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California Indian Participation in Repatriation: Working Toward Recognition

DIANA DRAKE WILSON

The process of repatriation, set in motion by the Native American Graves Protection and Repatriation Act (NAGPRA), is part of ongoing negotiations between American Indian nations and the United States federal government. Participating in repatriation necessarily brings one into contact with the historical gears of the process of colonization which ultimately give way to less mechanical and more personal strategies of assimilation, denigration, and/or creative transformation between people and nations. These various strategies are to be found in both the minute details of implementation and the overt policy decisions on the part of anyone involved in repatriation, Native American or non-Native. Strategic differences are the result of very different cultural standpoints and very different interpretations of the intent of NAGPRA.

The overt goal of the NAGPRA repatriation process is to return to Native American control of all that has been taken from Native American communities without their consent: not only ancestral remains, but also funerary memorial offerings,

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sacred artifacts, and artifacts of cultural patrimony. From my perspective from within one institution involved in that process—the University of California, Los Angeles—and from my participation in the implementation of NAGPRA¹—consulting with Native people on the cultural affiliation of human remains—I am very aware of the differences among Native American, federal, and institutional interpretations of the statute.²

I have worked on the completion of UCLA's Inventory of Human Remains and Associated Funerary Objects, required by NAGPRA from any museum or other agency having such collections and also receiving federal funds. In the case of UCLA, the Inventory supplies tribes with information about the archeological collection of the Fowler Museum of Cultural History, and also identifies what group or groups are found to be culturally affiliated with the remains and artifacts and why. My job has been to consult with Native Californian groups on cultural affiliation, and to gather from them part of the evidence on which to base these decisions. Most of UCLA's collection is from the Southern California area, specifically from within what is known today as Chumash territory.

American Indians lobbied for years for legislation to address repatriation, and from the inception of NAGPRA they have made their own interpretations of NAGPRA explicit. The National Park Service (NPS) Grants to Tribes have helped Native interpretations of NAGPRA emerge. In California, Reba Fuller of the Sierra Me-Wuk Historic Preservation Committee used her NAGPRA grant to form a coalition of recognized and unrecognized Sierra Me-Wuk bands and to put together a textbook and workshop on Native interpretations and uses of NAGPRA and related laws. Her workshops, in Northern California and at UCLA in January of 1996 have done much to educate Native American communities. The Campo Band of Mission Indians (Kumeyaay) received an NPS grant and hired Frank Salazar as repatriation director. Salazar has been able to spend full time contacting museums and working in their collections to locate what belongs to his tribe, as well as reporting back to his elders. These kinds of participation on the part of tribes and individuals are beginning to educate both museums and tribes as to what could be involved in the process of repatriation.

THE BACKGROUND OF NAGPRA AND REPATRIATION

NAGPRA, signed into law in November, 1990 by George Bush, is first and foremost a piece of human rights legislation. The statute accords American Indians the same ability to control the disposition of the remains of their ancestors as has always been accorded to non-Natives in the United States. For more than one hundred years, the Smithsonian Institution controlled the remains of Native individuals collected during the Plains Indian wars in the late 1800s. These were only some of the many indigenous skeletal remains salvaged, excavated, and otherwise collected from all over the continent in the last two centuries, and now curated in public institutions. When the federal government approached the American Indian community with the proposal to build the National Museum of the American Indian on the last remaining piece of open ground on the Capitol Mall, this situation was finally addressed, first by the National Museum of the American Indian Act (1989), and then by NAGPRA. Few museum professionals or anthropologists could have foreseen then the consequences of that initial legislation, which was initially interpreted as only focusing on the return of the remains of individuals who could be identified by name or by other very close cultural affiliation with present-day Indian groups.

What soon became apparent to non-Natives is that many American Indians have very different ways of reckoning cultural affiliation with ancestral remains than do many persons of European descent. For most Euro-Americans, remains identifiable by name are sacrosanct, and the law gives control of these remains to the descendants alone. But for many Euro-Americans, human remains become anonymous skeletons with the passage of time. Anonymous bones (and bones donated in advance by their still sentient users) are no longer considered as kin and are thought to be able to be legally controlled, or owned, by institutions. For example, some anthropologists have proposed digging up the mass graves of Medieval European plague victims as a source of archeological teaching material now that many American Indian remains are being repatriated. Human remains from all over the world are regarded by many non-Natives as nothing more or less than valuable scientific data and/or the cast-off of an immortal soul. However, the identification of remains by name is of much less

importance for American Indians; the bones themselves are experientially important. For some Native American people bones are contiguous with the spirits of ancestors and the land, no matter how ancient they may be.

