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From the Los Angeles Times

## UC Berkeley's bones of contention

Native Americans say Hearst Museum is violating a law on returning ancient remains. But officials say finding rightful recipients is often impossible.

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BERKELEY — There is a legend at UC Berkeley that human bones are stored in the landmark Campanile tower. But university officials say that's not true.

The human bones are actually stored beneath the Hearst Gymnasium swimming pool.

The remains of about 12,000 Native Americans lie in drawers and cabinets in the gym's basement. Most of them were dug up by university archaeologists and have been stored under the pool since at least the early 1960s.

Now the bones are at the center of a dispute between Native Americans, who want to reburial their ancestors, and university officials, who have been slow to hand over the remains. Some tribal leaders contend that the university is violating a federal law that governs the repatriation of artifacts and remains.

"We don't appreciate them keeping our ancestors locked up in a drawer," said Ted Howard, cultural resources director of the Shoshone-Paiute Tribes. "This is a human rights issue to the tribes. All we're asking for is to be treated fairly."

Similar disputes have played out elsewhere, but Berkeley, the birthplace of the Free Speech Movement, is widely regarded as a bastion of liberalism. Since 1992, the city of Berkeley has celebrated Indigenous People's Day instead of Columbus Day. But at UC Berkeley, the debate over the bones has turned ugly.

The bones, along with 400,000 Native American artifacts, are held by UC's Phoebe A. Hearst Museum of Anthropology, which has a small exhibit space on campus but one of the largest collections of human remains in the U.S. outside a cemetery.

Under the 1990 federal Native American Graves Protection and Repatriation Act, the museum is required to identify the tribal origins of its bones and artifacts and return them to federally recognized tribes that request them. So far, the museum has repatriated the bones of about 260 individuals.

The museum's possession of so many remains troubles Indians who believe that the spirits of their ancestors cannot rest until their bones are properly buried. Lalo Franco, cultural heritage director of the Tachi Yokut tribe, calls the bones' current resting place "a dungeon" and the scientists who took them "grave robbers with a license."

Controversy over the remains has been fueled by the museum's decision in June to disband the small unit that handled the job of reuniting the remains with their tribes and to incorporate that task into overall museum operations.

UC officials say that the reorganization was necessary because the unit was "dysfunctional" and plagued by personnel problems. But some tribal representatives contend that the museum got rid of the unit because its interim coordinator, Native American anthropologist Larri Fredericks, was too helpful to the tribes.

Berkeley administrators deny that they are improperly keeping the bones and say that they are moving to repatriate them as quickly as the complex law allows. They also say that the museum reorganization will benefit the tribes by involving all museum staff in the repatriation process.

"We have followed the law and will follow the law," UC Berkeley Chancellor Robert J. Birgeneau said.

Birgeneau, of mixed native and Canadian ancestry, says that Berkeley is the victim of a "campaign of vilification" by a small group of critics. He fears the uproar will damage its effort to increase Native American enrollment and attract donations from wealthier tribes.

"It's going to take us some time to recover from this, and I really am concerned about the damage done to possible educational opportunities for Native American people," he said.

### **Campus protest**

Representatives of dozens of tribes demonstrated on campus in October to protest the museum reorganization and what they consider a lack of respect shown to the tribes.

"Why are the ancestors here? Why aren't they coming home?" Ron Alec, a Haslett Basin spiritual leader, asked as he stood on the steps of Sproul Hall and addressed hundreds of supporters. "We come from many tribes to be here, but in our heart we have the same sorrow. We want to take our ancestors home."

Some archaeologists find it difficult to accept the reburial of bones from their collections, especially specimens that are thousands of years old and might provide insights into human history.

But for many Native Americans, no scientific knowledge is worth the price of denying them burial.

The 1990 law, known by the acronym NAGPRA, was designed to bring the two sides together to consult on the bones case by case. But at UC, the scientists have the power to decide whether items held by the university are returned.

California had hundreds of tribes when Europeans arrived. But the 1849 Gold Rush triggered a slaughter that reduced the native population from 300,000 to 20,000 in about 50 years. Many tribes had so few survivors that they have been unable to win federal recognition.

### **Frequent excavations**

The Hearst museum was founded in 1901 by Phoebe A. Hearst, UC's first woman regent and mother of newspaper publisher William Randolph Hearst.

The museum is perhaps best known as the place where Ishi, California's last "wild" Indian, lived for five years until his death in 1916. Ishi was a living exhibit at the museum, which was then in San Francisco. The Hearst sent his brain to the Smithsonian Institution, where it sat in a jar until 2000, when it was returned to California for burial.

The early Berkeley archaeologists viewed themselves as preserving the last fragments of a disappearing culture. They and their students went out collecting, digging up villages and burial sites.

Berkeley began housing the bones in the gymnasium basement under the outdoor pool in the 1940s. Rows of yellow metal cabinets and wooden drawers hold the remains, some consisting of just a few bones, others complete skeletons, according to people familiar with the collection.

