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Interrogating Spaces: An Investigation Into How Settler-Colonial Violence is Reproduced in Human Science

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Interrogating Spaces: An Investigation Into How Settler-Colonial Violence is Reproduced in Human Science

A thesis submitted in partial satisfaction of the

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in American Indian Studies

by

Lawrence Wilford Mojado

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ABSTRACT OF THESIS

Interrogating Spaces: An Investigation Into

How Settler-Colonial Violence Is Reproduced In Human Science

by

Lawrence Wilford Mojado

Master of Arts in American Indian Studies

University of California, Los Angeles, 2021

Professor Paul V. Kroskrity, Co-Chair

Professor Duane W. Champagne Co-Chair

This thesis investigates the reproduction of settler-colonial violence within human science discourse and its regulation of Native people. The manifestation of settler-colonial violence is reproduced within the hegemonic discourses that permeated early Anthropological and Archaeological study and research relating to Native peoples and Native places. The knowledge produced, about Native people and Native cultures, emanating from "salvage anthropology" created an authoritative voice that informs Anthropological research and Archaeological fieldwork. This thesis necessarily locates and positions a Native American voice within the context of cultural resource management (CRM) to disrupt the Western authoritative voice and

to interrogate the function of power and control over Native bodies and spaces. By investigating one incident within Southern California involving the desecration of a sacred site, this thesis highlights how settler-colonial violence is manifested. The goal of this research thesis is to promote an approach to cultural resource management that incorporates Native worldviews to advance a more holistic context towards the protection of sacred sites and the understanding of Native-centric significance of traditional cultural landscapes found in Southern California tribal ancestral territories.

The thesis of Lawrence Wilford Mojado is approved.

Wendy Giddens Teeter

Felicia S. Hodge

Paul V Kroskrity, Committee Co-Chair

Duane W Champagne, Committee Co-Chair

University of California, Los Angeles

2021

DEDICATION PAGE

I want to dedicate my work within higher education and this MA thesis in particular, to my parents, Brenda Murdock Mojado and Richard Joseph Mojado. Their hard work, dedication, commitment, support, and love, allowed my accomplishments, successes, and dreams to flourish and come to fruition. They have always told me that the greatest thing you can accomplish is to help your community and your people and to help your family. May their words of encouragement, support, and love always be with me, thank you.

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CHAPTER ONE: INTRODUCTION

Scope of the Project and the Positionality of the Researcher, In Context

My research project was born out of a paper that I wrote for a course in American Indian Studies at the University of California, Los Angeles (UCLA) entitled, *California Experiences in Native Cultural Resource Management.* The course examined the various issues involved in the protection of Indigenous cultural resources within California. While enrolled in this Winter Quarter course, approximately four miles from my hometown located within the exterior boundaries of the Pala Indian Reservation, a significant traditional cultural resource landscape was being destroyed through the construction of a road leading into newly obtained property targeted for the development of homes, a satellite college campus, and a community park. I was living in Los Angeles, 110 miles from home, I felt helpless. I was able to read newspaper articles from the now discontinued *North County Times* that detailed the fight to stop the proposed development project involving local tribal leaders and community members. I was also able to watch news media footage of the subsequent protests lead by local elders, leaders, and community members at the contested site. Along with news media outlets, social media outlets also allowed me to witness local tribal communities[1] offering prayer, song, and ceremonial offerings for the site being dishonored. I recognized people and families from local tribal communities, people that I have known throughout my life; from communities my family has interacted through social, cultural, and familial ties and relationships; my hopelessness emerged from being away from my community, for not being involved in the daily protests and prayer offerings, and from what was happening to our ancestry. My interest in this research project is based on that feeling of hopelessness and the want to do something, not only for the people I

[1] When I am discussing "local communities" I am referring to not only my community, Pala, but the interconnected communities in Southern California that I have interacted with my whole life. These tribal communities consist of Cahuilla, Luiseno, Serrano, Cupeno, and Kumeyaay tribes located all throughout Southern California.

recognized, for the people within my community, but for the people that have passed and occupied the site being desecrated.

I was born in Escondido, California and have lived my whole live on the Pala Indian Reservation located in North San Diego County. My late father was an enrolled tribal member of the Pala Band of Mission Indians and was of Cupeno/Luiseno/Kumeyaay descent. My father's grandmother and her family, my great-grandmother, were part of the original people that were relocated to Pala in 1903 during the Cupeno tribe's removal from their ancestral homelands. She passed away in the mid eighties when I was still an adolescent, but I remember her very well. My late mother was from an Indian reservation located in northern Utah called the Uintah and Ouray Indian Reservation and was of Uintah Band Shoshone/Ute and Paiute. My mother began moving back and forth between the Uintah and Ouray Indian Reservation and the Pala Indian Reservation, when she was very young, due to the passing of her father. My mother's oldest sister was married to my father's Uncle, so my mother and father have known each-other since they were children. My mother made sure that almost every summer my sister and I would experience her reservation; the tribal culture (religious and secular) and family ties. Every year my father would load up the family van or truck, and drive North on Interstate 15, the 780 miles to Ft. Duchense, where we would stay with my Aunt for two weeks. My mother's sister was a hub for the family, and family members would congregate and visit throughout our stay. We would go to the yearly 4th of July Pow-Wow where my sister would compete in the fancy shawl dance, and sometimes my mother would drive us back in August for the annual Sundance. She wanted us to experience her beliefs and know our family connections and ties to pour family. My mother and father and their extended families, both on the Uintah and Ouray Indian Reservation and on the Pala Indian Reservation located throughout the Great Basin and Southern California

tribal communities, grounded my sense of self and helped me form, what scholars in American Indian Studies call, Indigeneity or Indianess.