Once set ajar by NAGPRA, the door to repatriation was finally completely opened by hours of patient, public testimony to the NAGPRA Review Committee by Native American people. Indigenous persons from all over North America, Hawaii, and Alaska educated non-Natives as to the complete irrelevance of time to the experiential closeness of relationships with ancestors and/or artifacts and the vast range of ways different tribes deal with their dead. Interpreting the meaning of ancestor in Native American terms has been a long, hard process, and by no means are all non-Native interpreters of NAGPRA educated or convinced. The point is that differences similar to the kinds of philosophic and epistemological differences underlying differences in the interpretation of ancestors also underlie Native American and non-Native understandings of NAGPRA and its intent. It is these differences which need to be brought out and examined logically and critically, but it is these differences which are too often framed by ideological rhetoric as a debate, or a shouting match, between religion and science, political correctness and academic freedom, public responsibility and narrow self-interest of politically motivated individuals, and superstition and enlightenment.

NAGPRA provides for a standing seven-person review committee under the auspices of the National Park Service to address these philosophical differences and to help interpret and implement the law. This committee has been instrumental in making the different cultural interpretations explicit. Besides monitoring the inventory process and reviewing the determination of cultural affiliation, the NPS committee was charged by the NAGPRA statute with recommending specific actions to deal with "culturally unidentifiable remains."³ In May of 1995, the review committee produced a draft of recommendations which read in part:

Ultimately, decisions about what happens to the remains of Native American individuals from anywhere in the United States and associated funerary objects should rest in the hands of Native Americans.

...The term "unidentifiable remains" can be applied to three different groups of remains and these should be considered separately.⁴

The three categories are: (1) cultural affiliation with Native American groups not formally recognized by the BIA, (2) ancient remains for which there is specific information about the original location and circumstances of the burial, and (3) remains that are likely to be Native American but which lack information about their original burial location.

The draft recommendations do not have the authority of law, but they carry considerable weight as a carefully considered interpretation of NAGPRA's intent by the review committee. When the statement first appeared, the debate over the value of Native American bones as data for science and the value of Native American bones for Native communities was temporarily quelled (certainly not put to rest), along with arguments that the ancientness of some bones automatically precludes their contemporary cultural affiliation. This was a watershed in the interpretation of NAGPRA, and some museums and universities, then in preparation of the Inventory of Human Remains, began to see the writing on the wall and to act accordingly.

But there are still major obstacles, and many of those center on two interconnected issues of recognition in the process of repatriation: federal recognition and ethnographic recognition. Federal, or Bureau of Indian Affairs (BIA), recognition entitles tribes and groups to the benefits of NAGPRA and leaves non-recognized groups as "non-players." Ethnographic recognition is part of the determination of cultural affiliation, the continuity between past and present-day groups which NAGPRA requires for repatriation.

FEDERAL RECOGNITION

As Sam Ball of the NPS told me, "NAGPRA is a particular disaster in California...and in Alaska...and in the Midwest...and in Hawaii...and in the Southwest...and in..." No doubt, he has a long-suffering foundation for this bit of humorous irony, but from my perspective it would be hard to find a situation in which the benefits of NAGPRA are more unfairly denied to Indian people than they are in California.

The biggest controversy over NAGPRA is the interpretation of to whom the law actually applies. In order to participate in and benefit from repatriation through NAGPRA, one must have standing under NAGPRA as an Indian group. The definition in the statute reads:

“Indian Tribe” means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized as eligible for the special program and services provided by the United States to Indians because of their status as Indians.⁵

Many California Indians respond to this quotation with a knowing sigh, since they clearly recognize themselves in that definition, but are just as clearly aware that the regulations of NAGPRA go on to add one final sentence to this definition:

The Secretary will distribute a list of Indian tribes for the purposes of carrying out this statute through the Departmental Consulting Archeologist.⁶

That list is the Bureau of Indian Affairs' list of federally recognized tribes. Approximately 30,000 California Indians are members of federally recognized tribes. Ninety thousand California Indians are “enrolled” as Indians. Enrolled Indians derive their status from membership in indigenous groups party to eighteen unratified federal treaties written in California in 1851 to 1852. Some enrolled persons are eligible to receive services from the federal government, such as attending Indian schools or receiving dental or health care. The imposition of BIA criteria for the delivery of health care in California by the Indian Health Services (IHS) has already been rejected by the courts in the case of the IHS as unfair in light of the special relationship that exists between California Indians and the federal and state governments.⁷

Some American Indian lobbyists and some NPS officials and review committee members argued strenuously to avoid the imposition of the BIA criterion of federal recognition onto NAGPRA, but were not successful. For now, the most expedient way around the imposition of the BIA list is for unrecognized groups to form coalitions with their recognized neighbors.

