Inventory of the Native American Heritage Commission Records


California State Archives
Office of the Secretary of State
Sacramento, California

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Descriptive Summary

Title: Native American Heritage Commission Records
Collection number: R188, F3908:1-61, and F3803:1-2
Creator: Native American Heritage Commission
Collection Size: 17.5 cubic feet
Repository: California State Archives
Sacramento, California

Abstract: The records of the Native American Heritage Commission and its predecessors, the California Indian Assistance Program, document California’s efforts to address Native American concerns and issues in California. This record group contains 17.5 cubic feet of textual and photographic records covering the period 1964-1991 and includes requests for assistance, meeting and event files, reference materials, correspondence, legislation files, subject files, project files, and administrative files.

Physical location: California State Archives
Language: English

Access
While the majority of the records are open for research, any access restrictions are noted in the record series descriptions.

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Preferred Citation
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Agency History
In the 1970s, it was becoming apparent with the increasing number of land development project, which were encroaching upon archaeological sites and places of special significance to Native Americans, that an agency at the state level could be of assistance in preservation and protection of those sites. In 1973 and 1974, the California Indian Assistance Program functioned under the Governor’s Office of Planning and Research. The program sought to find workable solutions to urban, rural, and reservation Indians problems; maintain and improve the communication network between people and organizations interested in the advancement of the Native American; and encourage self-sufficiency for tribal organizations and individuals. More specifically, the program coordinated state programs with federal and local program to insure maximum benefit from available resources, worked to prepare a state plan and development policy for federal trust land and establish a clearinghouse for Indian assistance programs.
In late 1975, a conference was held to develop legislation to create an autonomous governmental body whose authority would encompass protection of Native American cemeteries and sacred places. The result of this conference was Assembly Bill 4239 (Chapter 1332, Statutes of 1976) authored by Assembly Member John Knox. Chapter 1332 created the Native American Heritage Commission (NAHC). The NAHC consists of nine members appointed by the Governor with the advice and consent of the Senate. At least five of the nine members must be elders, traditional people, or spiritual leaders of the California Native American tribes, nominated by Native American organizations, tribes, or groups within the state. The Governor appoints the executive secretary of the commission.

The newly formed NAHC made recommendations to the Legislature about the protection of significant Indian religious and social sites and assisted Native Americans in obtaining access to significant religious and social sites. Additionally, the NAHC provided recommendations to the Department of Parks and Recreation and the California Arts Council about programs of assistance to Native Americans. The NAHC also assisted state agencies in negotiations with federal agencies for the protection of sacred sites located on federal land. If necessary, the NAHC had the authority to bring legal action to prevent severe or irreparable damage to sacred sites or ceremonial places located on public land.

It soon became apparent that California law did not sufficiently protect Native American burial areas. Thus, Senator John Garamendi introduced Senate Bill 297 in 1981 to provide this protection (Chapter 1492, Statutes of 1982). The new statute allowed the NAHC to identify and catalog known Native American cemeteries and authorized the commission to resolve disputes relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials. The statute also required the commission to contact those persons believed to be the most likely descendent from the deceased Native American upon notification by a county coroner that human remains had been discovered.

The Native American Heritage Commission's duties are to identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands. The commission can then make recommendations relative to Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural significance to Native Americans for acquisition by the state or other public agencies for the purpose of facilitating or assuring access by Native Americans. The NAHC makes recommendations to the legislature relative to procedures, which will voluntarily encourage private property owners to preserve and protect sacred places in a natural state and to allow appropriate access to Native American religionists for ceremonial or spiritual activities.

**Scope and Content**

The records of the Native American Heritage Commission and its predecessors, the California Indian Assistance Program, document California's efforts to address Native American concerns and issues in California. This record group contains 17.5 cubic feet of textual and photographic records covering the period 1964-1991 and includes requests for assistance, meeting and event files, reference materials, correspondence, legislation files, subject files, project files, and administrative files.

The record group also contains records that date prior to the establishment of the Native American Heritage Commission in 1976. Some records of the California Indian Assistance Program within the State Office of Planning and Research have been preserved with the records of the Native American Heritage Commission presumably because they were transferred to the Commission soon after its commencement.

The Commission's files show their attempts to intermediate between developers and archaeologists, whose objectives would result in the destruction of cemeteries and other sites, and Native Americans, who want these sacred places preserved in their entirety in their original locations. The Commission also sought to find exemptions to state and federal laws to enable Native Americans to preserve not just the remains of their ancestors, but to preserve their culture by continuing to perform traditions and ceremonies and pass them on to future generations. The records of the Native American Heritage Commission provide a glimpse into the thoughts and concerns of Native Americans in California during the 1970s and 1980s. This is a significant time when for the first time the concerns of this cultural group were allowed to be expressed and demanded to be heard by the government.

