



Dwelling on Sacred Ground

By Yelena Akopian, Senior Staff Writer

Mansions built atop ancient American-Indian burial grounds are the stuff of legends. But just off campus on Regents Road, that stereotype is more fact than fiction.

Sitting literally on top of an ancient American-Indian cemetery — UCSD's records show 29 human remains have been removed from the chancellor's historic residence over the past 80 years — the University House was declared unlivable in 2004 due to hazards and structural problems.

The approximately 10,000-year-old bones of the two adults were dug up from the property in 1976 by Cal State Northridge archeology students. The two skeletons are frozen in a unique arrangement, with a young man buried at the feet of an older woman. They are among the oldest skeletal remains yet discovered in the Western Hemisphere, and form the only “double burial” of their kind in the Americas.

The Kumeyaay Cultural Repatriations Committee (KCRC), a group of federally recognized San Diego tribes, submitted a request to the university in 2006 asking for the remains to be repatriated — or returned — to the Kumeyaay Indians.

The KCRC asserted that their ancestors have been here since “time immemorable,” and said they intend to rebury the remains if they are returned.

The Native American Grave Protection and Repatriation Act (NAGPRA), federal legislation passed in 1990, details the official guidelines by which human remains can be identified and returned to American-Indian tribes that request them.

The NAGPRA states that remains must be expeditiously returned when a tribe can prove cultural affiliation. This occurs when a “preponderance of the evidence — based on geographical, kinship, biological, archeological, linguistic, folklore, oral tradition, historical evidence, or other information or expert opinion — reasonably leads to such a conclusion.”

In 2008, a UCSD panel assigned with the task of determining cultural affiliation concluded that the bones were “culturally unidentifiable.” The panel submitted a report that said, “Our finding

is that there is not a significant preponderance of evidence to support an affirmation of cultural identification or affiliation with any modern group.”

The KCRC found this highly offensive.

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

Banegas criticized the way the university has continued to handle the situation.

“This institution is supposed to be teaching people about values and learning and understanding, and wanting to stretch their hand out to the Kumeyaay nation,” he said. “But they refuse to sit and talk with us as equals, and we’re not going to get anywhere until that happens.”

Ross Frank, a UCSD professor and chair of the ethnic studies department, presented the single dissenting view in the panel. He said the methodology used by the committee was flawed because it looked at each piece of evidence presented by the Kumeyaay in an isolated manner.

According to Frank, evaluating pieces of evidence independently from each other is contradictory to the language and spirit of NAGPRA. He said that evaluating all the pieces of evidence as a whole would “weave a kind of tapestry” that supports cultural affiliation.

“If you did that, and did that in an interdisciplinary manner, using both scientific and social scientific methods, you could reasonably come to a conclusion that there is, in fact, a cultural affiliation,” he said.

Frank also pointed out that the review committee did not have any native representation, and his minority report strongly supported cultural affiliation.

Margaret Schoeninger, anthropology professor and head of the review committee, defended her designation of the bones as unidentifiable.

“We had taken the whole thing together,” Schoeninger said. “What bothers me extremely deeply is the dismissal of an evidence-based belief system and the privileging of a belief-based system. I don’t doubt that the people are genuine, nor do I have a lack of respect. But they’re beliefs, they’re feelings ... NAGPRA is not based on deeply held feelings.”

A UC-wide committee later confirmed the original committee’s majority ruling of the bones as culturally unidentifiable, dashing most hopes the KCRC had of repatriation.

That is, until a request from Vice Chancellor of Resource Management and Planning Gary Matthews was submitted to UC Office of the President late last May, asking for a recommendation to the federal Department of the Interior to repatriate the bones.

“I believe that the wisest, most appropriate and most respectful action to take at this point would be to repatriate,” Matthews stated in the letter. “Doing so would achieve an outcome that is consistent with NAGPRA. Moreover, it would balance the scientific benefit that has already been achieved with the value of recognizing the sincere and profoundly held cultural views that have been expressed by the representatives of the Kumeyaay Nation in San Diego.”

Matthews also pointed out that repatriation could assist the university’s push to increase diversity. Currently, less than 1 percent of the UCSD student body is American-Indian, none of whom are Kumeyaay.

Though approval of Matthews’ request would return the bones to KCRC, it would not overturn the committee’s ruling that the remains are culturally unidentifiable. For this reason, leaders of the KCRC do not officially back the letter.

A statement issued by the KCRC in early May stated that the Kumeyaay have provided the university with a mountain of evidence from linguistic, anthropological, archaeological and historical scholars to support their claim.

The statement said that accepting the remains as culturally unidentifiable “sets a dangerous precedent for future claims, both from KCRC and other tribes whose ancestors may be in the possession of the UC.”

Banegas said he feels the university should admit the remains rightfully belong to the Kumeyaay, and is offended to be asked for proof of something he feels is obvious.

“They give the impression that they want to give [the remains] back, but yet they have all these conditions,” Banegas said. “They’ve given the impression that all we have to do is take them back and everything will go away, and that’s not true. For some odd reason, they don’t seem to think that they’re our ancestors ... What they’re basing this on, I don’t know, other than a few people not wanting to repatriate for whatever reason.”

According to Science magazine, Schoeninger and members of the American Association of Physical Anthropologists sent a letter to the Department of the Interior claiming the bones are too important to be reburied.

In April, at the annual meeting of the AAPA, Schoeninger made a presentation on the bones’

scientific importance.

However, Frank said the belief that scientists will be able to study the bones if they are not returned to the KCRC is merely a presumption.

“If they find that they’re culturally unaffiliated, that doesn’t say anything about what happens to the bones,” Frank said. “What we have here is a system that assumes that it has the privilege of studying scientifically anything that’s not repatriated.”

A few weeks after sending the letter to the Department of the Interior, university administrators officially withdrew the request, citing lack of support from the Kumeyaay.

“When we learned that the Kumayeey Cultural Repatriation Committee did not support the university’s request — submitted to the federal NAGPRA review committee to repatriate the remains — the university withdrew its request,” UCSD spokeswoman Stacie Spector said.

The skeletons currently remain in university possession.

Vice Chancellor of Research Art Ellis is in charge of drawing up a set of guidelines for curating and studying the bones. Ellis was unable to comment as of press time.

“The next move is up to them,” Banegas said. “We’ve put in a number of requests and they’ve denied them. We’ll have to see.”

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