Repatriation may occur, indirectly, to an unrecognized group if a recognized group, which is culturally related, makes a request on their behalf. In my experience, the federally recognized groups of Southern California are often the first to acknowledge unrecognized groups' claims to remains that might otherwise be affiliated with them, and many are actively cooperating in forming coalitions with the unrecognized groups.

But the problems with NAGPRA's privileging of recognized groups derive not only from the under-empowerment of non-recognized groups, but also from the over-empowerment of recognized groups to claims remains and artifacts that may be more closely affiliated culturally with non-recognized groups. The recognition criterion, combined with some very arbitrary anthropological naming of cultural groups, has enabled some groups to claim remains and artifacts that are more closely affiliated ethnographically with other groups.⁸

CONFLICTS BETWEEN FEDERAL RECOGNITION AND ETHNOGRAPHIC RECOGNITION

The Santa Ynez Band of Mission Indians is the only federally recognized group on or near the coast of Southern California between Orange and Monterey counties, one of the highest populated areas of the state in the precontact period. Santa Ynez is culturally affiliated as Chumash, but is, according to both the traditional anthropological perspective and to non-reservation enrolled Chumash persons, one of at least seven distinct sociocultural areas.⁹ The name *Chumash* refers to the linguistic relationship of the areas which are united by languages derived from a common Hokan language family. The present-day non-reservation Chumash population is spread over San Luis Obispo, Santa Barbara, Ventura, and Los Angeles counties and outnumbers the reservation population of about three hundred persons many times over.

The federally recognized Santa Ynez Band of Mission Indians is claiming cultural affiliation with all remains from this four-county area as Chumash. By the implicit and explicit acknowledgment of both the NAGPRA contact and Chumash people living on the reservation, some of these remains are more closely associated with Chumash families living outside the reservation.

NAGPRA defines cultural affiliation as "a shared identity between a present-day Tribe and an earlier group." Three requirements must be met to determine cultural affiliation: (1) existence of an identifiable present-day, Indian tribe with standing under the regulations and NAGPRA, (2) evidence of the existence of an identifiable earlier group, and (3) evidence of the existence of a shared group identity that can reasonably be traced historically or pre-historically between the present-day Indian tribe and the earlier group.¹⁰

The population movements from contact to the present between other Chumash communities and Santa Ynez have been extremely complex, and families at Santa Ynez are descended from all parts of the four-county area. But the majority of UCLA's sites yielding human remains are geographically removed from Santa Ynez, and non-reservation families and communities better fulfill the second and third requirements of cultural affiliation than does the reservation of Santa Ynez. Thus the question arises: what happens if cultural affiliation can be traced to both a recognized and unrecognized groups, but more closely to the unrecognized? Can the "culturally unidentifiable" category in NAGPRA accommodate a positive identification with an unrecognized group, or is the "culturally unidentifiable" only a category of last resort, to be used only when and if all other avenues for affiliation with recognized tribes are exhausted? The draft statement suggests the former when it spells out three kinds of unidentifiable remains, but in the implementation of the law, the latter has prevailed in practice.

There are indigenous communities and families in the four-county area who by historical fluke did not receive a plot of land (or did and were later deprived of it¹¹), who lack federal recognition, and who now find themselves dependent upon the Santa Ynez Band for the return of their ancestral remains. Some of these people have been reluctant to ask Santa Ynez for what they consider to be rightfully theirs, although the Santa Ynez Elder's Council held a well-attended communitywide meeting, cosponsored by the California Department of State Parks and Recreation in January of 1997, to hear claims for cultural affiliation from many unrecognized groups.