The narrow focus of the Native American Heritage Commission resulted in several record series that contain overlapping subject matter and themes: protection of Native American sites and remains. The Subject Files, Administrative Files, Requests for Assistance and Project Files all contain similar document types: correspondence, reports, news clippings, environmental assessment documents, and maps. Their final arrangement was based on the original organization set by the Native American Heritage Commission and was preserved during processing by the State Archives. Consequently, the files within each series the files are arranged differently: chronologically, alphabetically by subject, and alphabetically by county.

**Accruals**
Further accruals are expected.

Organization
This record group is organized into nine series: Correspondence of the California Indian Assistance Program, Requests for Assistance, Reference Materials, Correspondence, Legislation Files, Subject Files, Project Files, Administrative Files, and Meeting and Event Files.

Subjects
California. Native American Heritage Commission
Indians of North America
Indians of North America Antiquities Law and legislation

Related Material
Records of the State Advisory Commission on Indian Affairs and the California Indian Assistance Project

Records of the State Office of Planning and Research - California Indian Assistance Program 1973-1974

R188.001, Box 1, Folders 1-2

Series 1. Correspondence. 1973-1974
Physical Description: 2 file folders
Arrangement
Arranged chronologically.
Scope and Content Note
These two files were created prior to the establishment of the Native American Heritage Commission in 1975. In 1973 and 1974, the California Indian Assistance Program functioned within the State Office of Planning and Research and served as the state's primary entity responsible for addressing the needs and issues of native Californians. The files contain correspondence to Governor Ronald Reagan from citizens concerned about the treatment of Native Americans in California and other states. Inquiries also address the disbursement of federal grant funds to local native American organizations. Attached to the original correspondence sent to the Governor is the response signed by the Director of the California Indian Assistance Program.

See also records of the State Advisory Commission on Indian Affairs and the California Indian Assistance Project, F3716.


Physical Description: 30 file folders
Arrangement
Arranged chronologically.

Restricted Records
This series is restricted because it contains explicit locations of Native American graves, cemeteries, and sacred places. Records of Native American places, features, and objects are restricted per California Government Code section 6254 (r).

Scope and Content Note
Request for assistance files contain correspondence from the Executive Secretary of the Native American Heritage Commission. The majority of the correspondence is the Executive Secretary’s response to Native Americans, development companies, and the general public seeking assistance, advice, and information regarding the protection of Native American gravesites in California. Numerous Native Americans wrote to the Executive Secretary seeking assistance in acquiring remains and grave items that had been unlawfully removed from cemeteries and gravesites in order to rebury the remains in another location. In some instances the initial inquiries sent to the Executive Secretary are attached to the Executive Secretary’s response. Newspaper clippings, notes and memoranda are also attached to some responses and can be found in these files.

The duties of the Executive Secretary included reviewing and approving the cultural and archaeological sections of Environmental Impact Reports filed with the Governor’s office of Planning and Research. The Executive Secretary used the confidential Sacred Lands File to verify that Native American gravesites and other cultural and spiritual sites would not be adversely affected by proposed developments. In most cases, the Executive Secretary’s response state he had failed to find a significant site in the proposed development area, however, he would caution that remains might still be found and instructed the developer on how to legally handle any remains or artifacts that are found.


Physical Description: 3 file folders
Arrangement
Arranged chronologically by document date.

Scope and Content Note
This series contains reference materials collected and used by the Native American Heritage Commission. Records include selected and annotated bibliographies, reports, publications, and pamphlets concerning Native American history and ethnography in California.
Series 3.  **Correspondence. 1977-1983**

**Physical Description:** 12 file folders

**Arrangement**
Arranged alphabetically by agency name then chronologically.

**Scope and Content Note**
The Executive Secretary of the Native American Heritage Commission corresponded regularly with state and federal agencies due to their common interests in land development and site protection. In this series, the federal Bureau of Land Management, California Department of Transportation, and California Department of Forestry each have several files of correspondence to and from the Executive Secretary of the Native American Heritage Commission. Most of the correspondence reveals the initial coordination between the new Commission and long established, mega agencies to work together to achieve growth and development that is sensitive to the culture and cultural sites of Native Americans. Frequently, the correspondence is attached to supporting documentation such as resolutions, memorandum, and reports. The last three files in this series contain general correspondence from the Executive Secretary to organizations and individuals concerned with policy, legislation, and actions affecting Native Americans and Native American cultural sites in California.

