

“First Contact”

Resource Summary: “Who Owns the Bones”

“It would be something to find Cabrillo’s grave...”

After a life-long search, a team of student archeologists have discovered the gravesite of Juan Rodriguez Cabrillo on San Miguel Island. As news of the discovery gets out, other interested parties come forward to claim the bones as the “rightful” owner. Students then enter into a Mock Trial style debate with different “rightful owner claimants (stakeholders)” each presenting why they should receive title to the findings. Stakeholders include (for various reasons as outlined below); Spain, Portugal, Catholic Church, UCSB, and US National Park Service. A student led three-judge panel will decide the rightful owner, after hearing evidence presented by the students.

Subject Areas: Social Studies, Language Arts

Grade Level Range: 4th-6th

Standards:

CCSS.ELA-Speaking & Listening SL 4.1, 4.2, 5.1, 5.2, 6.1, 6.2

Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others’ ideas and expressing their own clearly and persuasively.

Integrate and evaluate information presented in diverse media and formats, including visually, quantitatively, and orally.

Resource Provided By:

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Resource Details:

Step I: View the Tale

Step II: Introduction and Preparation for Mock Trial

A.) The narrator in the tale says, “It would be something to find Cabrillo’s grave...” Students are told that they have just discovered Cabrillo’s grave as a member of a student archeology team from UCSB. Upon learning of the “discovery”, many other stakeholders appear and file claims for the remains of Cabrillo’s grave (his bones and other artifacts.)

B.) The teacher then divides the students into five groups, each representing a stakeholder as identified below, plus an additional group of three students to preside as the three-judge panel.

C.) Students work in team groups to “make a case” to support their claim as representatives of the group they have been assigned. They may add more details to

the descriptions below as they see fit. In their groups they will use the “Circle of Viewpoints” template to think about the issue from their assigned lens.

D.) Each claimant group will then present their “case/argument” to the three-judge panel.

E.) The judges will deliberate the merits of each claimant and decide “who owns the bones.”

Note: All scenarios listed below are not necessarily historically accurate and are intended to give students an opportunity to ponder and discuss a possible real life scenario viewing the discovery of Cabrillo’s lost grave from multiple perspectives.

Spain: Cabrillo was working for Spain at the time of his death. In exchange for a boat, crew and percentage of goods collected, all treasure Cabrillo found was pursuant to contract held in trust for Spain. As Cabrillo’s employer, Spain claims dominion over his boat and person, as the work he was doing at the time of his death was in furtherance of his contract.

Portugal: Cabrillo was a citizen of Portugal his entire life, including at the time of his death. Portugal contends a contract with a foreign country does not diminish Cabrillo’s relationship with Portugal, or invest any foreign power with ownership of Cabrillo’s remains. As Portugal is his country of origin and citizenry, it has the best claim for return of his bones. Portugal claims him as a national treasure and wants him returned to the country he elected as his own. He died under circumstances that made the return of his remains to Portugal impossible. This does not abrogate the country’s claim now that the return of his remains is possible.

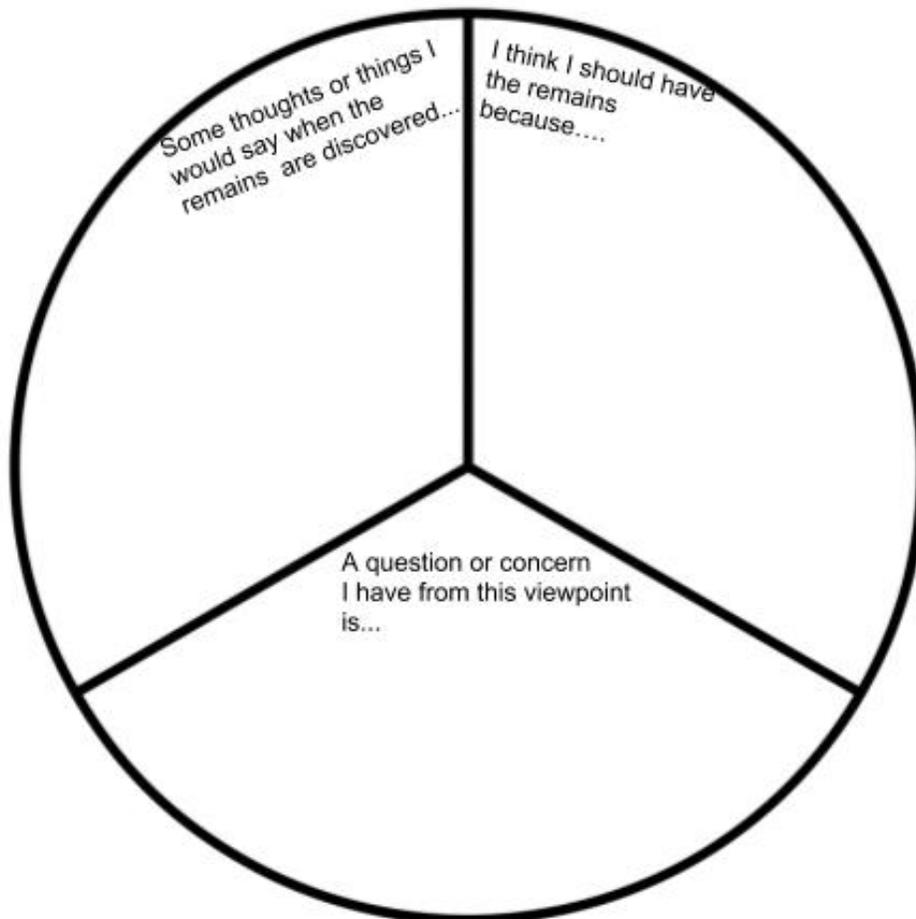
Catholic Church: Cabrillo was a practicing Catholic his entire life, and believed that his relationship with God was more important than any connection he had with employer or country. The church claims one can have no closer relationship than that between an individual and his creator, and that Cabrillo must be returned to the church for a burial consistent with church practices, as Cabrillo himself wished. Denying the church the bones would be tantamount to denying his relationship with God.

UCSB: As UCSB archeologists found the bones, it has possession and thus ownership over any and all claims asserted. The only superior claim would be that asserted by family, and since no such claim has been made, the property must stay with the legal finder. UCSB was not in violation of any law or treaty in searching for the bones, and they were found on land where UCSB had permission to look. The operation to search for the lost grave was completely funded by UCSB. While other claimants could have similarly sought permission to search for his remains, none did. No other claimant can usurp the possessive rights asserted by UCSB.

National Park Service: As owner of the land, the NPS owns all property on said land, and did not relinquish ownership by giving others the right to search. Further, Cabrillo

was buried on what is now NPS property, and in gaining ownership of the land, the NPS gained ownership over everything legally on the property at time of acquisition.

Circle of Viewpoints



From the viewpoint of: _____