Many bones are kept in plastic bags; a few are wrapped in old newspapers. Soil still clings to some, making it appear that they haven't been touched since they were brought to the basement.

To maximize storage space, most skulls are kept in one set of drawers and the skeletons in another, a practice that offends Indians. Access to the basement is restricted to museum staff, a handful of researchers and tribal representatives. The university declined to let a Times reporter into the storage area, saying it was "too sensitive."

Some Native Americans complain that scientists view their ancestors as "research materials."

The university acknowledges that one researcher was recently allowed to take a small Ohlone bone and destroy it in a test to analyze the deceased's diet. The Ohlone, who were once numerous in the Bay Area, are not eligible to receive remains because their tribe is not federally recognized. A similar test was performed on a second bone. Both fragments weighed less than 2 ounces, the university said.

At least one professor, archaeologist Tim White, uses bones from the basement in teaching his classes. As curator of the human remains collection, he also has a major voice in what items are returned to the tribes.

White is a star at Berkeley because of his discovery of fossils in Ethiopia that have helped redefine human evolution. But some Native Americans view him as an obstacle in repatriating remains. Even among colleagues he is known as a "hard-liner" on returning bones.

"In many ways these collections are irreplaceable," he said. "And had they not been recovered and curated and placed in a museum, they would have been lost forever for everybody."

White said he supports the federal repatriation law and sees it as an opportunity to persuade tribes to let the museum continue caring for tribal objects.

"Part of the intent of Congress," White said, "was to set up this process so that people like me could explain to people who didn't have my perspective" that preserving remains could help the tribes, for example, in proving land and water rights.

### **Difficult process**

Under the law, the Hearst was supposed to inventory its Native American bones and artifacts by 1995 and determine which items were associated with certain tribes and which were "culturally unaffiliated."

The museum completed the job in 2000 but designated about 80% of the remains as unaffiliated -- despite archaeological records showing where nearly all the bones were excavated.

White says that the number of culturally unaffiliated items is so large because many California tribes lack federal recognition. The state has passed its own version of the law that would allow the return of items to non-recognized tribes, but it has yet to take effect.

Even for federally recognized tribes, the process of getting bones back from Berkeley is time-consuming and rigorous. Some say the deck is stacked against them and that Native Americans too often have little voice in the process.

At the center of the museum dispute is Fredericks, the ousted interim coordinator of the repatriation unit. A member of the Athabascan tribe from Alaska, she has a doctorate from Berkeley in medical anthropology and two master's degrees.

She has worked at the museum since 1999 and began heading the unit in March 2006. Some tribal leaders say she was the first museum representative to deal honestly with them and to willingly provide information about what items were in the collection. "I understand science and appreciate it," she says. "But even if you are a scientist, you should also have fairness, and if there is a law you should follow it."

In May, UC officials created a two-member panel to review museum operations and rebuffed Fredericks' repeated calls to add a Native American to the committee.

Robert M. Price, the associate vice chancellor for research, said later in an interview that the tribes were excluded because they have no experience in museum operations.

"We didn't go out and seek a Native American because what we were trying to study, Native American tribes would have had no knowledge or expertise to bring to the table," he said. "They don't know how museums are organized or how our staff relates to each other or many of those questions."

The two-professor committee recommended abolishing the unit, which the university did a few weeks later.

Since then, relations between the tribes and school have deteriorated. Fredericks and her husband, Corbin Collins, have organized a coalition of tribes opposed to the museum reorganization. Berkeley officials accuse Collins, who is not Native American, of masterminding a smear campaign against the university, a charge he denies.

### **New director**

Birgeneau has refused to meet with the tribal leaders, something they regard as an insult.

In November, the National Congress of American Indians, the largest national organization of Native Americans, called for an investigation into whether Berkeley has violated federal law in its handling of the bones.

Recognizing in September that the controversy was damaging relations with the Native American community, Berkeley brought in a heavyweight, former UC Provost C. Judson King, as interim museum director.

King acknowledges that Berkeley has mishandled the reorganization. "The native community with some justification is very prone to feeling itself left out and not being given participation," he said.

King said he hopes to make the repatriation law "user friendly" and overcome the animosity between the two sides. "You can't have people sending such harsh things back and forth without resentment building up," he said.

In the small Central Valley town of Lemoore, the Tachi Yokut tribe has received the remains of about 1,000 individuals from various collectors, including UCLA and San Francisco State. Franco, the tribe's cultural heritage director, said the California Department of Parks and Recreation returned one skeleton believed to be thousands of years old. The Hearst has returned the bones of about 80 individuals, but the tribe is seeking about 600 more.

At the town cemetery, the tribe has set aside a small, dusty parcel as a new burial ground for the recovered remains.

Franco says there is no need for science to study their ancestors' bones to prove that their people originally walked across a land bridge from Asia.

The Tachi Yokut know from their tribal creation story where they come from: the San Joaquin Valley.

"They dismiss our stories and say that what we believe are myths, but for us they are the truths of how we came about," he said. "If they want to know who we are, they can ask us."

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