In the Chumash case, matters are complicated further by an agreement between the Santa Ynez Band of Mission Indians and the University of California at Santa Barbara (UCSB), to inter ancestral human remains and artifacts in a specially constructed mausoleum on that campus.¹² The mausoleum is sup-

ported by many Chumash persons, and is generally endorsed by the academic community as a responsible way to meet the obligations of repatriation and still retain these human remains and artifacts as the important scientific resources they undoubtedly are. Some Chumash people told me that they feel that the mausoleum is the most respectful and ceremonially proper way to maintain repatriated ancestral remains. Also, Chumash persons have described to me the benefits, material and spiritual, that come from having their ancestral remains studied. Others feel that the mausoleum is the only possible safeguard that their ancestors will not be desecrated again in the future. But all persons claiming Chumash remains as their ancestors with whom I have talked, even those who seem to be the strongest supporters of the UCSB mausoleum project, do assume that someday these human remains will be re-interred in the earth.

UCSB's relationship with many Chumash persons interested in repatriation is excellent. Beginning in 1991, UCSB's advisory panel on repatriation has included Chumash people from on and off the reservation, persons who maintain indigenous practices,¹³ and those who claim that such practices no longer exist. However, the UCSB mausoleum agreement may never have existed in its present form if certain indigenous practitioners on the reservation had learned of the agreement before it was signed by the Tribal Business Council.

Just as unrecognized Chumash groups have a tenuous role in the NAGPRA process, so do indigenous practitioners. Consultation with traditional religious leaders is explicitly required by NAGPRA, but has not always been included in the preparation of inventories. This situation is partially a result of internal politics at the reservation. It is also partially the result of the policies and practices of universities and other institutions that deal with the Santa Ynez reservation on NAGPRA matters. Tribal politics are not the concern of ethnographers in the implementation of NAGPRA, but institutional policies are, insofar as they affect how fair the overall process is, how anthropological knowledge is constituted and maintained, and how opportunities for social science are promoted or obstructed.

In my own experience, the agreement between UCSB and the Santa Ynez reservation has predisposed universities and museums to making the cultural affiliation of Chumash for human remains originating from a very wide geographical area. This may be the most expedient way to proceed toward repatriation

of these ancestral remains, but it also puts the Santa Ynez reservation in a privileged position since this process is not promoted, or even acknowledged, as a possibility where there is no agreement in place for the curation of the remains in non-Native institutions. For example, several Luiseno reservations have cultural and historical relationships to the Gabrielino/Tongva and Southern Channel Islands almost exactly analogous to the relationships between the Santa Ynez reservation and unrecognized Chumash communities and the Northern Channel Islands, but these Luiseno reservations have not sought to claim for themselves remains originating from Gabrielino/Tongva territory or the Islands. Nor, according to one member of the NPS Review Committee and to NPS officials, would this be an acceptable way to proceed without the consent of the various Gabrielino/Tongva communities, an assessment with which most Gabrielino/Tongva people agree.

In Southern California unrecognized groups are not getting equal treatment in repatriation, and this differential treatment is partially caused by not fully acknowledging Indian people's attempt to participate in repatriation on their own terms, and by a lack of ethnographic description and anthropological understanding of cultural practices and social organization in Southern California. In jumping to conclusions about cultural affiliation in the NAGPRA process, we are missing an opportunity for fresh dialogues and a badly needed infusion of new ethnographic data.

For example, indigenous group identities in Southern California are not well characterized by the word *tribe*. According to ethnographic and ethnohistorical accounts such as those by Strong,¹⁴ Bean,¹⁵ and Blackburn,¹⁶ ethnic identity was complex and multilayered in Southern California indigenous communities. The testimony I gathered in preparing UCLA's NAGPRA Inventory suggested that indigenous people are trying to convey something to anthropologists: that group identity was, and still is, founded on fundamentally different principles than we are presently recognizing, and are formed in ways that are both more localized and more regional than the word *tribe* suggests.

If we are ever to describe the social and cultural realities obscured by the word *tribe* in Southern California, we will need to be more informed by Indian people through more ethnographic descriptions of present-day social relationships and cultural practices. Also, the ethnographic descriptions we have

from earlier in the century are too often used not to compare to the knowledge and experience of contemporary indigenous people, but as a standard against which to judge people and their communities as authentic or inauthentic, recognized or unrecognized.

For example, the continuity of indigenous spiritual practices is often obscured by the fact that the indigenous practitioners borrowing most heavily from pan-Indian or new-age traditions are the most visible. Anthropologists know very little about the details of indigenous uses of spiritual practices and medicinal knowledge in the present day, or how these knowledges submerge, reemerge, and/or change or how they may or may not relate to groups and practices of the past. And for obvious reasons, we are not going to learn much starting from the assumption that all "authentic" traditional, indigenous practices have been lost.