By discussing my background, I want to highlight my positionality within my research, and to address how my identity as a Native American, a male, living on an Indian Reservation, and attending Graduate School at UCLA lends to formations of social contexts and power contexts in relation to my research in ways that may speak to my research and to my readers. Misawa (2010) believes that the process of positionality is a function embedded in the social system; she recognizes the fluidity and relational abilities of identity formation "all parts of our identities are shaped by socially constructed positions and memberships to which we belong" and how our positions can have influence and change through social interactions and within social systems (p.26). I want to situate myself within my work and within the dialogue it creates in relation to the topics and to the reader. For this particular research project, I locate my positionality as being influenced by academic research, academic institution, and Native[2] identity.

A lot of what I was taught by my parents and what I learned growing up within cultural circles located on the Pala Indian Reservation and adjacent tribal communities has influenced my perception of the world, a culturally formulated worldview. My worldview was largely shaped within cultural values passed down through listening, interactions, and discussions with elders,

[2] My use of the term Native is used to denote a person of Native American descent. My descent is of Cupeno, Luiseno, Kumeyaay, Northern Ute, Shoshone, and Paiute. For this research, Native will also denote Luiseno, Cahuilla, Cupeno, Kumeyaay, and Serrano people located within Southern California, when specifically discussing Southern California.

cultural practitioners, and local community members, at particular social, cultural, and religious[3] events, spaces[4], and circles.

Growing up on the reservation gave me opportunities to meet amazing men and women. When I would go to events and or cultural spaces, I would listen to the people talk and discuss everything small town life has to offer. They seemed to have practical solutions and strategies for all sorts of situations and problems. Later on, as I got older I realized most of the reasoning and choices concerning those problem solving strategies were formulated from cultural values, ideals, and beliefs embedded within the ideologies of the cultural teachings that they had learned. Problem solving strategies that emphasized respect for others and elders; the development of the skill to learn by listening; how to face problems and formulate strategies to solve them; about winning and losing; how to prepare to win, or not prepare and lose; about balance, respect, strength, perseverance, wisdom, humility, sacrifice; putting others (the people) before self; belief to connectedness with Creation, community, and life; the value of people and their stories, wisdoms, and experiences; and more importantly how to live life. When people in my community would say "the people" they were talking about the whole community, usually within the context of the holistic Native-centric meaning of community, what one Native scholar refers to as "the cosmic community" (both human and non-human; social and sacred; powers of Creation and of the Universe) and their interconnections to past, present, and future (Champagne, 2007, p. 10).

[3] Religious events entail Catholic, Native, and Native/Catholic ceremonies, rituals, and rites; funerals, wakes, lunches, dinners, and festivals.

[4] An example of how I use space in this context as a cultural space is the sweat-lodge ceremony. I would attend the sweat-lodge ceremony with my father. He was part of a cultural group that practiced Native hand-games and the sweat-lodge ceremony was an extension of those teachings. The sweat-lodge had its own space, and within that space a specific protocol that regulated behavior and interaction. Most of the time, I was learning song, ritual, and culture, other times I was listening to my father and his friends gossip, discuss, tease, and laugh with each-other, at community news, world news, and important community topics. That particular space had a specific meaning and held a specific function within the overall community.

Why Cultural Resource Management and Settler-Colonial Violence?

As I started my pursuit of higher education at Palomar Community College, than into my undergraduate major at the University of California, San Diego (UCSD) and now Graduate school at UCLA, I came to the realization that the literature and research I was exposed to concerning Native Americans not only lacked examples of things I learned and know about Native people, but their also lacked a presence of California Indians, and my community in particular, within the overall scope of academic research. Moreover, what did exist was limited, old, and did not contain the lively stories and experiences of my community. My research is an attempt to position a voice, a perspective, a worldview that emanates not only from an academic lens, but also from a tribal community lens that centers Native American worldviews, experiences, and strategies towards a more holistic approach to research about Native Americans; an approach that may be helpful for Native communities by identifying, addressing, deconstructing, and hopefully dismantling the power dynamics involved within the hegemonic discourses embedded within research concerning Native American people and the places they deem significant to their cosmogony.

My thesis attempts to locate the linkages between settler-colonial violence and the human science of Anthropology and in particular, the practice of Archaeology. By identifying specific spaces,[5] where I believe settler-colonial violence is manifested and utilized to control and regulate, a clearer approach to dismantling the work that violence holds over material objects and deconstructing the hold violence has over promoting hegemonic ideologies concerning Native people, can be accomplished. In my project, spaces are both real and imagined; the real spaces are the traditional cultural landscapes, the imagined space is the way in which that space is

[5] My use of space includes both material objects and the areas where discourse operates and functions within academic research.

thought about and described produced by academic discourse and within tribal-centric beliefs. I want to persuade the reader into understanding the linkages between settler-colonial violence and specific spaces within research in order to promote change. I want to highlight how Western science regulates Native bodies and traditional cultural landscapes; illuminate how the hegemonic discourse that anthropology and archaeology creates about Native people functions at one particular site, and highlight the consequences of that specific perception. Moreover, I want to interrogate that space, so that a Native voice can be included within the dialogue, which may promote the production of a more holistic context and meaning within research projects designed to study Native Americans and their traditional cultural landscapes. I believe that the function academic research projects produce about Native people is shaped by the intent of the author, the research produced, and the reader which is created through the context in which the research is placed. When academic research involves Native culture, history, spaces, and people, in order for that research to be a truer and a complete study of the meanings and interpretations of Native Americans, a Native-centric worldview or a Native voice needs to be included in order to gain a fuller picture and understanding.

In essence my thesis posits the ideas that (1) the historical ideologies concerning Native peoples and their cultures and histories, born out of the legacies of colonization and genocide, are reproduced within the academic language and can be interpreted as violence (2) the violence reproduced is directly linked to the ideologies embedded within settler-colonial violence and (3) that violence is a process, or at the very least, its discourse creates and sustains ideas about the significance of Native people, their lands, and their material culture. By utilizing an analysis of how cultural resource management actions were applied to a particular site in San Diego County, I can trace how human science discourse and Western ideology dislocate people from their land,

from their history, and ultimately from their identity, which are the underpinnings of colonization and settler-colonial violence.

