. We very much appreciate this opportunity to expand our collection of contemporary Potawatomi items, and thank you for thinking of the Milwaukee Public Museum.

Sincerely,

Ann McMullen, Ph.D.  
Curator of North American Ethnology  
Section Head, Anthropology