Also, there is little acknowledgment of different kinds of meanings present in oral history and testimony. While I was recording the consultation of Chumash people I often thought of the statement that the Chumash "predilection for metaphor and allegory" will render our task of interpreting Chumash thought and ritual a formidable one.¹⁷ This seems as true for present-day consultation as it does for the ethnographic record. I did not take everything told to me by consultants at face value, but I did try to interpret archeological evidence, historical records, and present-day behavior on the terms of Native understanding as well as on the terms of social science. The results can be very different from those handed down in anthropological traditions, but are entitled to be included as evidence for cultural affiliation.

When group identity and cultural affiliation are defined solely on the literal interpretation of the ethnohistorical facts and contemporary statements of some indigenous persons, and dissenting voices are dismissed, the opportunity is lost to implement NAGPRA as fairly as possible. Also lost is the opportunity to record the diversity, complexity, and contradictions within present-day communities, undoubtedly a form of continuity with the past. Almost needless to say, the acknowledgment of this diversity and complexity is necessary for the ethnographic recognition of indigenous communities as living entities in the present day.

Anthropologists and institutions of higher learning are presented by the NAGPRA process with the opportunity to take a

fresh look at outdated concepts about Southern California indigenous people. Unfortunately few institutions are able to take this opportunity, given the overwhelming task of completing their inventories on low budgets and short deadlines. But despite the obstacles, we do not have to simply give up acknowledging the complexity of the ethnographic situation as did one anthropologist when he told me that a Chumash affiliation for all sites in the four-county area was a "slam dunk."

The NAGPRA legislation has considerable interpretive latitude, and both Native communities and institutions have many choices in the implementation of NAGPRA. As an ethnographer I am interested in using this latitude to find ways that people can work toward both fairness in the repatriation process and toward intercultural, cooperative social scientific methods for observation, and for understanding the complexity of cultural and social differences and historical change.

RECOGNITION IN CONSULTATION

I find it ironic that federal legislation—NAGPRA—has mandated a potentially sophisticated and challenging anthropological recognition of contemporary American Indians. NAGPRA does this simply by requiring that the determination of cultural affiliation be made in consultation with tribes. That is, NAGPRA asks that we define present-day and earlier groups with Native American people themselves, a simple, but in practice radical, idea.

Many Native American persons who are participating in the NAGPRA process are doing so by consulting on cultural affiliation. Consultants are entitled to review the documentation of human remains and memorial offerings, to tell archeologists and anthropologists how they understand their earlier and present-day group identities, and to explain how they understand the continuity between the two. This process is certainly not a matter of confirming acknowledged facts or compiling a list of new ones; anyone, Native American or non-Native, who has participated in consultation for NAGPRA knows that it is much more complicated.

Consultants are in some instances community scholars and philosophers. Many of them have read the same ethnographic texts as I have and/or have worked for years as cultural resource monitors and are very familiar with the archeological data of their own past. This knowledge can be held against

them by those who are opposed to repatriation on the grounds that contemporary Indians are making up their cultural identity as they go, helped out considerably by the anthropological books they have read.¹⁸ Their opponents assert that Natives' claims for human remains and artifacts are based primarily on political and financial self-interest and not on "authentic" cultural identity. Without denying the existence of self-interest in Native communities, I strongly contest this view. There is no such thing as an inherently authentic, or inauthentic, cultural identity; all of our cultural identities are made up as we go, greatly helped by the books we read. Native Americans do read and learn from books, but not necessarily what non-Natives learn, because their traditions of reading are different. That is, their literate traditions are based on oral and pictographic texts, not abecedarian ones. Their interpretation of books may be based on different ways of reading; that is, of understanding texts, different experiential realities, different ways of thinking about causality—generally, different ways of making sense.

Not surprisingly, California Indians often vociferously critique anthropological texts. The work of anthropologist Alfred Kroeber especially comes under attack; many of his pronouncements about tribal groupings and boundaries are not correct in their own experience, and they are painfully aware that his views have a legitimacy in academia that their own knowledge should have but does not. Yet they are careful to say that they value Kroeber's ethnographic data, but that it needs to be reinterpreted with the knowledge of living elders. The work of John P. Harrington, linguist and ethnographer, fares somewhat better than Kroeber, but as Chumash woman A-Lul'Koy Lotah told me: "Harrington never got more than half a story."

