Since the entrance of non-Natives into the Americas, indigenous people have struggled to protect their past, survive in the present, and ensure their future. With the growth of non-Native communities across what is now the United States, numerous cultural sites have been destroyed in order to make room for these expanding populations without local Native American tribal input. In recognition of this destruction, the United States government adopted various laws to protect those sites and provide mechanisms to limit the impact of ground-disturbing activities. The discipline of anthropology, and the subdiscipline of archaeology, grew out of the discovery of these cultural sites as investigators attempted to create explanations for the objects they encountered.

Because of California’s large population growth and the spreading of urban centers into previously undeveloped areas, cultural resource management (CRM) and archaeology have become a booming business in the state. Because California is such a large and environmentally diverse state, different types of landowners exist. For example, tribes in northern California most often work with federal land agencies (National Park Service, Bureau of Land Management, U.S. Forestry Service, and so on) over logging and water projects and their impact on sacred sites. Tribes in central California work with a number of federal land agencies, but also with a mixture of large private land tracts (for example, ranches, farms, vineyards) and a growing number of community development projects where sacred sites exist. Tribes in southern California are most heavily impacted by a large number of development projects on both small and large parcels of private land. As they are planned for construction across the state, even cell phone towers and cable lines can trigger the need for archaeological work.

A number of Native California tribal members who work in cultural resource protection related to us a number of key issues about the current state of California archaeology. The most common concerns California Native people raised were the exclusion of Native people from the recovery of archaeological materials; the lack of consultation about the cultural sites and the interpretations created about these indigenous places—preconceived notions that California tribal cultures are extinct, leaving only archaeologists qualified to discuss them; the fact that the quality of California archaeology has significantly diminished because of the for-profit CRM firms and their relationship with developers; the ineffectiveness of the current laws to protect the cultural sites; and the need to acknowledge past wrongs and work together toward better education. Tribes and archaeologists really share a common goal in protecting traditional cultural sites and preserving stories about the past to teach future generations.

**ARCHAEOLOGISTS AS GATEKEEPERS: IDENTITY AND ACCESS**

Native Californian participants related to us how California archaeologists use their authority and knowledge to deny tribal members access to their ancestors’ cultural material—even going so far as to reject a tribal member’s statement of cultural heritage.

For example, when discussing the possible visit of a Gabrieleno/Tongva community member to view her ancestors’ remains under the care of a particular archaeologist in his laboratory, the archaeologist was hesitant to arrange the visit because, as he put it, “She hasn’t proven her Gabrieleno heritage to me yet.” As a faculty member at a public institution, it is not his job to ask people to prove their heritage in order to have access to the collection.

Some archaeologists view California tribal members as claiming an identity to which they have no right. Native people have been called “delusional Mexicans” who practice traditions that they invented. This is especially hurtful when most California Native people are of mixed heritage due to the mission system and Spanish conquest. Less than 100 years ago, laws allowed an average person to take children from their Native parents, purportedly for their own protection.

Sam Dunlap, tribal-council member of the Gabrieleno/Tongva Nation, provided another example of how archaeologists act as gatekeepers of Native Californian identity. At a 2007 cultural-sensitivity training class sponsored by the county of Riverside, an archaeologist complained that he shouldn’t have to consult with Cahuilla tribes. He proclaimed that the Cahuilla were nonexistent after 1940, and those who identify as Cahuilla today practice reinvented cultural traditions and are not really Cahuilla. Although those present quietly dismissed this comment, no one rose to challenge his comment, even if they did not agree.

This kind of comment stems from the unfounded perception that Native cultures are static and cemented in time. Some people seem to believe that Natives or any other group can lose their culture if they incorporate foreign (European) ideas and objects into traditional (primitive) lifeways. In reality, culture is always changing and at any given moment represents the accumulation of hundreds of changes, sometimes spurred by outside influences, over thousands of years.

Lalo Franco, the cultural and historic resources director for the Tachi Yokut tribe, described how an archaeologist attempted to exclude Native people from an archaeological
site in Kern County. The site was over 1,000 years old and—since it was in a remote area—considered pristine. The archaeologist urged Kern County officials to forbid Native Americans from going to the site, because they might ruin it. The archaeologist stated that the Native community hadn’t known about the site previously, and now that he had found it, there was a sudden interest. Franco objected to the archaeologist’s inaccurate characterization of the Native community’s relationship to the site. Franco states that they always knew about the site but were unable to utilize it in a traditional way, because a gate blocked their access. Furthermore, the Native community understands the fragile condition of the site and is not going to destroy it, especially since they view the site as sacred.

