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A Bone to Pick

Students and faculty unearth a dispute between UCSD admin. and the Kumeyaay Nation over a sacred set of 10,000-year-old bones.

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By [Zoe Sophos](#)



Nearly 10,000 years after three tribal fishermen were buried in what is now the ritzy enclave of La Jolla Farms — just west of the Muir College campus — their bones have yet to find a final resting place.

Ever since the remains were uncovered by archeology students from Cal State Northridge in 1976, the UCSD administration and the Kumeyaay nation — an American-Indian tribe that hails from Southern California and Northern Mexico — have been fighting over the rights to the bones. Though the two parties reached a stalemate last year after the university refused to deem the remains “culturally affiliated” with the Kumeyaay nation, recent unrest on campus has rekindled the dispute.

The Black Student Union’s list of demands, released three weeks ago to address racial insensitivity at UCSD, included a request that the university cooperate with the Kumeyaay nation. Now, in a joint statement with the BSU on Mar. 4, Chancellor Marye Anne Fox has pledged a commitment to continue working toward a resolution with the Kumeyaay nation.

The bones are some of the oldest ever found in the Western Hemisphere. They were unearthed from the land beneath Chancellor Fox’s University House — purchased by UCSD in 1967 as an official residence for chancellors, and to host events and fundraisers. Though Fox doesn’t actually live in the house (NAGPRA it was deemed structurally unsound in 2004), it’s been a site of heated contention between the university and the Kumeyaay nation.

Because the Northridge archeology students discovered the remains on university property, they are currently under UC control — stored in a safe at the San Diego Archaeological Center in Escondido. Since their discovery, the artifacts have been shipped to various locations across the country, displayed at prestigious museums like the Smithsonian and studied with particular scrutiny for their age — all amid pleas by local American-Indians to have the ancestral remains returned and reburied.

According to the Native-American Graves Protection and Repatriation Act of 1990, all institutions that receive federal funding must return American-Indian cultural artifacts and human remains when a tribe can prove “cultural affiliation.”

The law stipulates that an artifact is culturally affiliated with a tribe’s heritage if there is evidence of a connection “based on geographical, kinship, biological, archeological, linguistic, folklore, oral tradition, historical evidence or other information or expert opinion.”

The Kumeyaay Cultural Repatriations Committee — a group formed by the San Diego County Kumeyaay tribes in 1998 — submitted a request to UCSD administrators in 2006 asking for the remains to be reburied, claiming they were Kumeyaay ancestors. According to members of the

committee, though 29 sets of bones were dug up in 1976, only the three in question are accounted for.

Two years later in 2008, the university put together a faculty panel of two anthropologists, an ethnic-studies professor and a retired professor from the Scripps Institution of Oceanography to determine if the bones could be identified as “culturally affiliated.” The panel ultimately concluded there was no evidence of cultural affiliation between the remains and any living tribes.

“Although there is evidence from material culture that people have lived in the San Diego region since the late Pleistocene or early Holocene, the linguistic analyses and archaeological evidence indicate that the Kumeyaay moved into the region within the last few thousand years,” read the panel’s final report, released in May 2008.

In a statement made to the Guardian in May 2009, spokesman for the KCRC Steve Banegas expressed his dissatisfaction with the panel’s conclusions. Banegas claimed the unique burial positions of the bodies in fact reflect an affiliation with the Kumeyaay culture. According to the KCRC, the position of one young man in particular — curled up with two severed fingers placed in his mouth — was evidence of the tribe’s burial rituals.

“We know that they are culturally identifiable,” Banegas said. “All we want is to merely rebury them ... respect them and treat them as the human beings that they once were.”

Immediately following the panel’s report, Vice Chancellor of Resource Management and Planning Gary Matthews asked the UC Office of the President to recommend that the U.S. Department of the Interior — the branch of government officially in charge of Native American affairs — to return and rebury the bones.

Ultimately, in early summer 2008, the university withdrew its request for repatriation due to lack of support from the KCRC, which remained staunchly opposed to the panel’s classification of the remains as “culturally unidentifiable.”

Almost a year later, the issue of repatriation has returned to the spotlight. In late December 2009, UCSD administrators met with National NAGPRA Program Manager Sherry Hutt to discuss the university’s options. The immediate effects of this meeting are uncertain, but — according to Vice Chancellor of Research Art Ellis — the bones can only be returned if the faculty panel declares the bones to be affiliated with the Kumeyaay.

“UCSD supports the Kumeyaay nation’s request to have the remains discovered in 1976 repatriated. However, until federal law is changed to allow the remains to be repatriated even if they are not “culturally affiliated” we are prohibited from doing so,” Ellis said.

Ethnic-studies professor Ross Frank, the sole dissenter in the faculty panel’s conclusion two years ago, echoed Ellis’ pessimism that the bones would be repatriated.

“There are complicated things happening,” Frank said. “As long as the supposed archaeological value can be harvested from these human remains, there really isn’t any easy way to resolve this.”

According to Frank, the panel’s conclusions on the cultural identity of the bones were biased by the fact that they remain scientifically valuable.

On Feb. 5, Marshall College junior and AS AVP of Local Affairs Aries Rivers Yumul led a group of about 60 students on a march to the chancellor’s office, chanting “No debate,

repatriate” with the goal of calling new attention to the issue.

Yumul, who is an American Indian student himself, collected over 100 signatures from students in favor of returning the bones to the Kumeyaay tribe, stressing to the Chancellor that they were indeed “culturally affiliated.” According to Yumul, as a result of the march, Chancellor Fox and Vice Chancellor Matthews responded promptly via e-mail.

“They really do understand how important [this issue] is to the student body,” Yumul said.

Professor Frank, also present at the march, said that the repatriation is a concern of many students.

“It’s about campus climate ... the ability to attract Native-American students and about thinking through what the larger ethical and moral implications are of the university’s research actions,” Frank said.

There are currently 90 American-Indian students enrolled at UCSD, one of whom is Kumeyaay —only about 0.004% of the student body in a county housing more American-Indian reservations than any other in the U.S.

“The fact that the university has remains of the native tribe is a deterrent for many native students in the community,” Yumul said.

The BSU recently made reference to the underrepresented American-Indian population in its Feb. 26 “State of Emergency” address, which included a list of demands toward creating a more minority-friendly campus.

“We stand in solidarity and struggle with all other marginalized and underrepresented communities on the UCSD campus, which include but are not limited to our fellow Native-American and indigenous brothers and sisters fighting for the repatriation of ancestral remains,” the BSU stated.

With Chancellor Fox’s renewed verbal commitment to resolving the repatriation issue — in response to the community’s reinvigorated interest in the matter — it remains to be seen whether the years-long back-and-forth will finally end in peace.

“In the future, any recovered archaeological artifacts will be coordinated with on-site Native-American monitors,” Ellis said. “We also continue to have an open dialogue with the Native-American community as we move through this process.”

Readers can contact Zoe Sophos at zsophos@ucsd.edu.

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