

CHANGES IN ATTITUDE TOWARD NATIVE AMERICAN CULTURES AND HOW THE MANAGEMENT OF PUBLIC LANDS WILL BENEFIT

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ABSTRACT

In the last 25 years, much of the general public's attitude toward Native American cultural and religious rights has changed. This change in attitude has also been reflected in a series of federal laws guaranteeing Native Americans the right to practice their traditional religious ceremonies and take part in the processes affecting their traditional use areas. Included in guaranteeing their First Amendment rights is the American Indian Religious Freedom Act of 1978. Empowering Indian tribes due process in federal actions affecting their traditional use areas is President Clinton's recent executive memorandum directing land management agencies to enter into formal government to government relationships. This protocol relationship is to guarantee that Indian tribes have an equal voice with municipal, county and state agencies concerning federal actions affecting Native American traditional use areas.

Mount Kuchamaa (Tecate Peak), the first prehistoric site to be listed in the National Register solely for its Native American religious values, is a direct result of changing land management attitudes and federal regulations.

All public lands are the traditional use areas of some Indian tribe. We refer to cultural landscapes; therefore, what would be more natural than Indian people working for land management agencies? Indians could help preserve and properly manage these landscapes by fighting fires or becoming range conservationists or archaeologists. On most reservations, Indians suffer from gross unemployment. Land management agencies should encourage and make a concerted effort to extend to these people the programs and benefits which will give Indian people the education and experience to qualify for jobs in land management agencies.

Nearly 25 years ago I was involved in a BLM land exchange in the northern Great Basin, where I was employed by the Surprise Valley Field Office in Modoc County, CA. A rancher came into the office one day and wanted very much to exchange some of his personal cattle grazing lands for public land. During our field visit to the public lands that the rancher had identified for acquisition, Chris

Corson and myself noted an abundance of obsidian chippage and artifactual remains. We turned to the rancher and said that because of the significant archaeological remains, the public lands would probably not be available for acquisition, certainly not without expensive mitigation of impacts to the lithic quarry and scatter. The rancher became somewhat startled at this statement. He said that his grandfather was looked upon as a hero by the federal government when he ran Indians off his land 75 years ago, but the government was now even trying to protect their artifacts. The rancher couldn't understand how attitudes of employees working for the federal government could have changed in such a relatively short period of time.

Indeed, the past 25 years have witnessed changes in attitudes toward Native Americans; these changes had been brought about in some measure by the passage of the National Historic Preservation Act of 1966 and the National Environmental Policy Act of 1969. However, further and more explicit changes were to occur in the late 1970s and beyond. These changes were brought about by laws guaranteeing Indians their First Amendment rights of religion and access to sacred areas. Legislation also caused land management agencies to change their policies

and become more sensitive to the cultural concerns of Native American peoples. It became law that whenever a federal action took place, the lead land management agency was required to consult with the Indian tribe on whose traditional land the action was to occur. Consultation was required to determine if the action would negatively impact any of their cultural or religious values.

At first Native American groups wouldn't respond to federal agencies because they felt that they would be ignored. They had always been ignored in the past, so why should anything change? They also wouldn't respond many times because they didn't feel comfortable with their writing or typing abilities. Because most federal agencies were aware of the difficulties of bridging the cultural gap, they would follow up their letters with personal telephone calls or even personal visits to council meetings. These personal efforts got results and Native American folks began to open up.

An example of a personal effort by the BLM on one such occasion was when an electrical transmission line was to be built across Tecate Peak, also known as Mount Kuchamaa to the Kumeyaay Indians of San Diego County. It was about 1982 and at that time the El Centro Field Office had jurisdiction over eastern San Diego County. The archaeologist there was Pat Welch and he followed up a letter to the Kumeyaay with a personal visit. His personal visit was rewarded by meeting Rosalie Robertson. Mrs Robertson was a very famous Kumeyaay Indian, not only because she was the granddaughter of the last hereditary chief of the Kumeyaay, but in her own right for the things she did for her people, both those on the Mexican and American side of the border. I won't go into the details of her extraordinary life, but suffice to say that she and Kumeyaay elders gave us a wealth of knowledge regarding Kuchamaa. Mr. Welch learned that Mount Kuchamaa was the most sacred spot for the Kumeyaay and that in the "old days" only shamans and their initiates were allowed on top of the peak. He also learned that Kuchamaa was sacred to other southern California tribes and many in southwestern Arizona. Because of the relationship that Pat Welch cultivated with Mrs. Robertson he was able to obtain vital information concerning Kumeyaay