My thoughts and insights for this thesis try to center Native worldview as the point of analysis in order to link how violence is reproduced through human sciences. I want to illuminate the power dynamics and power relations at play between academic research, archaeology fieldwork, and land management in order to interrogate how the spaces occupied by power and control reproduce violence through their regulation of Native people and their connections to traditional cultural resource landscapes. I believe the ideology embedded within Western narratives categorizes Native people and places, vestiges and haunting of past historical practices of colonization, domination, marginalization, and subjugation of Native bodies and spaces, is reproduce within a context of settler-colonialism and nation-state colonization.

My thesis is organized to draw attention to the power dynamics involved in creating academic research and the discourse emanating from that particular stance. By situating my personal background and interest in this research first, I want to draw attention away from the perception that the Western narrative academic discourse is authoritative and locate the Native voice, placing the Native worldview as the center of my research. Chapter one attempts to locate my thoughts on the importance of my position in relation to my research investigation by detailing my personal background and situating that perspective into a critique of cultural resource management practiced in North San Diego County. Chapter two is an analysis of the available literature that pertains to my research questions to get an overall narrative of the existing literature. My literature review begins by defining the scope of the literature review, why specific literature was chosen and why particular literature was left out. I than introduce theoretical perspectives that help frame my argument and explain various ways in which Native

histories, both past and present, and Anthropology in general are critically engaged by Native scholars, I center my literature review in a context that engages the academic space and the ways in which violence is reproduced. I then focus on how history is written and how Native scholars critique the normative discourse found in research within the fields of History and Anthropology and how that normative discourse concerning history and the human sciences creates an authoritative power over Native people. My literature review is written to introduce the normative historical narratives found in the literature, to introduce the Native scholars who critique that narrative, to introduce the theoretical and methodological literature that puts forth the idea to center a Native perspective within research, I introduce ways to approach research from within a Native American Studies paradigm in order to place theory and method within a Native American context, to include a summation of the literature as it pertains to Southern California in general and to the Luiseno people in particular, and how cultural resource management is applied and practiced in relation to protection protocols.

Chapter three is an analysis of the differences between a Luiseno worldview and a Western worldview as it pertains to understanding Native American history, culture, and the significance both worldviews place on understanding and protecting traditional cultural resource landscapes. I include an analysis of how cultural resource management was practiced at one Luiseno traditional cultural landscape. The archaeological site Tom-Kav (SDi-682) was first surveyed in the 1960s, and again at a different area in 2011 when the area was allocated for development and road construction initiated the consultation process due to the possibility of a positive impact to the area where human remains were discovered in the prior excavations. Human remains were discovered at Tom-Kav in both surveys, but the 2011 site was bulldozed and destroyed despite Luiseno objections and attempts at protection. My analysis discusses the

ways in which two worldviews meet within the space of cultural resource management, how the discourse from human science disciplines that space, and the how those two particular sites of contention reproduce settler-colonial violence. My analysis centers Luiseno worldviews within the discussion to uncover how the ideology of settler-colonial violence was reproduced. Chapter four highlights my concluding thoughts and explores the consequences of violence within the destruction of Luiseno traditional cultural resource landscapes at Tom-Kav and offers some strategies and suggestions on how future protections can be implemented, and how a more holistic approach to protection should value and welcome Luiseno worldviews.

CHAPTER TWO: LITERATURE, THEORY, AND METHODS

Literature Review, Locating a Theory and Method

My literature review involves the task of locating a theoretical framework through which to couch my research, and the methodologies involved in the overall scope of creating a thesis involving American Indian Studies. The process that a researcher and a Native American researcher encounter when putting together a thesis involving Native American issues need to be addressed, as I feel this undertaking is multi-faceted and involves both academic and personal challenges. To begin with, my positionality, as discussed above, within the academic field and within the tribal community that my thesis addresses, creates a unique perspective about my approach that helps form not only my ideas and thoughts, but my research theoretical perspective and methodology; I am writing from a Native American perspective housed within a Western tradition and institution. The Interdepartmental Program in American Indian Studies at UCLA (IDP-UCLA), "… [S]trives to merge the concerns of the academy with research aims of the Native community. The IDP advocates a holistic framework for studying American Indian society, transcending traditional disciplinary boundaries," which allows my thoughts concerning research about Native American communities to flourish (IDP-UCLA, n.d.). From these perspectives, my thoughts guided my research questions and theories about how the processes of colonization and imperialism affected Native Americans. My thoughts centered on how those two processes, and in particular settler-colonial violence, interacted with the human/social sciences, and the work created by their specific language used to describe Native people. My research aims to uncover and attempts to discuss how specific spaces and discourses about Native people reproduce violence and continue the processes of colonization and imperialism within the practice of cultural resource management at one particular site in Southern California.

My literature review necessarily functions as a way to locate a theory and method that instructs my thoughts and apply them to this thesis.

