Researchers, tribes clash over Native bones

Associated Press By SUDHIN THANAWALA | Associated Press – 4 hrs ago

BERKELEY, Calif. (AP) — On a bluff overlooking a sweep of Southern California beach, scientists in 1976 unearthed what were among the oldest skeletal remains ever found in the Western Hemisphere.

Researchers would come to herald the bones — dating back nearly 10,000 years — as a potential treasure trove for understanding the earliest human history of the continental United States. But a local tribal group called the Kumeyaay Nation claimed that the bones, representing at least two people, were their ancestors and demanded them back several years ago.

For decades, fights like this over the provenance and treatment of human bones have played out across the nation. Yet new federal protections could mean that the vast majority of the remains of an estimated 160,000 Native Americans held by universities, museums and federal government agencies, including those sought by the Kumeyaay, may soon be transferred to tribes.

A recent federal regulation addresses what should happen to any remains that cannot be positively traced to the ancestors of modern-day tribes. Museums and agencies are required to notify tribes whose current or ancestral lands harbored the remains, then the tribe is entitled to have them back.

Prestigious institutions from Harvard to the University of California, Berkeley have already begun working through storehouses of remains uncovered by archeologists, highway and building contractors and others since the 19th Century. A few are surrendering bones to Native tribes, and others are evaluating whether to do so.

Tribes have hailed the rule, saying it will help close a long and painful chapter that saw native peoples' bones stolen by grave robbers, boxed up in dusty storerooms and disrespected by researchers.

"Darn it, these are people," said Louis Guassac, a member of the Kumeyaay Cultural Repatriation Committee. "This isn't stuff. You don't do this to people. I don't care how long they've been there. You respect them."

The Native American Graves Protection and Repatriation Act of 1990 provided for the return of remains connected to modern-day tribes. But it was not until 2010 that a rule on the disposition of so-called culturally unidentifiable remains was finalized by the Department of the Interior. Until then, more than 650 universities and other institutions had no clear guidance about how to return those remains, which account for the bones of about 116,000 people in their collections. That rule is still playing out, sometimes fractiously.

Universities find themselves tugged one way by the law's mandates, another by faculty research needs.

Some anthropologists say more remains will become off limits, imperiling study of the diets, health, migrations and other habits of ancient peoples without guaranteeing that the remains will wind up with their true descendants. "There really isn't any balance anymore," said Keith Kintigh, associate director of the School of Human Evolution and Social Change at Arizona State University. "The public and scientific interest in (the remains) no longer have any weight."

In recent months, Harvard's Peabody Museum has received requests for about 500 remains and hired additional staff as they respond to the 2010 rule, said Patricia Capone, the museum's repatriation coordinator.

At the University of Michigan, officials have decided to transfer the bulk of their 1,580 culturally unaffiliated remains to 13 Native American tribes who want them. In the meantime, they have been put off limits to researchers. "The law is very clear that they will be transferred," said school spokesman Rick Fitzgerald.

At UC-Berkeley, more than 6,000 of the roughly 10,000 remains that were deemed culturally unidentifiable are now subject to potential transfer to tribes. And the Phoebe A. Hearst Museum of Archaeology here has added four new staff members to help match remains to tribes if possible and notify tribes whose lands held the remains.

The small, eclectic museum recently celebrated the 100th anniversary of a recording made by Ishi — the last surviving member of the Yahi tribe who emerged from hiding in Northern California in 1911. The museum displays artifacts such as Pomo baskets, an Achumawi rabbit-skin blanket and arrowheads Ishi made out of obsidian and glass— but not the remains of native peoples.

The collection of bones —one of the country's largest — is in storage. Officials declined to show them to The Associated Press during a recent campus visit on grounds that that could be offensive to tribes.

The university currently has four pending requests for remains. And Museum Director Mari Lyn Salvador said the regulation change has caused concern among researchers.

"There are very important opportunities to understand contemporary medicine ... information that could be very useful to these (Native) communities themselves in terms of better understanding diabetes and other illnesses," she said.

The university presents such information to tribes, she said, but lets the tribes decide whether to allow researchers to work with the bones.

Tens of thousands of individual Native American remains have been collected since the mid-19th century. Some grave sites were looted or excavated to support scientific research, including a study of skulls purporting to show that Native Americans were inferior to Caucasians, according to Robert Bieder, an Indiana University professor who has written about the phenomenon.

The bones in dispute at UC San Diego have long since been out of the ground. They were excavated more than three decades ago from land around the university chancellor's house in La Jolla by a professor from another school. But a photo of the original discovery shows the outlines of two skeletons with skulls, buried head to toe.

Since their discovery in 1976, they have been studied at the Smithsonian and carbon dated at the University of Oxford, according to Margaret Schoeninger, a professor in the Department of Anthropology at UCSD and the university's representative on Indian burial issues.

When the Kumeyaay Nation — a dozen native bands with reservations in San Diego County — first demanded the remains, the university rejected its claim that they were the tribe's ancestors.

Researchers have said Kumeyaay remains were cremated early in the tribe's history, not buried. They have also questioned whether the remains are even Native American, given their age, although the university has concluded that they are.

"In terms of what the Kumeyaay have put forward, the only thing I've heard is their belief, their deep tie to the land and folklore," Schoeninger said. "We need empirical evidence."

Tribal representatives say they have an oral history that goes back thousands of years and connects them to the remains.

In light of the recent rule, university officials did a reevaluation, concluding that the skeletons came from the Kumeyaay's ancestral lands while still maintaining they were not the Kumeyaay's direct ancestors.

In a filing in December, the university said it would turn the remains over to the Kumeyaay although it gave other tribal groups until Jan. 4 to come forward and dispute the Kumeyaay's claim.

Kumeyaay repatriation officials say they will accept the remains.

"It's pleasing to know that these are going to finally be returned and properly taken care of," Guassac said. "They are going to be getting the respectful treatment they deserve."

One option, he said, is that the remains will be reburied.