

April 28, 2011

**Attorney General Kamala Harris
California Department of Justice
Attn: Public Inquiry Unit
P.O. Box 944255
Sacramento, CA 94244-2550**

**Amendment to Sacred Site Protection & Rights of Indigenous Tribes' Civil Rights
Complaint Against the City of Vallejo and the Greater Vallejo Recreation District**

SSP&RIT submits this amendment to our civil rights complaint filed with the Attorney General on April 13, 2011. This amendment is comprised of three parts:

- (1) documentation of new and flagrant civil rights violations against Native peoples by the City of Vallejo and the Greater Vallejo Recreation District (GVRD);
- (2) crucial information about the threat of desecration and destruction of human remains including cremations at the Glen Cove site; and
- (3) additional information documenting the standing of complainants and their right to protection under California Government Code 11135.

(1) Documentation of new and flagrant civil rights violations against Native peoples by the City of Vallejo and the Greater Vallejo Recreation District (GVRD):

(a) On Thursday, April 21, 2011, GVRD General Manager Shane McAfee entered the Glen Cove site during a spiritual ceremony, causing a disruption of that ceremony, raising concerns about what appeared to be an undercover officer with him who entered the ceremonial circle, and due to the presence of a police K-9 unit nearby, a completely unnecessary police provocation at a peaceful, spiritual gathering.

(b) On Friday, April 22, 2011, GVRD sent work crews to the site of the ongoing spiritual ceremony at Glen Cove that began on April 14, 2011. These work crews spray painted on the sacred land at Glen Cove and placed markers in the ground to prepare for work that would dig into and desecrate the sacred burial site.

(c) As confirmed by the United States Department of Justice (USDOJ), GVRD has attempted to limit the participation of Native Americans in the sacred ceremony taking place at Glen Cove, insisting that only a handful of people be present between dusk and dawn, an unreasonable and unlawful restriction of and interference with Native American's recognized right to practice their religious ceremonies.

(d) GVRD has now broken their agreement to negotiate in good faith with SSP&RIT, a Native-led organization whose leadership is comprised of tribal members with direct ancestral

ties to the tribes whose members were buried and/or cremated at Glen Cove. As confirmed by the USDOJ on April 26, 2011, GVRD is refusing to sign a proposed interim agreement or put forth specific proposals that would allow the sacred ceremony to take place without improper interference including threat of arrest of people participating in the ceremony. GVRD also has refused to move forward with their verbal agreement to enter a new round of negotiations with SSP&RIT regarding development plans at the sacred site, which include the proposed building of toilets and a parking lot and the grading of a hill that likely contains important cultural resources and human remains from burials and cremations.

(e) Due to GVRD's hostile and belligerent attitude, and due to their failure to negotiate in good faith or respect Native people's lawful right to practice their religion and participate in spiritual ceremonies, the ceremony and its participants are under ongoing and constant threat of police action and arrest.

(2) Crucial information about the threat of desecration and destruction of human remains including cremations at the Glen Cove site:

GVRD fully acknowledges that Glen Cove is a major and significant cultural site including burials and cremations that date back at least 3,500 years, and the archaeological reports prepared for GVRD and earlier studies all confirmed these facts.

For example, "An Archaeological Evaluation of Sol-236, The Glen Cove Site, Within Glen Cove Waterfront Park for Greater Vallejo Recreation District" prepared for GVRD by the Archaeological Resource Service in April 1988" states:

According to this 1988 report, an excavation in 1912 found numerous cremations and burials, along with many important cultural resources and artifacts. "His excavation....yielded five cremations, four burials, and three instances of pre-interment grave pit burning, at depths of 12 inches to 79 inches." (page 6).

On page 7 of this report, it discusses earlier studies that found: "Among the more prominent traits noted at Glen cove are the practices of cremation and preinternment burning of the grave pit."

The 1988 study states on pages 10-11:

"In summary, the literature search has indicated that Sol-236 has long been recognized as an important prehistoric archaeological site. The following specific points emphasize the importance of Sol-236:

- 1) ...Sol-236 has been used as an example of the mixture of Bay Area and Central Valley cultural traits. The importance of the information from Sol-236 gives it a unique place in the development of regional models of prehistoric culture.

- 2) ...The Glen Cove Site is among the last places where undisturbed bayshore shellmound deposits can be found.”

As described in our complaint, GVRD’s plans for the proposed Glen Cove development include the grading of a hill in order to give nearby residents a better view of the Carquinez Strait water. The grading of the hill is particularly offensive to Native peoples due to the likelihood that the hill contains human remains from burials and cremations. Contrary to their public relations statements that their goal is to protect this important cultural site, GVRD has confirmed that their plan includes using bulldozers to grade this hill, as set forth in their Master Plan.

There are major flaws in GVRD’s plans to bulldoze the hill at Glen Cove, an act that would clearly and improperly result in desecration – and likely destruction – of human remains.

- (a) The “fill” GVRD plans on bulldozing came from Glen Cove itself when condos were constructed at the top of the remaining 15 acres. Thus, the “fill” is not really fill, but instead is from the land that was once part of a major village, burial and cremation site. “This large Native American village site has been known to the archaeological community since 1907...” (page 1, ARS study).

On page 13 of this study, the authors conclude that an earlier map with the presumed boundary of the site “...clearly runs across the middle of the prehistoric site. In this way, the drawing excludes a large part of the prehistoric site...” This report also states that a burial was found on the west side of the site during excavations in 1986.

The report also concluded that “Human burials and cremations will probably be found if large scale earth moving is undertaken in the undisturbed areas. Isolated human bone will probably be found during earth moving activities in the disturbed areas.” (page 18).

- (b) As cremations and burials at the site have been found very close to the surface including at only 12 inches deep, any bulldozing of so-called fill directly threatens cremations and burials. In addition, as the exact perimeter of the Glen Cove shellmound site has never been fully identified, and as human remains are likely to be close to the surface under what GVRD incorrectly calls “fill,” using bulldozers to grade the hill containing human remains is an unacceptable and totally unnecessary desecration of the sacred site.
- (c) GVRD officials have stated that if the bulldozers encounter human remains during excavation, they will halt the work. However, due to the size and nature of bulldozers, human remains could likely be damaged or destroyed before their presence is discovered. While it is difficult to see bones, it is virtually impossible for the bulldozer operator or GVRD to know when they are digging into cremations. GVRD

has not stated how they can identify and protect cremation remains at all if and when the hill would be bulldozed by heavy equipment.

(3) Additional information documenting the standing of complainants and their right to protection under California Government Code 11135:

Attached and incorporated into the civil rights complaint is a memorandum from the International Indian Treaty Council further documenting how SSP&RIT has standing under California Government Code 11135 to seek and receive remedies for violations of the civil rights of Native peoples with direct ancestral ties to the tribes and peoples who lived and were buried and/or cremated at Glen Cove.

We appreciate the Attorney General investigating our civil rights complaint and we are hopeful that you will confirm and uphold our civil rights and protect this important sacred site.

On behalf of SSP&RIT,

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