All of my work within this process was guided by personal research questions and theories I was formulating in my thoughts after reading various academic literature written by Native scholars and scholars working in the field of Native American Studies describing the ways in which scholars can Indigenize theories and methodological approaches to research involving Indigenous people (Champagne, 2007; Wilson, 2008; Kovach, 2009; Miller and Riding In, 2011; Kroskrity, 2012; Fixico, 2013; L. Smith, 2013; a. Smith, 2015). How does the process of colonization interact with the human sciences to re-produce settler-colonial violence? Why is this important and significant to research conducted within and about Native American communities? How is the practice of cultural resource management complicit? How does this larger process play out locally? All of these questions were shaped by my time at UCLA and through my position as a Native scholar interested in problems affecting Native American communities. My interest in finding out how processes worked, why things are the way they are, trying to understand the consequences of these processes, finding solutions to problems or at the very least how to analyze the issues, and how to apply a Native-centric presence and voice were all things I read that were described as theorizing research and the methods of creating research. There is a huge amount of information in terms of research about California Indians and California Indian History, a voluminous amount:

> …[N]o area of the world of similar size has been more thoroughly investigated or described by anthropologists…with the result that the data base available for the testing of hypotheses is virtually unprecedented. Yet curiously enough, the development of theory has tended to fall far behind the accumulation of ethnographic information…and

> the serious student who attempts to place the ethnographic data within a modern anthropological context is liable to be overwhelmed by the sheer mass of undigested material available…much of it collected at a time when description was an end in itself, and theory differed considerably from what it is today (Bean & Blackburn, 1976, p.5).

The information may be expansive, but, I argue, the language through which it is described and the function that early work has in its creation of authority over California and its Natives people is just as overwhelming. What lacks in the literature, in my point of view, is a theoretical perspective that can synthesize active agency on the part of Native peoples rather than a description of material culture or a historical narrative that places Native peoples in struggles with no active strategies to combat change and to elicit continuity and survival of community in the face of colonizing external forces or that place Native peoples in static, fixed categories of what constitutes authenticity; all three of these ideologies place living contemporary Native American communities and their issues as insignificant, and unimportant. Champagne (2010) describes the power of that particular discourse:

> …anthropologists did not study the Indian communities they found during their filed research, but tried to reconstruct Indian communities as they existed in the past before significant Western contact. They consulted elders who could remember the languages and cultures of Indian communities before 1850. The emphasis of salvage anthropology, researching to find the last remnants of indigenous communities before they were lost, and the absence of interest in living indigenous communities, however, did a great disservice to indigenous peoples. Government programs and definitions of Indians take their lead from the legacy of anthropological interpretations of Indian authenticity (p.23).

The authoritative voice over Native peoples and their validity as "real," I argue, is a reproduction of the violence that settler-colonialism uses to explain away Native presence and claims to land and culturally significant meanings to ancestral territories.

I encountered limited sources and few resources that addressed my research questions within the academic record pertaining to my particular community. I wanted to find theories and literature that deconstructed colonization in ways that highlighted the linkages between settler-colonial violence and its reproduction within discourse about Southern California Native Americans. A quick Google Books search with the keywords California Indians produced about a dozen books that explore the history of genocide, Christianization at Missions, and standard reference materials about the history of California Indians; another quick search with the keyword Luiseno Indians produced even less, and highlighted the early "salvage anthropology" research projects conducted under the University of California Anthropology department. This literature is informative to the processes of colonization and settler-colonization, but is housed within a discourse framed in the past, placing Native peoples in static Euro-centric historic timelines of the past as subjects, and not really speaking about current tribal communities and how these processes inform current relationships, current issues facing Southern California tribes. I want to know how my research questions interact with current events and issues and how the interactions with settler-colonial violence play out and get reproduced today, more specifically locally; I wanted to read about how my research questions and theory fits into current academic literature at a local level.

Central to the historical narrative of California lays three specific frames of knowing and understanding California history: Spanish Missionization, Mexican occupation, and American annexation. The narrative produced by these three distinct eras within California history

necessarily constructs California within a framework that positions Indigenous presence within these paradigms of California history. Essential to understanding California Indian[6] history, assumed within this particular framework, is the story of how Indigenous peoples of California fit within these narratives of history. Put another way, California history only allows Native American presence to exist within Western, non-Indigenously defined narratives, temporal and spatial constructs, and historical categories, locating and transfixing Indigenous history within static imaginings. This type of research is problematic, because it suppresses Indigenous perspectives and voice, eliminating any value or ideas about California history that emerge through Indigenous worldviews and notions of history found within the life-stories and life-histories of tribal communities.

Moreover, the Indigenous narrative associated with specific memories, places, and notions of self are overlooked, deemed unimportant; essentially erased because they do not fit into the central narrative of California and its standardized history. Replaced and unheard, Indigenous voices are often interpreted and repositioned within a narrative that appeals to the larger master narrative and that easily conforms to the accepted history of California. The goal of this project is to identify those spaces as reproductions of settler-colonial violence, were Western views of Native peoples are at contention with Native views, and interrogate those spaces by introducing a Native voice of California that emanates from within values, ideas, and goals situated within Native worldviews--an Indigenously derived perspective of place, history, and culture.

[6] I use Indian in my thesis when discussing the literature about Southern California tribal groups because that is the dominate language used in the literature, in order to place my thesis within the body of work. Most academic work about California tribes uses California Indian and Southern California Indians to describe Native American people in California in general, and locally.

For example, through analysis of the events that occurred at Tom-Kav, I aim to locate and identify the Native voice; its perspective concerning its presence and history within California, that counters the hegemonic authoritative voice. This necessary research will provide an insight into tribal community experience at sites of contention that incorporates Indigenous values and ideals concerning California, positioning Luiseno presence within the larger and ongoing California narrative concerning cultural resource management. Through my research a clearer and more holistic story emerges, a narrative about California cultural resource management from new vantage points, one that can uncover new ideas concerning the intersections of settler-colonial violence, the human sciences, and Indigenously defined notions of sovereignty, and history located within Southern California modernity. By presenting a fresh narrative concerning CRM at one specific event, a clearer conceptualization about tribal communities and their role within CRM can emerge that will help aid in the deconstruction of stereotypes found within the constructed authoritative voice embedded in human science discourse and lay the groundwork for future academic study that investigates Indigenous perspectives and Indigenously defined notions of sovereignty, cultural change and continuity, history, and that brings more awareness to Native concerns about the protection of traditional cultural resource landscapes and the management of our culture.

