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Indians may go to court

AG rules group has no right to artifacts, data

By Mike Baird Caller Times
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The state attorney general's office ruled Thursday that the transportation department is not required to release information on Indian artifacts or remains it may have found during construction of Ennis Joslin Road, a portion of which lies atop an ancient burial ground.

A local law firm representing the Gulf Coast Indian Confederation requested all information about archaeological finds from the city and the transportation department in late August under the Native American Graves Protection and Repatriation Act.

The attorney general's ruling says the confederation doesn't have a right to information on the artifacts under the Native American Graves Protection and Repatriation Act because the project does not occur on federal or tribal land.

"It relates to graves being found on federal land, and this is state-owned land. We receive federal money and that act defines us as a museum," said Nancy A. Kenmatsu, with the transportation department's Cultural Resources Management Environmental Affairs Division in Austin.

Local Indians have sought to rename the street as Sacred Spirit Trail since earlier this year, after they learned the transportation department unearthed remains and artifacts in the burial ground near Oso Bay.

Confederation members withdrew their name-change request last month, pending receipt of all information regarding the burial grounds. The department had archaeology reports prior to revamping the road that indicated the burial ground's existence, yet continued with the project, disturbing remains in one segment near the Cayo del Oso bridge.

Fred L. McGhee, an archaeologist hired by the confederation, said the group is considering taking their fight to federal court.

"At this point, we're through asking," McGhee said. "We have consistently maintained we're seeking access to remains and want to be a consulting party."

"We're gearing up to go to federal court to compel them to make this material accessible," he said. "This is avant-garde for Texas, which has had only two cases in federal court pertaining to the repatriation act. We'll be breaking new ground."

At the construction site Friday near Ocean Drive, an archaeologist from the University of Texas at San Antonio who has been hired by the transportation department, was on hand to oversee the handling of unearthed artifacts or remains. Archaeological materials are taken to the university where everything is kept

"All findings are secured and accounted for and remains are treated with the dignity merited," Kenmatsu said.

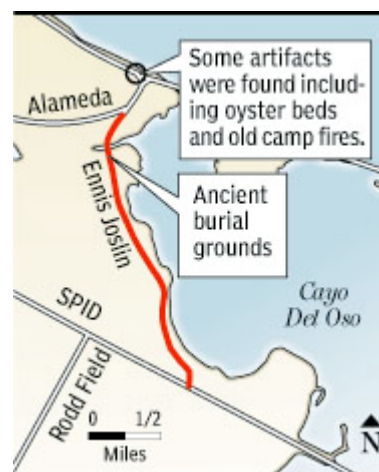
She said Friday there hasn't been any recent recovery of human remains, but she wouldn't give details about relics or artifacts that had been unearthed.

"The most recent human remains were found about six to eight months ago," she said.

But Ismael Soto, engineer in charge of the construction project, said no artifacts have been found at the intersection of Ocean Drive where the Ennis Joslin corridor ends.

"We expect it would be closer to the bridge structure, where remains were unearthed before," he said.

Also Friday, Larry Running Turtle Salazar and Howard Crow Eagle, both with the confederation, approached the



Ennis Joslin work site to do ceremonial blessings.

"Cars honked in praise of our ceremony," Salazar said. "People raised their fists in power to us, as we sang and did our ceremony for our ancestors. We saw great sympathy in the eyes of a supervisor," he said.

"When we asked if they had found more remains, he said no, but his body gesture said yes."

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