religious sites. This information led to the electrical transmission line being realigned to avoid Kuchamaa. Pat subsequently brought together all the information that the Kumeyaay had given him on a nomination form and in 1991 Kuchamaa was listed in the National Register of Historic Places. It was the first sacred site to be listed in the National Register solely for its Native American religious value.

This is not the successful end of a story where a sacred area is left intact for the furtherance of Native American religion, for in the 1950s a communication site was built on the top of Kuchamaa. In the decades that followed, very high technology was put on the site by the Border Patrol, Drug Enforcement Administration, the FBI, the CHP and others. When the Palm Springs Field Office completed its resource management plan for the south coast portion of its resource area, which at that time included Kuchamaa, we discussed Kuchamaa again with the Kumeyaay. They informed us that they could not use the mountain top as it exists today. From these scoping meetings with the Kumeyaay we brought all the communication site holders and the Kumeyaay together to discuss how we could restore the mountain top so the Kumeyaay could resume their ceremonial traditions. The meetings resulted in the Kumeyaay asking the communication site holders to see if there were any alternative sites for their communications or if they could use modern technology and make their communication site smaller or move it down the mountain off the peak.

The meeting and subsequent correspondence was less than gratifying. The communication site holders would need three mountain tops to have the same coverage as on Kuchamaa. The DEA, Border Patrol and the FBI did not respond, but threatened to sue the BLM if we continued our efforts to reclaim the mountain. We are now at what would seem to be an impasse. Another meeting between the BLM and the Kumeyaay is necessary to determine where our next options lie.

The Tecate Peak/Kuchamaa episode was brought to the forefront by two separate entities. The first included the American Indian Religious Freedom Act of 1978 and the second was

archaeologists such as Pat Welch. The legislation is an attempt by Congress to ensure First Amendment rights; the latter is an individual who was both cognizant of the law and of what was inherently the right thing to do. I have seen the progress of both the law and archaeologists in the last 25 years; the latest law being the Native American Graves Protection and Repatriation Act. Regardless of your views on this latest legislation, it reflects a sensitivity to a people where no sensitivity existed 75 years ago.

The latest federal effort to address Native American concerns occurred about two years ago. I am referring to President Clinton's executive memorandum instructing federal land management agencies to develop government to government relationships with Indian tribes whose traditional use areas they now manage. With over 100 tribes in California, establishing these protocols will take time, but in the end should prove useful in enhancing tribal-land management relationships and ensuring that federal agencies take into account effects of their actions on cultural or religious values.

The last item I would like to discuss concerns the fact that all public lands are located on traditional use areas of some Indian tribe. We refer to cultural landscapes, traditional use areas, homelands, etc., but relatively few Indians work for federal land management agencies. What would be more natural than Indian people working for land management agencies where their own

traditional use areas are involved. Indians could help preserve and properly manage these lands by fighting fires, or becoming range conservationists, biologists or archaeologists.

On most reservations, Indians suffer from gross unemployment and yet many are located near the back door of BLM offices. Land management agencies have made some progress in recruiting Indian people, but the progress made has not been substantial. Land management agencies need to encourage and make a concerted effort to extend to Indian people the programs and benefits which will give Indians the education and experience required to qualify for jobs. One program that I am specifically referring to is the student coop program where young adults are given jobs and go to college at the same time. Upon completion of their college careers they are automatically hired without having to compete. Other programs that are available should also be made public to Indian tribes and programs should be developed that specifically target Indian people. I hope I have planted a seed here and that it will grow. I believe that Indian people with their inherent wisdom in managing lands, armed with a good education, will make great contributions to the preservation and enhancement of our landscapes. Indians would literally bring to the BLM hundreds of years of experience in wildlife management, animal husbandry, fire management and range conservation.