

GETTING RID OF THE BULL AND GETTING DOWN TO BUSINESS
OR
"IT WAS JUST THE OTHER DAY"

Russell L. Kaldenberg
Bureau of Land Management
California State Historic Resources Commission

ABSTRACT

Archaeologists and Indians have been working together for a long time in California. Many of the experiences have been mutually beneficial. New directives from the Executive Office have forced public land managers to work with tribes on a one-to-one basis. The BLM has developed an approach to training their managers in working with tribes. Managers are still reluctant to fully involve themselves in the experience, as are tribes. Posturing and distrust exist on both sides. The need to move past this is long overdue. Getting rid of the bull and getting down to business should be the business of the day for both. This paper examines some of the ways that this can occur.

The other day I heard on the news that the new governor of Minnesota, Jesse "the Body" Ventura, criticized Indians in Minnesota for wanting to be, as he stated, "...sovereign nations, and on the other hand they don't. Can you have it both ways? They seem to... I guess I'd look at it and say 'Are you your own sovereign nation?' Because if you're your own sovereign nation, then take care of yourself, and it shouldn't even fall on us." Rambling on to add insult to injury, Ventura spoke about a then-pending Supreme Court ruling on the Mille Lacs Band of Chippewa's treaty fishing rights in Minnesota: "Personally, if those rules apply, then they ought to be back in birch-bark canoes, instead of 200-horsepower Yamaha engines with fish finders" (*American Indian Report* 1999: XV. No.4, 3).

The other day I rented a movie called *The Education of Little Tree* and was reminded that a few short years ago Indians were belittled, made to forget their language, told to forget their culture, and sent away from their families and the land.

The other day I was asked by a manager if the Indians were telling us the truth about their concern about a project on public lands affecting their spiritual areas or, "was it all a political ploy?" I

was asked.

The other day at a formal public hearing I listened to an Indian tell federal officials that he had been sent away to a boarding school where his head was shaved and he was told to only speak English and to forget his language and his religion, but he came to the hearing to tell us that he didn't forget his language or his religion and that a proposed project, if implemented, will affect his ability to practice his religion.

The other day I received an internal e-mail suggesting to Indian tribes that there was no need to elevate concerns to the head office, the local office will deal with it. "Please don't call the head office again," the note directed.

It was just the other day that a high level official told another high level official that some Indian concerns are a lot of bull; after all, they have their reservations where they are supposed to practice their cultural events.

But, it was just the other day that it was announced that one of the desert tribes will finally get a reservation. It was just the other day that a crusty old line manager expressed his opinion on

how much respect he had developed for a tribe since he began to work with it.

But, it was just the other day that the State Legislature told the Smithsonian to develop a schedule to bring Ishi's brain home to California. This was reported on the television with the startled faces of the TV newspeople expressing their opinion of how shocking it was to have removed his brain and have it taken to Washington, DC. "Hooray," they said. "It is coming home." Their next story, reported with huge smiles, was that the National Geographic Society had found some mummified children in the Andes that were about 500 years old, and they were so well-preserved that they will be displayed to the public in a refrigeration case. "Can't wait to see the exhibit," says one of the announcers. "Me, too," says the other, as they break away for a commercial.

It was just the other day that I read more detail of the Andes story in *Time* magazine (1999: 4/19:60-61), in which it was quoted that, "nine archaeologists...spent nearly two weeks battling adverse conditions...were trapped in their tents under about three feet of snow, with temperatures at times 20 degrees below zero...and the crew had to dig through 5 feet of rock and frozen earth to lower a graduate student into the pit by his ankles to lift the baby mummies out of their 'sanctuary'." As the lead archaeologist said, "The Incas considered mountains sacred: the higher the mountain, the closer to divinities represented by the sun and the moon. It was almost a spiritual moment when we saw the face of the first girl...at the summit, I looked at her and tried to imagine her last moments..."

It seems like it was just the other day, but it was about twenty years ago, that I was asked to develop a scenario taking the "Indian" side on whether a researcher should be allowed to conduct research at an archaeological site. The tribe(s) were opposed to the excavation of the site because of the spiritual nature of its location. Another employee was asked to take the scientific side. After due analysis the agency decided that they would support the scientific side, and not support the Indians, since it was our land after all. My administrative argument was released to the

scientist wanting to excavate, who has never spoken to me again, but it was also eventually given to the tribes, who felt that I had represented their viewpoint well. The release of my argument was "bull"--but we began to get down to business with tribes that year. The scientist never got to do the research because the approval came too late for the grant to be funded--it really had nothing to do with anyone's analysis, just a matter of timing.