Accounting for different ways of reading is part of a larger problem of communication. Native persons may communicate with stories and anecdotes, which can be complex semantic strategies, used both creatively and habitually for conveying multidimensional information that cannot be conveyed by a lineal series of "facts" (which the Inventory format requires). Native Americans may use different, less abstract ways of communicating, not because they are "uneducated," but because they have different kinds of knowledge to communicate. Conveying spiritual knowledge is often an important part of consulting for NAGPRA Inventories, but doing this in a man-

ner which is appropriately indirect and still explicit enough to be understood and recorded is often a difficult problem to solve for both consultants and ethnographers. Because spiritual knowledge is not necessarily a credo of beliefs, but a direct experience of knowing, being, and speaking, non-Native ethnographers have the responsibility for learning how to listen for spiritual information, how to understand it once they hear it, and then how to convey that through writing. Each step—listening, hearing, and writing—increases with difficulty, with the last perhaps ultimately impossible.

Spiritual knowledge is an important part of the consultation process for many Native persons, even if it requires a process of always imperfect translation. The beginning of any such a translation is defining *spiritual* so we know what we mean, and don't mean, by the word. Spiritual knowledge is not the opposite of material knowledge; Native American spiritual knowledge is more embodied and experiential than it is abstract. But neither is spiritual knowledge irrational; it can be as intellectually valid, and certainly as wise, as knowledge derived from the symbolic manipulation of facts. Spiritual knowledge is not an immutable, perennial philosophy, but is always particular to a cultural tradition. The recording of such cultural particularities is the stuff of ethnography, and spiritual knowing—together with social organization, material culture, and power—are the cornerstones of cultural anthropology's domain.

California Indians often value the opportunity to consult in the determination of cultural affiliation because it gives them an opportunity to "do science" on equal terms with those in the academy. NAGPRA accommodates indigenous knowledge, which some consultants refer to explicitly as their own theories, in several ways. NAGPRA states that Native Americans do not have to prove cultural affiliation to the standard of scientific proof, but only by a preponderance of the evidence. Also, the category of "expert testimony" is interpreted by the NPS to explicitly include spiritual knowledge, making it one of several different kinds of evidence on which cultural affiliation is based.

There is a case, now infamous in archeological circles, of Native Hawaiian claims for cultural affiliation on the basis of a bone in the possession of a museum asking a Native Hawaiian spiritual leader to be taken home to Hawaii. When pressed by the museum officials, who were still not convinced that the bone's talking proved the bone was indeed Native Hawaiian,

the Hawaiian spiritual leader reported that the bone had spoken to her in Hawaiian. The bone was repatriated. This makes a good story for anthropologists to tell as they throw up their hands and roll their eyes about the repatriation wars, and Natives appreciate the humor as well in stories about head-on collisions of realities, but talking bones are no laughing matter for some Natives. Hearing bones speak does not have to be considered crazy or irrational, but it is a very different kind of experience than that familiar to most ethnographers. If ethnographers learned of such events while doing fieldwork in New Guinea, they would duly record them as valuable data, but when anthropologists learn of such events from their fellow citizens, they may react with sanctimonious embarrassment. Yet it is precisely the intellectual responsibility of cultural anthropologists to account for different ways of knowing with more complexity than with the dichotomies of rational/irrational, empirical/interpretative, civilized/primitive, and magical/scientific.

Native and anthropological theories can be completely contradictory, as in some Native American theories about the origin of people in North America versus those involving migration across the Bering Strait. Even though Native and social scientific models may sometimes seem more complementary—indigenous migration stories and anthropological models of population movements—they are not, in my opinion, resolvable in a single truth. Indigenous knowledge and anthropological knowledge work from different grounds of causality and sense. If they are to be reconciled, but not reduced one to the other, it will only be through each tradition reflexively accounting for its grounds of interpretation of the “facts.”