Early ethnographic and anthropologic research, conducted under the auspices of A.L. Kroeber and the University of California were conducted in the early decades of the twentieth century. A fairly small, but detailed, amount of data concerning social organization, religion, culture, and history was collected in these early research endeavors, culminating in several published works (Dubois, 1908; Sparkman, 1908; Gifford, 1918; Kroeber, 1925; Strong, 1929; Harrington, 1933).

Since this early research, several studies have been conducted concerning the Luiseno people in linguistics, ethno-history, history, archeology, and anthropology. One particular linguistic study offers a Luiseno into English format translated in a side by side presentation (Hyde & Elliott, 1994). This collaborative work, with the late Luiseno elder Villiana Hyde produced a wonderful book full of life-stories and experiences that detail life in the early 20th century and are full of cultural values and beliefs. An additional study, collaborating with Luiseno religious Chief Reijnaldo Pachito, utilized an ethnographic approach to research and presented several studies on the description of several ritual ceremonies, Luiseno theory of knowledge, and Luiseno worldview (White, 1953; White, 1957; White, 1963). Updated works have emerged that detail the history of the Luiseno people in their region, and the story of contact with the Spanish, Mexican, and American people (Heizer, 1978; Sandos, 2008). More recently, an analysis and interpretation of the excavation of a Luiseno village site named Exva Temeku, brings forth a Luiseno perspective of the significance of the traditional cultural landscape that centers Luiseno worldview (Masiel-Zamora, 2013).

I also reviewed various archaeological studies and reports throughout San Diego County concerning Luiseno traditional cultural landscapes. Most of the work done is a development of the San Luis Rey River Valley Complex and the older Pauma Complex. The archaeology narrative formulated from these excavation sites and studies lay the ground work, from an Archaeological perspective, that creates the pre-historical Luiseno world and the material culture of early Luiseno society. The studies were investigated to formulate a timeline of Luiseno society that transcends thousands of years and are utilized to create an overall record of Luiseno presence in San Diego County, the Pauma Complex is the oldest of these time periods followed by San Luis Rey River I and San Luis Rey River II, these complexes are distinguishable through

the analysis of material culture and it change over time. The significance of these sites, according to human science, is their connection to each other that helps piece together an overall picture of early Luiseno pre-history and its change over time. To the Luiseno, these sites represent connections to traditional cultural landscapes, which are part of their complex connections to their history which is largely understood from worldviews that emphasize Creation and the inherent governing laws found within Creation as understood by contemporary Luiseno people.

Along with the early studies and the archaeological studies, I reviewed current theories in the field of American Indian Studies and History that interrogate the normative ideologies and discourses about Native peoples found within multi-disciplines (V. Deloria, 1997; J. Wilson, 1998; Hyer, 2001; P. Deloria & Salisbury, 2002; P. Deloria 2004; McNiven & Russell, 2005; Mallon, 2012, Fixico, 2013, A. Smith, 2015) . I will use these specific works within my thesis as a lens to situate my theoretical ideas within the scope of my overall critical analysis. Also included, are works that contain ideologies that help to explain and uncover how discourse is related to power and control and how control regulates knowledge about its subjects, the "othering" of its subjects (Said, 1979; Foucault, 1982). That analysis will allow me to highlight the linkages between discourse, power, control, and knowledge, in order to illuminate how the regulation of bodies and spaces are directly linked to the larger processes of imperialism, colonialism, and more importantly settler-colonial violence. Foundational and definitive studies, concerning the differences between settler-colonialism and colonialism, were paramount in my development and articulation of settler-colonial violence and its work within the intersections of the human sciences and Native bodies and spaces (Wolfe, 1998, 2006; Veracini, 2010, 2011). I can then position my idea, that the regulation of traditional cultural resources through CRM and the authoritative voice and stance the human sciences utilize over Native bodies and spaces, can

be translated as a form of violence that aims to erase and supplant Native presence and Native-centric significance to their ancestral lands.

Also, included within my literature review is the review of social media and news media outlets (Nichols, 2011, 2012a, 2012b, 2012c; Cat, 2012a; mariposa415, 2012a, 2012b, 2012c; Cat, 2012c, 2012d). The destruction that occurred at Tom-Kav was quick, the activists and tribal monitors at the site were able to document the destruction and disseminate the event through social media outlets and internet video blogs and discussions. Included with my review of grassroots activism exercised by Native monitors and activists is the perspective of a tribal monitor that was on site. Through personal communications, I am able to place a Luiseno perspective concerning not only how CRM was applied at Tom-Kav, but I will present strategies and goals of a Native tribal monitoring group in their pursuit of protecting traditional cultural resources, and their insight into the laws and policy that govern that process. My literature review also included a look at the legal policies involved in CRM and more specifically the laws that pertain to human remains on private land, and its importance to Tom-Kav.

I believe that there is a gap of critical analysis within the academic record that interrogates how discourse regulates Native bodies and spaces at specific sites of contention involving CRM, more specifically how this process is linked to settler-colonial violence and its consequences on the livelihoods of Southern California Native peoples in their pursuit to protect human remains, and traditional cultural landscapes.

My literature review is written to introduce the formulation of my thesis from a positionality perspective as a Native scholar involved in research. My thesis is not an exhaustive critique of the human sciences, nor is it an exhaustive critique of the laws and policies that regulate CRM; my research is a dialogue highlighting the intersections of human sciences and

settler-colonial violence and they ways in which discourse is complicit in the reproduction of that violence through the regulation of Native bodies and spaces, both in the past and in contemporary settings. The discursive language of human science is utilized within anthropology and the practice of archaeology to convey authority over the subject--bodies and places. The authoritative voice than becomes a mechanism through which control and regulation can thrive is reminiscent of settler-colonial violence; the function of which becomes a tool of power and uncovers power relations and dynamics that are similar to the way settler-colonial violence was implemented against Native peoples historically. From this perspective, the value of Native bodies and spaces are diminished, and the significance of traditional cultural landscapes is dislocated and disrupted, replaced by development and the authoritative voice of human science.

