A New Attack on Repatriation

By Duane Champagne  April 9, 2012

Bluffs of La Jolla in north San Diego County, California

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Who owns the past? That’s the headline of an editorial in the April copy of Scientific American. The question is occasioned by regulations that the U.S. Department of the Interior added to the Native American Graves Protection and Repatriation Act (NAGPRA) in May 2010. As the magazine puts it, these rules “allow tribes to claim even those remains whose affiliation cannot be established scientifically, as long as they were found on or near the tribes’ aboriginal lands.”

Scientific American argues that the addenda to NAGPRA are too favorable to American Indian communities and that archaeologists should be having a greater say in these matters. “In our view,” the editorial board says, “the new regulations should be repealed or, at least, revised.” Perhaps not surprisingly, the argument against the new regulations is coached in Western theological terms: “In effect, they [the Indians] privilege faith over fact.”
Such a statement shows little understanding of the forms and strength of indigenous relations to ancestors and to the requirements of maintaining the spiritual stewardship of the land. From all appearances, Scientific American isn’t making much effort to understand indigenous cultures’ interpretations of reality, meaning, and life. Instead, the publication gives credence to scientific, professional, and nonspiritual understandings of the value and meaning of human ancestors and sacred funerary objects. As far as the editors are concerned, American Indian perspectives are irrelevant. They’re even irresponsible because they don’t protect human history and knowledge.

To understand this more fully, read the piece, which uses as its springboard a set of bones nearly 10,000 years old, found in 1976 on a bluff in La Jolla, California. The bones may soon be returned to the Kumeyaay Nation of the Southwest, who claim residence in their homeland for more than 12,000 years and who are eager to recover remains and other artifacts.

Scientific American prefers to side with archeologists who argue that there is no Kumeyaay link here because “the Kumeyaay claim is based on folklore. The physical evidence indicates that the La Jolla bones are not affiliated with any modern tribe, including the Kumeyaay, who moved into the area only within the past few thousand years.”

In other words, the archaeologists don’t consider that over 12,000 years, the Kumeyaay may have changed their culture. They therefore conclude that different tribal people, not the Kumeyaay, migrated and lived in the area. By this logic, the Kumeyaay haven’t lived in southern California for the 12,000 years that is needed to definitively prove their provenance.

However you phrase it, this self-serving migration theory is designed to avoid returning the ancestors to the Kumeyaay. The archeologists don’t have the scientific ability to prove their argument; instead, they insist on an argument that best fits their limited facts.

The new rules of repatriation, Scientific American states, have “upset the balance that NAGPRA had achieved and foster antagonism.” What kind of “balance” are we talking about? Presumably, the kind that allowed most archaeologists to avoid negotiations with tribal communities.

Here’s another example. On March 14, the Wiyot tribal community received the jaw bone of a young woman who may have been one of many victims in a massacre perpetrated at Gunther Island in 1860. When the Fowler Museum at UCLA, which had the bone, proposed repatriation in 2002, a University of California-wide committee composed mainly of archaeologists refused to allow it, despite extensive and significant supporting evidence. Only now, with the new NAGPRA regulations, has the jawbone been repatriated. “You see me standing up here, but I want you to know it’s pretty crowded,” said Cheryl Seidner, past Wiyot chairwoman, who received the bone. “I bring my ancestors with me wherever I go.”

The time has come for more multicultural, government-to-government negotiations about repatriation that aim to address both scientific and indigenous values. Much greater benefit may be possible if researchers collaborate with indigenous communities in respectful ways. But enough talk about the old “balance” of interests developed through NAGPRA, please. Balance is not made possible with NAGPRA regulations that would again exclude indigenous voices and interests. That’s something Scientific American might want to consider.
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