These examples show how archaeologists consider themselves experts of an extinct Indian past and presume that modern Native Americans have no interest in the past and are unable to preserve it. This paternalistic viewpoint is furthered when archaeologists imply Native Americans are unable to understand the implications their decisions will have regarding their cultural materials and history. In reality Native people have always been interested in their past and preserve it by passing traditional knowledge and history down to their children.

DIFFERENCES IN SITE SIGNIFICANCE
DEFINITIONS AND LACK OF CONSULTATION
State and federal laws dictate that impacts to the environment, including archaeological, historical, and cultural sites, caused by public construction projects must be documented and in many cases also mitigated. It is hoped that with this documentation, sites will be protected or the impact to sites minimized. However, many California Native Americans report having witnessed shoddy archaeological work completed, resulting in final reports that do not truly describe the significance and number of sites that may be affected by the work proposed.

For example, a Karuk tribal member described how, a few years ago in northern California, a road was to be
constructed through an acorn-gathering area. Ground stone and other related artifacts were visible and prominent on the surface. The archaeologist in charge of accessing the APE (area of potential effects) defined the area as extending only 4.2 meters (14 ft) on either side of the proposed road. To the contrary, tribal members determined the APE to be 305 meters (1000 ft) above and below the proposed road cut. This area was not recognized as significant, because it only had ground stone (milling equipment) present. When the road was constructed, whole sites where destroyed. Had the archaeologist consulted and incorporated tribal members’ comments into the APE, nonrenewable cultural sites would have been avoided and protected.

Another Klamik tribal member described another way in which tribal consultation is being avoided. She has noticed that many federal agencies have increased their use of programmatic agreements (PAs). PAs are agreements between federal, state, and local agencies with the California State Historic Preservation Office (SHPO) that clarify how cultural resources will be managed. The creation and signing of these PAs are often done without the consultation of Native California tribes. Since only signatories to the PA can change it, tribes are unable to have their concerns regarding site management addressed early and with authority.

**LACK OF CULTURAL SENSITIVITY**

Native Californian people hold traditional sites in high esteem. In acknowledgment of this sacredness, many Native Californians leave offerings of prayers and gifts while on archaeological sites. Consequently, they request that all those present on a site act in a respectful manner, even if they do not hold the same view of sacredness. This request is not always honored, however.

Joyce Perry, an Acjacheman tribal member, reported how the offerings she had placed on an archaeological site she was monitoring were mistreated. She found her gifts scattered one day when she arrived at the site. When she asked what happened, she was told that one of the archaeologists working at the site had stomped all over the offerings. When others at the site asked the person disturbing the offerings to stop, explaining that the offerings were medicine placed by a tribal member, the archaeologist cursed about the offerings.

The county of Riverside has established a set of minimum requirements of education and experience for archaeologists and anyone performing cultural-resource analysis in the county. These requirements are based on those used by the National Park Service (36 CFR Part 61). Anyone working as an archaeologist, field surveyor, or researcher must also complete a cultural sensitivity training program.

With completion of the minimum requirements, archaeologists are then placed on the county’s list of approved archaeologists. The irony is that as long as you take the sensitivity class and meet the minimum requirements, you are approved; you don’t have to practice what you’ve learned. The archaeologist who claimed that the real Cahuilla were extinct will continue to work status quo. Leslie Mouriquand, Riverside’s county archaeologist, noted that there is no legal way the county can keep him off the approved list; it can’t screen for personal views. Additionally, since cultural resource management firms are not licensed, there are few avenues to lodge formal complaints against archaeologists, despite the damage they can cause.

**THE PROBLEM WITH CURRENT LOCAL, STATE, AND FEDERAL LAWS**

The Riverside County requirement is just one in a long line of well-intentioned laws and regulations that have been created in order to improve the protection of Native sites in California but have no teeth. In other words, California tribal members have little recourse against CRM practitioners who fall short of legal compliance. Of course, another problem is that the laws are often written to make legal compliance fairly easy, but the results still fall far below the intention (or spirit) of consultation and cooperation.