My theoretical framework and research questions presented within my thesis is an attempt to situate my ideas within the current academic work about California Natives, a beginning process; to pull the academic discourse about Southern California Indians together to create a dialogue of how the external forces of colonization and settler-colonial violence play out in contention with my community. In a sense it is a way to try and negotiate these forces and explain my ideas of how they function, and how violence is reproduced within cultural resource management. Another dimension to research within the context of being a Native scholar investigating and uncovering how hegemonic discourses affect tribal communities is the emotional and often times personal toll the process creates. As a Native scholar researching and conducting analysis, often time's negative and pejorative discourse and descriptions of settler-colonial violence is uncovered in graphic detail, of Western ideas about Native people and their ancestry. The physical and emotional stress, the toll it takes on the psyche and body becomes part of the management of research and needs to be highlighted as being part of how Native-

centered research is conducted and very much part of a methodology. In particular, the desecration, destruction and wanton disrespect of human remains and of traditional cultural landscapes at Tom-Kav, coupled with the hegemonic discourse concerning Native bodies and spaces, both in the past and present, becomes stressful. The management of stress, both mental and emotional, caused by researching and interrogating both discourse and dehumanizing processes in dialogue with Luiseno perspectives grounded in cultural beliefs is paramount to understanding Native based scholarship and its personal methodology of positionality—smudging, cleansing, and prayer becomes a method of stress relief and grounding . As a Native scholar coming from the local, discussing Luiseno worldviews, I have to come with a good heart and positive thinking in order to take on this task, which is difficult at times. Can research conducted by Native researchers and scholars concerning human sciences exist outside the analysis and gaze of critical engagement and the spaces of contention created by the reproduction of settler-colonial violence within the human sciences? If so, how is this constructed? Through a more holistic approach, a shift towards Native-centric research, guided by tribal interests and goals utilizing community-based participatory research models in tune to more sensitive methods. More importantly, center within the research Native voices and worldviews written in a language that does not reify or create subjects out of Native people, but humanizes and creatively engages and values the tribal community perspective, while at the same time interrogates the reproduction of settler-colonial violence within the authoritative Westernized voice--the hegemonic discourse embedded in academic scholarship and research concerning Native peoples.

CHAPTER THREE: TOM-KAV AND TRADITIONAL CULTURAL LANDSCAPES

Colonization as a process is violent, controlling, and dominating. Resistance to colonization is a struggle that tribal nations have crafted into survival, and it is a struggle that tribal communities continue to face in their expression of tribal sovereignty and self-determination. The process of colonization is necessitated by the acquisition of and power over land and the Indigenous people upon the land. Settler-colonial violence differs in that its goals is to eliminate the people and to take ownership of the land, through elimination processes of dislocation and disruption by attacking land claims, and cultural connections to ancestral territories, and supplanting that presence with their authoritative voice:

> Settler-colonisation is predicated upon displacing indigenes from…the land…Since it cuts through indigenous society to connect directly to its territorial basis, it is awkward to speak of settler-colonisation as an articulation between colonizer and colonized. As a social relationship, it is best conceived of as a negative articulation. The cultural logic which is organic to a negative articulation is one of elimination. In its purest form…the logic of elimination seeks to replace indigenous society with that imported by the colonizers (Wolfe, 1994, p.93).

Patrick Wolfe explains that the differences between colonization and settler-colonization are in the application and overall goal. Settler-colonization functions to dispossess Native people from their land—to replace Native society with an "imported" society. Part of that process is to erase not only the presence of Native from their lands, but their cultural connections as well. Whereas colonization, according to the above passage from Wolfe, requires a continual relationship between the colonizers and the colonized upon the land. The contrasting difference is that settler-

colonization does not function through a dichotomous relationship, but is more of an erasure predicated on control and domination of the land.

The legacy of control over the land is embedded within the legal discourse and ideology of federal, state, and local laws and regulations. Control and power over the land is continually expressed, articulated, and naturalized within the dominating discourses of land management, conservationism, and environmentalism. The outcome of this discourse and the effects of specific conservational and resource management practices results in the continual erasure of Indigenous values concerning the land, equating to erasure of Indigenous presence on the land. Cultural resource management in this sense is a process of settler-colonial violence that utilizes the mechanisms of power and control to regulate and formulate knowledge about Native claims to traditional cultural landscapes and the cultural heritage connected to those spaces. In order to protect traditional cultural landscapes that are connected to tribal values, knowledge, and beliefs concerning self, place, and memory tribal communities must negotiate within the institutions and structures involved in cultural resource management.

Native American participation within cultural resource management is a struggle; a struggle that embodies the legacies--and continued projects--born out of European contact and the subsequent colonization of Native North America. Currently, embedded within the function of cultural resource management, the authoritative voice of human sciences, and economic development is a discourse that intertextually speaks from within an ideology that positions and posits Western values and concerns about Native bodies and spaces over Indigenous values and concerns. Private and public lands that were once connected to Indigenous groups have been dispossessed and are no longer protected, managed, or supervised by Indigenous worldview. Protection of the natural environment, management of land use and development, and official

supervision over the land falls into non-Indigenous structures and values, allowing the authoritative voice of control to dominate.

Management of the land and of the natural resources upon the land is largely centered towards stewardship appointed to federal, state, and local governments. Particularly, stewardship over the land is understood from a perspective that places regulation and protection of the land and its resources from a position and worldview of the dominate society—the colonizer over the colonized, which I believe is a reproduction of settler-colonial violence. The presupposed position concerning land management is a position that values land as property and that sees the environment from a strictly materialist scientific perspective. In this respect, the land, the environment, and its resources are valued, arranged, and protected within a world of alienation—alienated from Native American communities that have inherent, spiritual, religious, and often times guardianship connections to the land. Subsequently, federal, state, and local regulatory and preservation laws explain and understand natural resource and land protection and management within a specific discourse that favors Western values, ideals, goals, and beliefs.