For example, in Southern California we have the apparent fact that Hokan language groups lived north and south of the Los Angeles Basin at contact, and Tatic language speakers lived in the Los Angeles Basin at contact. (Hokan speakers also lived in the basin, judging from Chumash language names recorded in mission records.¹⁹) Some Natives and some anthropologists draw very different conclusions from these facts. Archeologists regard the Tatic speakers as “newcomers” (as do some of their present-day northern neighbors), and as people who “displaced” or “conquered” Hokan speakers. California Natives acknowledge the existence of a language shift and also the differences between Chumash and Tatic cultures, but do not attribute them to a break in contiguity of group identity for those living in the Basin. Chumash and Gabrielino/Tongva

people assume, based on their indigenous knowledge and experience, that changes in technology and cultural practices in the archeological record represent the result of the intellectual work of their own people, and that Takic speakers intermarried with Hokan speakers. These are two different ways of thinking about the same set of facts, but in practice the former interpretation is a fact and the latter is a myth. But the archeological evidence for physical displacement of Hokan speakers is nonexistent. To my knowledge, no archeologist has ever pondered what the Native American theory might imply for our understanding of language shifts, ecological adaptation, social and cultural evolution, and ethnicity in Southern California.

One Native woman told me, with very grounded conviction: "Land is family." *Land is family* can be understood as a fundamentally indigenous philosophical standpoint which is linked intimately with the organization of indigenous identity, experience, and agency. Understanding the statement *Land is family* is critical to gathering a preponderance of the evidence for cultural affiliation for NAGPRA, and also critical for ethnographic understanding of contemporary California Indian people.

Our assumptions about what constitutes ethnicity affect what we can learn from the archeological record. That record could be read very differently, and read with Native persons' knowledge helping to pose new anthropological and archeological research questions.

CONCLUSION

The bottom line is that ancestral remains and memorial offerings are connected to their original context: the land itself. Many Native Americans want, as much as they want their ancestors' bones back, respect for that land, for the cultural resources of the land, and the recognition that both people and land are living today. To deny that recognition in the repatriation process is neither empirical nor ethical.

As all of us continue to work on repatriation, we will decide for ourselves how we are able to make repatriation a process inclusive of different kinds of knowledge and wisdom, with which we are so richly presented in this continuing historical dialogue among people.

NOTES

1. This paper is a result of both my work in repatriation and what I learned from a symposium on repatriation which I organized for the Eleventh Annual California Indian Conference, held at UCLA in October 1995. I thank the participants of that symposium: Raymond Basquez, elder, traditional religious leader, chair of the Cultural Committee at Pechanga Reservation; Frank J. Salazar III, repatriation director for Campo Reservation; Reba Fuller, NAGPRA project director, Central Sierra Me-Wuk Cultural and Historic Preservation Committee; Paul Apodaca, curator of Native American art, Bowers Museum of Cultural Art, visiting professor, UCLA; Russell Thornton, professor of anthropology, UCLA, chair of the Smithsonian Institution's Native American Repatriation Review Committee; Glenn Russell, curator of the Archaeological Collections, UCLA Fowler Museum of Cultural History; Lynn Gamble, former director of research, American Indian Studies Center, UCLA; Eugene E. Ruyle, professor of anthropology, California State University, Long Beach; Carole Goldberg, professor of law, UCLA; Philip Walker, professor of anthropology, UCSB, former member of the National Park Service Review Committee for NAGPRA, chair of the Society of American Archaeology Task Force on Repatriation.

2. These interpretations cannot be simply characterized as red or white; not only do Native people represent a wide range of interpretations about how repatriation should be accomplished, some of the strongest supporters of repatriation as an inclusive and fair process are anthropologists working for the federal government itself.

3. Native American Graves Protection and Repatriation Act, Public Law 101-601, [Sec.8 (c) (5)].

4. Call for Comments, Draft Recommendations by the NAGPRA Review Committee on the Disposition of Culturally Unidentifiable Native American Remains, 3.

5. Native American Graves Protection and Repatriation Act, Public Law 101-601, [Sec.2 (7)].

6. Native American Graves Protection and Repatriation Act Regulations; Final Rule, 43 CFR Part 10 [10.2 (2)].

7. See Carole Goldberg's paper, "Acknowledging the Repatriation Claims of Unacknowledged California Tribes," in this issue.

