

Other

Response to Comment: Antiscientific Laws? A Brief Defence of Repatriation Laws

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Harrison Munday's response to my 2024 article 'The Study of California's Past is Dead and Reburied' downplays the research I conducted to look for evidence of research on human skeletal remains in California's public universities. The author claims that I draw my conclusions based on 11 email replies and then implies that perhaps I did not actually conduct a review of the top peer-reviewed academic journals in my field. He states that: "Weiss claims to have reviewed publications in top academic journals over the past nine years, concluding that research on Native American skeletal remains in top research journals and California public universities is vanishing." The use of "claims" here is an attempt to suggest that I did not actually review the publications.

My actual actions to assess research on human remains in California included: I reached out to 32 public university campuses in California; I sent out at least two emails to each campus; and I received 15 replies (11 from the California State University system and four from the University of California system). I also searched on campus websites for moratoria or presidential memoranda on research using human remains, and I found that at least three universities had completely forbidden the use of human remains in teaching and research. In addition, I emailed professors who had recently published on Native American skeletal collections, and who had graduate students who recently had completed research on skeletal remains, and asked them about the current state of affairs in regards to access to human remains. In none of these efforts did I receive a response that human remains were available for study.

Plus, I *did* examine every article in the top four peer-reviewed journals in the field starting from 2015 and ending in 2024. The absence of human remains research coming out of Californian universities was astounding. The author accepts that perhaps my findings are correct: "This may be the case, and I am in no position to provide evidence to the contrary. In fact, after conducting a brief search of the journals mentioned in Weiss's

paper, I too struggled to find recent publications on Native American skeletal remains.” But, he then adds that he is doubtful of the sufficiency of the evidence and suggests that “At the very least, a thoroughly conducted and peer-reviewed literature review would be necessary to support such a claim.” Munday is wrong in suggesting this evidence is insufficient. Utilizing these top peer-reviewed journals enabled me to assess the field thoroughly, as it involved examining over 4,400 articles, which is probably why he doubted that I conducted the review.

Yet, the real purpose of this response is to claim that although repatriation laws may harm scientific inquiry, they are “morally justified.” According to the author, repatriation laws “prevent further significant harm and the prolongation of trauma.” He quotes a 2003 book chapter that states repatriation “undoubtedly improved the collective mental health of Native Americans.” He also cites a 2020 chapter on repatriation and cultural trauma, which uses case studies to argue that repatriation brings closure to Native Americans; but this chapter provides no evidence that repatriation aids in the reduction of the “social ills” that tribes face today. Thus, in reading his references, there is no evidence that repatriation has “improved the collective mental health of Native Americans” or that repatriation will relieve tribes of their cultural woes.

Have domestic violence, drug abuse, alcoholism, suicides, psychiatric disorders, and missing women and children decreased as a result of repatriation laws and the destruction of scientific inquiry? It appears that if anything has changed, problems Native American communities face have *increased* over the last decades, even as repatriation increased. Suicides have increased (Stephenson, 2022); homicides have increased (Alberton et al., 2023); and alcoholism and drug abuse have increased (Soto et al., 2022). If any of these factors have significantly improved with repatriation, we should have the statistical evidence of the decreases. Could it be possible that repatriation helped the mental health of Native Americans, but the gains were overwhelmed by other negative factors? I do not believe so. I challenge those in favor of repatriation to prove me wrong.

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