Series 4.  **Legislation Files. 1964-1984**

**Physical Description:** 23 file folders

**Arrangement**
Arranged chronologically.

**Scope and Content Note**
Legislation Files contain information about state and federal legislation affecting issues pertinent to the Native American Heritage Commission. Significant issues discussed in the state legislation files include protection of Native American gravesites and artifacts as well as the exemption of traditional Native American structures from contemporary building standards. The federal legislation files focus on anti-Indian legislation introduced in the late 1970s and commonly referred to as the "backlash legislation". This "backlash" of negative legislation was a reaction to the prior success of Native Americans in obtaining significant freedoms through the federal government. The files contain a combination of correspondence, support and opposition letter for bills, bill analyses, and newspaper clippings.

Series 5.  **Subject Files. 1977-1985**

**Physical Description:** 16 file folders

**Arrangement**
Arranged alphabetically by subject.

**Restricted Records**
This series is restricted because it contains explicit locations of Native American graves, cemeteries, and sacred places. Records of Native American places, features, and objects are restricted per California Government Code section 6254 (r).

**Scope and Content Note**
These files reflect the Native American Heritage Commission's (NAHC) interest in particular geographic sites and archaeological work performed at the sites. Subjects include Diablo Canyon, Marysville Lake, Newman burial site, and San Pablo village site. Files include correspondence, memoranda, cultural resources inventories, environmental impact reports, archaeological studies, and maps.

This series is similar to Series 6, Project Files (R188.006), which were processed at a later time.
Series 6. **Project Files. 1977-1987**

- **Physical Description:** 119 file folders
- **Arrangement:** Arranged alphabetically by county.
- **Restricted Records:**

  This series is restricted because it contains explicit locations of Native American graves, cemeteries, and sacred places. Records of Native American places, features, and objects are restricted per California Government Code section 6254 (r).

- **Scope and Content Note:**

  Project files maintained by the Native American Heritage Commission highlight places of concern to the Commission and Native American organizations where development threatens a Native Americans site of cultural and spiritual significance. In other instances, the files reflect the Commission's commitment to have human remains and artifacts previously removed from burial sites repatriated to the closest ancestor for proper reburial. The most common document type found in this series is correspondence between the Commission and private research organizations, Native American groups, local historical organizations, state legislators, and federal and state agencies. Supporting documents include news clippings, reports, meeting agendas and invitations, maps, memoranda, resolutions, environmental impact reports, archaeological site survey records, and coroner's reports. These files most likely served as the working file for a region or site that would later be recorded in the Sacred Lands File, the Commission's private inventory of spiritually and culturally significant sites in California. Some files contain photographs of sites and people.

This series is similar to Series 5, Subject Files (F3908:10-25), which were processed at an earlier time.


- **Physical Description:** 122 file folders
- **Arrangement:** Arranged alphabetically by subject.
- **Restricted Records:**

  Some files in this series are restricted because they contain explicit locations of Native American graves, cemeteries, and sacred places. Records of Native American places, features, and objects are restricted per California Government Code section 6254 (r). Restricted files have been stamped "Restricted Records".

- **Scope and Content Note:**


  F3908:26-61. Administrative records of the Commission. Subjects include California Environmental Quality Act (CEQA), Bureau of Land Management, State Department of Transportation, D-Q University, Energy Commission, herbicides, Heritage Commission, Department of Parks and Recreation, Society of California Archaeology, Valley Fever, Warm Springs Dam, and the Department of Water Resources.

  R188.007. Box 10, folder 1 - Box 13, folder 18. Administrative Files processed at a later time contain reports, background materials, and correspondence. Files may also contain maps, photographs, and environmental assessments. Prominent subjects include the South Fork Trinity River Bridge; burial issues; ceremonial hunting, fishing and gathering; intaglio study; and geothermal resources. Reports to the Legislature and newspaper clippings and articles are also included in this series. Restricted files have been stamped "Restricted Records".

Physical Description: 11 file folders

Arrangement
Arranged chronologically by date of meeting or event.

Scope and Content Note
The Meeting Files series contains records from the public meetings of the Native American Heritage Commission. The meetings allowed the commission to gather and discuss issues affecting Native Americans in California. Some issues the Commission brought forth at the meetings include: burial laws; traditional hunting, fishing, and gathering projects; archaeological resources protection act; and the annual artists conference. Meeting files contain meeting agendas, public announcements, attendance lists, meeting minutes, meeting handouts, and correspondence to Commissioners, speakers and guests. Five file folders of photographs document some of the Commission's meetings, banquets, and other events including the 1977 NAHC swearing-in ceremony held in Capitol Park and attended by Governor Edmund G. "Jerry" Brown, Jr.