8. For example, some middle-aged people who now identify as Chumash tell me that they never heard the term *Chumash* when they were growing up. By historical chance, the indigenous residents of the area were not ultimately named after the five missions within their territory, but were given the pan-regional, linguistic designation of Chumash, chosen from Tcu-mac, the Coastal Chumash name for the Santa Rosa Islanders, or Mi-tcu-mac, the word for the Santa Cruz Islanders, by Powell in 1891. Campbell Grant, "Chumash: Introduction," in *Handbook of North American Indians*, Volume 8, ed. Robert Heizer (Washington, DC: Smithsonian Institution, 1978), 507. South of the

Santa Monica Mountains, in Los Angeles, Orange, and Riverside counties, the indigenous people are presently called by names of local missions: Fernandeno (San Fernando), Gabrielino (San Gabriel), Juaneno (San Juan Capistrano), Luiseno (San Luis Rey); by Spanish language description: Serrano (mountain dweller); and by a given name of uncertain origin: Cahuilla. The cultural and linguistic similarity and geographical proximity among all of the latter is just as close if not closer than of Chumash groups, but with different names the southern groups are acknowledged as different tribes, some federally recognized and others not.

9. Campbell Grant, "Chumash: Introduction, Eastern Coastal Chumash, Obispeno and Purisimeno Chumash, Island Chumash, Interior Chumash," in *Handbook of North American Indians*, Volume 8, ed. Robert Heizer (Washington, DC: Smithsonian Institution, 1978), 505-534. Subgroupings have also been distinguished according to dialectal differences: Ventureno, Barbareno, Ynezeno, Purisimeno, Obispeno, Cuyama, Emigdiano, and Castac. Contemporary indigenous people may refer to themselves by specific areas (Ventureno Chumash, San Fernando Chumash, etc.), or as Southern or Northern Chumash, and/or by clan (Blackbird Clan, Wind Sycamore Clan, Turtle Clan, Bear Clan, Eagle Clan, Owl Clan, etc.), or by membership in present-day political and social groups (Cieneguitas Indian Association, Red Wind Foundation, The Coastal Band of the Chumash Nation, The Oakbrook People, etc.).

10. Native American Graves Protection and Repatriation Act Regulations; Final Rule, 43 CFR Part 10 [10.14 (c)].

11. Cieneguitas reservation was a California state-acknowledged reservation in the Santa Barbara area, now terminated.

12. Steve Shackely, "Relics, Rights and Regulations," *Scientific American* (March 1995): 115.

13. I refer to *indigenous* beliefs, and to *indigenous* practitioners instead of traditional religious leaders because in some American Indian communities the spiritual tradition is now Christian. I use *indigenous* to denote beliefs and practices which are fundamentally different from, and perhaps irreconcilable with, those of Christianity. I believe that indigenous practices are able to adapt to changing historical circumstances and to borrow from other such traditions without losing this fundamental difference. Whether or not one understands changing indigenous traditions as *authentic* or *fake* will depend on if one distinguishes between indigenous and traditional, and thus entertains the possibility that the epistemological principles of indigenous practice may survive and continue in different forms, or merely assumes *indigenous* is that which necessarily repeats the past with a certain degree of verisimilitude. It will also depend on whether one focuses on the cultural persistence or the cultural assimilation of American Indians.

14. William Duncan Strong, *Aboriginal Society in Southern California* (Morongo Indian Reservation, Banning, CA: Malki Museum Press, 1987).

15. Lowell J. Bean, "Social Organization in Native California," in *'Antap: California Indian Political and Economic Organization*, eds. Lowell J. Bean and

Thomas King (Ramona, CA: Ballena Press, 1974), 11-34.

16. Thomas C. Blackburn, "Ceremonial Integration and Aboriginal Interaction in Aboriginal California," in *'Antap: California Indian Political and Economic Organization*, eds. Lowell J. Bean and Thomas King (Ramona, CA: Ballena Press, 1974), 225-244.

17. Travis Hudson, Thomas Blackburn, Rosario Curletti, and Janice Timbrook, "Introduction," in *The Eye of the Flute: Chumash Traditional History and Ritual as Told by Fernando Librado Kitsepawit to John P. Harrington*, ed. Travis Hudson, Thomas Blackburn, Rosario Curletti, and Janice Timbrook (Banning, CA: Malki Museum Press, 1977), 1-6.

18. Clement W. Meighan, "Archaeology: Science or Sacrilege?," in *Ethics and Values in Archaeology*, ed. Ernestene L. Green (New York: Free Press, 1984), 209-223.

19. Chester D. King, "Prehistoric Native American Cultural Sites in the Santa Monica Mountains," report prepared for the Santa Monica Mountains and Seashore Foundation and the National Park Service, Western Region, Santa Monica Mountains National Recreation Area, photocopied (Agoura Hills, CA), 90-91.