The ethic embodying proper modes and responsibility in the context of planning and management of resources emanates from a dominating position—a position that posits power, control, and regulation over the land and its resources. Traditionally, Native American worldviews concerning the land did not emerge from a position of control, or at the least, did not envision humans being controlling and exploiting the land and its resources from a standpoint that constructs land, its value, its vital resources, and its connection to human creation as lifeless.

Indigenous communities were linked to the land spiritually and culturally, being that the land is part of Creation and integral to the well-being of Indigenous communities, people were to act according to proper behavior and with harmonious reciprocity to the various creations that

exist upon the land, and to relationships created through resources harvested upon the land. Hunting, fishing, and harvesting in this context were not exploitative or destructive, but a necessary economy and were practiced with efficient and effective strategies to yield food sources.

Indigenous interactions and ties to the land and management of that land are unique and place-specific. Katherine Saubel a Cahuilla elder, in the book *The Heart is Fire*, expresses a Cahuilla perspective concerning land value:

> The land's the most important thing. If you don't have land, you have nothing. And this land, to us, the Indian people, just doesn't mean a piece of land. This is sacred area. This was given to us by our creator, to take care of it, to live in harmony with it, and that's why we were put here—to protect it (Dozier, 1996, p. 55).

To the Cahuilla, the land is sacred, it is part of Creation and it is up to the Cahuilla people to protect and care for the land that the Creator has given them, and its bounties that are offered upon the land.

Indigenous connections to the land and to its resources are rarely heard or considered within the implementation of land management or environmental protections. Indigenous values and practices concerning land management are only considered through the consultation process of CRM when impact is heavy upon significant areas of importance to the local Indigenous groups.

Archaeology in Southern California's San Diego County has been extensively pursued for at least a century. Within these archaeological records several complexes, theoretical ideologies, and historical narratives have been created that concretize the history of San Diego County from a fundamentally Westernized viewpoint, supplanting Indigenous knowledge, history, and perspective; translating to how colonial-settler violence operates. Ideologies about

Native American communities located in Southern California concerning their culture, communities, and histories have been categorically constructed through research within the human sciences of anthropology and archaeology, positioning the scientific study of humans as the authoritative voice and authenticating point of view. One scholar, critical of the human sciences, illustrates a prevailing ideology within the field of Anthropology:

> The bottom line about the information possessed by non-Western peoples is that the information becomes valid only when offered by a white scholar recognized by the academic establishment; in effect, color of the skin guarantees scientific objectivity. Thus ethnic scholars are not encouraged to do research in their own communities—studies done by whites are preferred. Many scholars with ethnic backgrounds are even denied tenure because they are ethnic and their studies and publications relate to that background…minority scholars are simply run out of the profession unless they are totally submissive to prevailing doctrines of the disciple and their writings do not clash with established authority (V. Deloria, 1997, p.35).

Within the ideology discussed above, the validity of research often lies within the authoritative voice of Western perspectives, and that any ethnic scholar who attempts to enter and or question that authoritative presence is dismissed and marginalized because of their racial background, and not their performance. In other words, the legitimizing and validation of research performance becomes racialized. The underlining ideology is that non-Western people are lacking in the ability to be objective researchers capable of academic study in comparison to Western practitioners. Along those same lines, Natives and scholars working in the field of Archaeology have experienced similar ideological constructs:

> A number of Native California tribal members who work in cultural resource protection related to us [one of many] … key issues about the current state of California archaeology…preconceived notions that California tribal cultures are extinct, leaving only archaeologists qualified to discuss them. 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 (Martinez & Teeter, 2009, p. 26).

The belief that Native Americans do not exist within contemporary society and that their cultures are no longer practiced is a prevailing ideology within the field of Archaeology. These ideologies becomes problematic because they position the idea that the authoritative gaze of validation is an inherently Western construct and that the Native concepts of identity, culture, and connections to traditional cultural landscapes can only be present within human science discourse and research. Moreover, the origins of anthropological and archaeological research and its history are underpinned with and speak the same language as the origins of United States expansionism and colonization—to erase, explain away, and polarize civilization in order to justify Western possession of land, settler-colonial violence, and the control and development of the land.

Indigenous perspectives, beliefs, values, and practices concerning sites, cultural property, and place are required within the consultation process of land development, and tribal community representatives have the right to communicate the significance of their traditional

heritage and contemporary beliefs concerning that heritage. Unfortunately, this negotiated and collaborative process is framed within a Western ideal of regulation and management, practiced under Western methodological data recovery in the form of archaeology, and understood in terms of value and significance constructed under the disciplining discourse of science and development—what is missing is a collaborative holistic interpretation of place that incorporates Indigenous knowledge within a context of cultural resource protection. In other words, the structure and process of development, regulation, and cultural resource protection creates spaces that allow for alienation and dislocation of Indigenous values with the land, with ideas of place, and with cultural importance. These sites of contention can illuminate the linkages to settler-colonial violence and highlight how the authoritative voice of Western human science can remain the dominate perspective. The results of alienation often leave tribal communities ignored, forced to explain understandings of themselves and of their traditional knowledge, or they are left fighting and struggling to protect important sites from destruction that they alone see as significant and important. Authority over, validity to, and Native presence on traditional cultural landscapes are than positioned within the spaces of contention, and within the discursive power of regulation. Tribal options become constrained and their rights to authority, validity, and presence to their past, present, and future are forcibly restricted, and tribes must negotiate within the law and policy of CRM in order to express their inherent cultural sovereignty. In this way, settler-colonial violence is then an attack not only on Native bodies and spaces, but it is an attack on sovereignty and the ability of tribes to determine their destinies and survival as Native people.