Over the years I have heard the sorrow of tribes and tribal members over federal actions on their homelands; I have also sometimes heard individuals criticize archaeology to agency managers, which hurts in more ways than one. I can think of very few instances in which the agency archaeologist has not been the only person in the agency taking a stand against the destruction or compromise of pre-European sites. There are not as many "bad archaeologists" as there are bad projects that destroy Indian heritage. We need to be cautious when we criticize the discipline because as federal budgets decline and staff positions are not replaced, it is often the archaeologist who is not replaced, and who is often the only one standing between saving or destroying archaeological sites.

The BLM recognizes that there are no laws that will send employees to jail if they fail to consult with tribes, but we recognize that Executive Orders and policy on developing government-to-government relationships is a positive thing to do. Our first agreement was signed with the Native American Heritage Commission in 1979. We have reaffirmed it several times and presently have 21 agreement documents with California tribes. What does that mean in terms of real numbers? It means that we don't have agreement documents with 84 federally recognized tribes and about 50 federally non-recognized tribes. We have agreements with several "Indian groups" and have Indian advisors on many of our Resource Advisory Committees.

What has been most promising is the two to three-day training that we have developed with our Phoenix Training Center so that we can train managers to understand that dealing with Indians is little different from working with other folks, EXCEPT for the huge difference that they are working with domestic sovereigns who

understand that the Chief or the President and the BLM archaeologist are not on the same authoritative level. That if government-to-government exchanges are going to effectively work they are going to have to be at the highest levels; then, once established, there can be differentiation between manager and staff as we go about trying to regularize formal relationships with tribes.

Each manager is requested to take the two or three-day class, then go out and begin to develop a formal agreement document on how to conduct meaningful business together. They meet Indians in the classroom and begin to develop experiences in a non-intimidating atmosphere. One of the managers arrived at his first meeting with a tribal chair and most of the tribal council wearing a bola tie, cowboy boots, cowboy hat, and a Washington Redskins jacket, and the first words out of the manager's mouth were, "Howdy, guys. You know, that BIA ought to be eliminated." Little did he know that the Tribal Chair had just retired from a distinguished career with the Bureau of Indian Affairs! But most things like this are easy to fix. It just slows down the development of the relationship.

All of our managers have to contact all of the tribes within their areas. Most of these work ok; sometimes there are surprises. We developed an early relationship with California's only removed tribe, had a signed document and were ready to proceed with consultation from afar, when what happened? A managerial shift. When the first really big project came along I just happened into the office on a review trip, when the new manager wanted to talk project; so I said great, what does the tribe think? A puzzled look on his face, he said, "What tribe?" I said the one that you have a signed protocol with. Well, the next day the document was sent overnight delivery to the tribe.

The lack of institutionalization is a lot of "bull," but it is something that we have to deal with more effectively with staff that continues on once a manager leaves and before a new manager arrives.

We have also begun to share our experiences in working with Indian peoples with other staff members through the Forest Service Passports In

Time (PIT) Program and through our own newly-created emphasis in the California BLM, the Archaeological Awareness Program, which is designed to get non-field staff to understand agency archaeologist functions. Last year we had an extremely successful PIT project and we are now working with the Yuki tribe and grammar school students to analyze the artifacts and write the report. Through our Native American Office in Santa Fe, we were able to provide sufficient funding to start a program for involving young Indian students in understanding the value of archaeology.

It will take a long time for all of the "bull" to go away; we are looking at a short period of time. The agency is only about 50 years old, most of us are the first generation of specialists to work for the agency, many of the Indian people will never trust the agency because of their experience with government officials. But until someone drops the barrier, until someone feels that there is value in working towards the better management of the land, of the archaeology, of the entire ecosystem, then bitter words, words of distrust, questions of sincerity, will be asked over and over.

As a California Historic Resources Commissioner, I see that opportunities exist for tribes to manage the information that archaeologists currently manage. In an experiment just approved by the Commission, information from a portion of one Archaeological Information Center will be transferred to a tribe. Some archaeologists oppose it, some Indians oppose it, the Commission approved it, and I would like to see it be a successful model, just as I would like to see cultural resource management really successfully integrated into agencies, as has been biological resource and recreational resource management.

Because, it was just the other day I was talking to an Indian, the Chair of a powerful desert tribe, who told me that he was very happy that Proposition 5 had passed, that it is a new day for them. They even bought a basketry collection from a private collector with some of the proceeds from gaming operations, but it hurts him greatly that non-Indian people are saying very bad things about gaming tribes, and he hears these things

and wishes that people would accept Indian people as people with the same needs that others have, and a tear came to his eye as he stopped his story...

Because, it was just the other day, at the retirement party of my boss of 25 years that the Chair of the powerful desert tribe was telling the story, and my boss said, "It is what I have been telling my employees all along, that Indians are the same as anyone else; if you treat them with respect and dignity you will get that back. You may not always agree, but it is much better to disagree as friends."

NOTE

I would like to honor my boss of nearly 25 years, Mr. Ed Hastey, who foresaw the need to work with tribes long before many of us were born and who left California BLM in a much better state of relationships with tribes than many other agencies.