

## AAPA repatriation report 2016

Repatriation Committee:

Stephen Ousley

Ben Auerbach

George Milner

For the National NAGPRA review board AAPA coordinated with the SAA and nominated two people, one of whom, AAPA member Heather Edgar, was chosen and will join the board. AAPA also coordinated with the Paleopathology Association in making nominations to the Smithsonian Repatriation Review Board. Those nominations are still pending a decision.

The committee was also involved in an important legal decision. In 2012 Tim White, Margaret Schoeninger, and Robert Bettinger filed suit to block the return of two skeletons approximately 9,000 years old to the Kumeyaay tribe, who has expressed a desire to rebury them. They lost the first court decision, and in 2014 the ninth circuit court of appeals upheld the former ruling in a two to one judge vote. The plaintiffs asked the court to rehear the case. In August 2015 the Ninth Circuit denied the petition for rehearing the case, which AAPA was supporting. That meant that the three-member panel's decision in favor of repatriating the La Jolla remains to the Kumeyaay would not be blocked.

With every court case, the AAPA president has sent a letter or Amicus brief expressing the support for scientific study of the remains (<http://physanth.org/about/position-statements/native-american-graves-repatriation-act-nagpra/>.) The litigants asked the Supreme Court to review the Ninth Circuit decision. Karen Rosenberg and the AAPA Executive Committee decided that another Amicus brief would be written. Ryan Griffin, a lawyer hired by AAPA, took care of legal considerations and guided the writing of the Amicus brief, emphasizing the points he thought the AAPA should make. Most of the writing took place in November and December, and was submitted before the deadline.

Unfortunately, in January 2016 the Supreme Court declined to review the ninth circuit decision and UCSD is legally free to repatriate the remains.