**TRIBAL MONITORING**

The identification and mitigation of cultural resources can add significant expense to a development project. In order to limit the time and money needed for this phase of construction, some Native Californians believe, a development company and a CRM firm will come to an agreement that specific kinds of cultural materials found in a project area represent little significance. Under the California Environmental Quality Act (CEQA), the Native American monitoring program was created to prevent this type of deception and to ensure the protection of cultural resources. During any ground-disturbing activity where Native American remains or artifacts might be encountered, a Native American monitor, preferably from the local Native community, is present to ensure the ethical treatment of items found. If human remains or cultural items are encountered, tribal monitors have the ability to stop work.

Even with this preventative system in place, there is little oversight of the monitoring process. Tribal monitors, similar to archaeologists working on CRM projects, are often selected and paid for by the developer, which can lead to ethical dilemmas. As Julie Tumamait, a Chumash tribal member, said to us, “Some people are monitoring for monitoring’s sake; just for the money and are not even consulting with Native people about the work they are doing.”

Additionally, monitors are not required by California law to be archaeologically trained or culturally certified. A monitor may be culturally knowledgeable, but if the site was not previously identified by the local Native American community, the monitor may defer to the archaeologist’s interpretation of the site’s archaeological significance. Conversely, if a tribal monitor is archaeologically trained but not culturally knowledgeable, the monitor may disregard a culturally constructed feature because it is not considered significant archaeologically. Both types of monitors can hinder site protection.
REAL CHANGE?

Many Native Californians are well aware of the loopholes in current laws and have supported legislation to fill in the gaps. Fred Collins, spokesman for the Northern Chumash Tribal Council, stated that with the passage of Senate Bill 18 (SB18) in 2005 was an important step for California tribes. The new law gives California tribes the opportunity to comment on changes to city and county land-use plans. This enables tribes to communicate with all the city and county governments and work very closely with them to form better protocols. By bringing tribes in at the planning stage of a development and before any ground is disturbed, it is hoped that cultural sites can be identified and avoided. However, as with many other cultural resource laws, there is no punishment or fines for counties and cities that do not consult with tribes. When there is inadequate compliance, or the law fails to protect, the next step is often expensive litigation.

WHERE DO WE GO FROM HERE?

Even with problems, a few tribal cultural-resource directors stated that they can see a changing tides in the archaeologists’ relationship to Native Californian communities. Gregg Castro, Troti’raahl Salinan/Rumsien Ohlone, and member of Society for California Archaeology’s (SCA) Native American Programs Committee—told us that SCA “has come a long way from where they were,” but still has a long way to go.

Although this SCA Programs Committee compiles a resource book titled Sourcebook on Cultural Resources Management, Archaeology, and Cultural Heritage Values to be used by archaeologists and Native American communities, Lalo Franco considers the book solely as a way for SCA members to be seen as good people. The SCA has also developed one of the strongest codes of ethics, by which it expects its members to abide. Franco believes that the policies and suggestions discussed in the book will not be sustained until SCA members and other archaeologists recognize the impact that their work and their predecessors’ activities have had on the Native American communities whose past they study.

APOLOGY

Although Franco gets asked to be on Native American advisory boards for a number of organizations and agencies, he told us that he turns these invitations down, because he sees them as “trying to put a bandage on the damage and hurt” that the archaeologists have caused Native communities. Franco wants to see an apology from archaeologists. Only then will Native communities regain trust in the archaeologists’ sincerity.

Franco’s belief that an apology will improve the situation in California is not off base. Similar apologies have been instrumental in improving relationships between Native Americans and archaeologists in other parts of the country. In Desiree R. Martinez’s research of interactions between federal agency archaeologists and Pacific Northwest tribal representatives, real dialogue didn’t start until all federal employees involved in government-to-government discussions, including the head commanding officer, acknowledged the history of poor communication and appalling treatment endured by Pacific Northwest nations under the federal agency. Although the federal employees making the acknowledgment were not the people who began the ill treatment, they were the inheritors of the situation and thus guilty by association. The Pacific Northwest tribes were distrustful of federal agencies and their employees until they received an apology for the tribes’ past treatment. Only then could tribal members be sure that the federal agency was sincere about wanting to include them in creation of federal land management plans.

ACKNOWLEDGEMENT OF DIFFERING WORLDVIEWS

Even with an apology, archaeologists must acknowledge that their view of the archaeological record is very different from that of Native Californians. This view affects their communication with tribal community members. Franco and Castro think that by viewing a cultural site as strictly archaeological, archaeologists create a real disconnect between the artifacts and the Native Californian communities who still hold them in high regard.

