

**Corpus Christi and TxDOT Continue Policy of  
Desecration and NAGPRA violations**

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Long before the implementation of NAGPRA (The Native American Graves Protection and Repatriation Act of 1990), the City of Corpus Christi and the Texas Department of Transportation had an unwritten policy which allowed for the desecration and destruction of Indian burial grounds for the purposes of economic development. Since the inception of NAGPRA, this long-standing policy has not been significantly altered. Recent events have thrown this once again into sharp focus.

During the mid 1990's, a proposal for expansion of Ennis Joslin Road was developed and a site investigation was undertaken. Ennis Joslin road is one of the most well-known and traveled roads in Corpus Christi; it connects Ocean Drive with South Padre Island Drive (SPID for short) along Oso Bay, and is named for a locally famous real estate speculator and chairman of the chamber of commerce. The site has been known for years as a local Indian "burial mound." Many locals recall playing along Oso Bay as children in the 1950's and 1960's and finding a variety of Indian artifacts, as well as human remains. The archaeological survey of the site uncovered an Indian burial as well as other obvious evidence of Indian occupation and use. TxDOT's contract archaeologist recommended that the site be "mitigated" prior to further development.

In 1998, Larry Running Turtle, a Mescalero Apache & Hispanic mixed blood, met with Nancy Kenmotsu, the cultural resources director of TxDOT, and was discourteously informed by her that the agency did not consider him to have standing to inquire about the existence and/or treatment of human remains or other project details. At issue was Kenmotsu's presumption that there were no "real" (i.e. federally recognized) Indians in South Texas and her misreading of NAGPRA. Her reading of the statute has led her to believe, down to the present, that her agency is only obligated to deal with Indian tribes, not lineal descendants or culturally affiliated Indian people. In practice, this has led TxDOT officials and their colleagues in city and county government to maintain an attitude of "carte blanche" when it comes to the inadvertent discovery of Indian human remains. Horror stories, most unconfirmed, abound: it is rumored, for instance, that the current site of Texas A&M Corpus Christi was built around, through, and on top of many, perhaps thousands, of Indian corpses.

When asked in August of 2005 about recent inadvertent discoveries of human remains at the Ennis Joslin site that have made local and statewide headlines, Dr. Kenmotsu responded that she was sure she had complied with applicable laws and that the human remains and associated finds were being "professionally cared for" by the Center for Archaeological Research at the University of Texas at San Antonio, TxDOT's current archaeological contractor. When asked exactly what she had in her possession and whether Indian people had been meaningfully consulted (not just sent a brief letter or fax) or asked to participate, her response mirrored TxDOT's longstanding South Texas Indian policy: "TxDOT's job as an agency is to build roads, not deal with Indians."

NAGPRA is triggered in this case because federal funds are being utilized to widen the existing roadway, while city funds, in combination with federal and other funds are being utilized to reconstruct all adjacent utilities.

Unfortunately TxDOT's contemptuous and disrespectful attitude toward South Texas Indians permeates much of the historic preservation establishment in Texas, including at the "State Agency for Historic Preservation" the Texas Historical Commission. The paternalistic and dismissive attitude of officials toward those they see as "want-to-be" or "born again" Indians reflects deep-seeded attitudes with a long history in Texas and particularly within Texas archaeology. More importantly, however, it is an indication of the larger policy point that their attitudes have led them to misread and misapply NAGPRA, and to condescendingly paint the complicated South Texas Indian pastiche with a broad stroke of administrative racism. It apparently has never occurred to some of these people that their attitude is simply rude and wrong and is in need of major adjustment.

In today's post-NAGPRA world, Texas archaeologists need to once and for all confront the fact that Indigenous people in the state are no longer going to allow outsiders, "degreed" or "expert" or not, to define who and what they are and have been as a people. And they are most definitely not going to allow the descendants of slaveholders and Indian killers to tell them whether they "are" or aren't allowed to call themselves Indians.