Castro explains that this divide is exacerbated by the difference in the view of time. Archaeologists don’t understand why Native Californians can be so attached to old artifacts; Californian tribal communities consider their cultural sites—and the materials found in them—sacred and vital to their history and present-day survival. To see the two as separate not only objectifies the artifacts and human remains, but also dehumanizes the represented people, both past and present.

INCREASED TRIBAL PARTICIPATION

Gregg Castro believes that this disconnect can be rectified with the increased presence of Native Californians at archaeological conferences and meetings. Although some Native people who have attended SCA conferences have been disgusted by how their history was presented, Castro argues that increased participation will create change and combat the perception of Native people as abstractions. It is not necessary for Native Californians to agree with archaeologists’ interpretations.

EDUCATION

Almost all Native California participants cited the need to educate the students—the future archaeologists—on how to work with tribal communities. Castro explains that after a session at the 2007 SCAs that he had helped put together, students provided positive feedback. They stated that they hadn’t known the impact archaeology had had on Native Californian communities and were grateful for the education.

Leo Carpenter Jr. agrees with Castro but emphasizes the importance of educating Native Californians in the -ologies (biology, archaeology, geology) as well. Carpenter said to us
that some archaeological and scientific techniques are useful, and Native Californians need to "encourage and invest in our peoples in order to protect our resources and sacred sites." He is working with the Bureau of Land Management in Northern California to create a stewardship program that will train California tribal members to use archaeological methods to protect sites. The documentation of sites through these methods can help Native Californian communities in court cases. Ultimately, Carpenter believes, Native Californians have to be patient and open to educating themselves and those with whom they come in contact.


Desiree Renee Martinez and Wendy Giddens Teeter

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**EUROPEAN EXPLORATION AND EARLY ENCOUNTERS WITH CALIFORNIA INDIANS**

Early European exploration of the California coast and subsequent cross-cultural encounters between seafarers and California Indians is documented in a rich historical record. Chronicles of European voyages of exploration to Alta California before permanent Spanish settlement in 1769, which includes four Spanish expeditions between 1542 and 1603 and the Englishman Sir Francis Drake’s visit in 1579, offer the first outsiders’ ethnographic glimpses of California’s indigenous populations. The voyages are also the earliest examples of culture contact on North America’s West Coast.

Archaeological remains from the interactions between European voyagers and California Indian hunter-gatherers present a unique opportunity to study sixteenth-century intercultural engagement in California. Twentieth-century excavations of indigenous sites in northern California have unearthed evidence of the encounters in the form of European and Asian artifacts found within wholly Native contexts of coastal village sites. These archaeological sites, some of which can be visited today, illuminate a fascinating chapter in the history of Native American and European culture contact.

Five documented European voyages of exploration to Alta California occurred before the Spanish permanently colonized the region in 1769. These consist of four voyages on behalf of the Spanish crown, including expeditions by Cabrillo-Ferrello (1542–43), Unamuno (1587), Cermeño (1595), and Vizcaíno (1602–03); and one five-week sojourn by the Englishman Sir Francis Drake and his vessel, the Golden Hind, in 1579.

It is important to keep in mind, however, that from 1565 to the early nineteenth century, the long-standing route of the Manila trade between the Philippines and Acapulco usually made landfall in northern California after a north Pacific crossing, then followed the California coast south to Mexico. These annual voyages may have resulted in undocumented encounters between Europeans engaged in the Manila trade and California Indians over several hundred years.

The first Spanish voyage explored Alta California from September 1542 to March 1543, initially under the leadership of Juan Rodríguez Cabrillo, and later under the leadership of Bartolomé Ferrello, after Cabrillo’s death in January 1543. The Spaniards may have explored as far north as the Oregon border, and they had extensive interactions with various California Indian groups, mostly in southern California. There is no firsthand account of the voyage, but two abbreviated accounts were compiled after the voyage. The existing accounts record one violent episode between the Spaniards and the Northern Diegueño near San Diego, but encounters were otherwise peaceful ones that included regular bartering of cloth and other unspecified trade goods for provisions. There was also at least one instance where a female ruler of several villages in the Santa Barbara Channel area (likely Barbareño Chumash), spent two nights aboard the Spanish flagship. There are no known material remains of the expedition or any of the interactions.

Sir Francis Drake and his ship, the Golden Hind, landed somewhere on the California coast during summer 1579. He and his crew spent five weeks preparing the vessel for a long Pacific crossing. Scholars debate the precise location of the landfall, but most agree it was within Coast Miwok territory,