The current framework of CRM in Southern California includes specific regulations aimed towards a consultation and mediation protocol in the protection of archaeological sites and

traditional cultural landscapes significant to Native American communities (Native American Heritage Commission, n.d.; Love, 1996; Peterson, 2001). Various legal frames (federal, state, and local), non-legal frames (organic community based mobilizing), institutions, and systems exist as essential tools that tribal governments and tribal communities negotiate, utilize, and develop. Moreover, to apply effective strategies towards understanding and navigating the complete and complex regulatory structure involved in cultural resource protection, tribal communities must position their interests within the broader Western discourse and ideology embedded within the local political landscape to gain advocacy and voice inside their traditional territories.

In order for concerns to be heard, and goals met, tribal communities are forced to situate their Indigenous worldview and value within a Western value system that operates not only within the politico-legal landscape, but also in environmental protection, economic development, and academic research—law, development, conservation, and archaeology all intersect within the institution of cultural resource management.

Development projects within the United States are required to abide by federal, state, and local regulatory laws regarding proper procedure and policy in identifying and protecting important places and sites—cultural resources. Protocols and procedures are in place, and lead agencies are required by law to follow these intricate structures. Consultation with local tribal communities is a component and is required in order to develop a complete portrait of the value of the environment, to assess any concerns that tribal communities may have with development, and to negotiate proper procedures and protocols when potential disturbances and impacts of culturally important sites happen. Tribal communities are allowed to voice their concerns to any proposed project or plan, only when impact of human remains is possible and when traditional

cultural landscapes are identified by the lead agencies. The course of action that tribal communities must utilize to protect important sites, places, and cultural properties is embedded within laws, ideas, and ways of valuing the world that may conflict with tribal community goals and values, when protecting their cultural heritage.

Indigenous concerns may not be understood fully when received within this context, or within an oppositional stance to Western recorded research concerning the significance of a particular site. In other words, linkages and significance to sites as documented by Indigenous communities may only be know, recorded, and communicated through language, songs, or oral traditional practices, and may not have been recorded or made public due to sanctity and/or prescribed beliefs—an Indigenous perspective in this light may not be deemed valid if not referenced by academic research and research.

The laws and regulations that protect and manage resources, the land, and the environment have protocols and procedures installed within their framework that specifically point to mitigation as solutions regarding Native American concerns. If the law is followed and tribal communities are allowed to voice their concerns and interpretations of the land, then accommodations and collaborative solutions to protection and management are discussed, but not guaranteed. When laws are disregarded and tribal community voices are ignored, development becomes destruction and management becomes a salvaging effort.

The issues are multifaceted, and the solutions are even more complex. My paper is a discussion of the destruction of Tom-Kav on Thursday, February 23, 2012 and tries to illuminate the links between human science discourse, development, and its connections to how settler-colonial violence is reproduced. My research highlights contemporary issues and struggles emanating from the intersection of cultural resource management and tribal concerns for the

protection of their heritage within traditional cultural landscapes located in Southern California, specifically North San Diego County, from a standpoint of my personal understanding, and from a context based within an Indigenous studies framework, that aims to center a Native American worldview.

Towards an Explanation of a Luiseno Worldview

The Luiseno call themselves *Payomkowichum*, meaning "Western People." According to the tribal communities that make up the contemporary Luiseno population within Southern California, the Luiseno have occupied their traditional territories (ancestral homelands) for thousands of years.[7] The traditional territory of the Luiseno stretches along the Southern California coast and occupies territory extending from Los Angeles County to Northern San Diego County.

Six reservation communities make-up the current Luiseno population. These six reservations are located on or near their ancestral territories; unfortunately, many culturally important and spiritually significant areas were dispossessed when reservation boundaries were initiated in the late 19th century. Coupled with early missionization and religious conversion in the late 18th century, the Luiseno have utilized accommodating and adaptive strategies of survival that have produced six federally recognized tribal communities, and several unacknowledged tribal communities. Today, the ancestral homeland of the Luiseno is largely occupied by non-Luiseno. Though land title may have been lost and the ability to "legally own" these "properties" is nonexistent, many contemporary Luiseno communities still perform culturally significant practices tied to specific sites, in that sense the value of the land and the belief system embedded within Luiseno worldview occupy the lands special meaning.

[7] See https://www.pechanga-nsn.gov/index.php/history and https://www.paumatribe.com/history/ for the latest information concerning Luiseno history.

I argue that the historical narrative concerning the area now known as Southern California is largely written from a perspective that positions the understanding of that history from a perspective of power and authority which reproduces settler-colonial violence. The power to construct and "know" a subject and its history creates an authoritative interpretation and presentation of that knowledge; the work that this type of knowledge production does has real consequences for the tribal communities that are discursively regulated. This mechanism of violence extends to communities that have connections to ancestral people and places—people and places become reified within academic research and discourse.

Non-Indigenous perceptions of Indigenous realities are largely expressed through the following themes: pre-contact, contact, missionization, Americanization, and currently--economic development. Within the archaeological discipline similar lines of inquiry are established and created to organize data temporally and spatially. These themes cement an imagined historical narrative within a specific temporal unraveling, validated from a context of academic authority. A chronological understanding of people, their environment, and any changes over time within the Western-centric human sciences become disciplining and problematic. Interpretations and perspectives that present alternative histories and temporal understandings outside of the authoritative voice and narrative are, by nature due to the power dynamics involved in the relationship between discourse and the subject it regulates, seen as contradictions and are relegated to the margins, alternative viewpoints are disempowered, especially when they are presented in non-scientific, or are non-academic in nature.

The literature concerning Southern California Indians is written from a perspective that employs a particular framework for understanding an Indigenous presence in Southern California, from either a passive victimization context, a vanishing towards extinction context, or

victims of genocide context. These analytic frameworks construct a historical narrative that tells us more about non-Indigenous society, than Indigenous society. Rather than investigating how Indigenous societies may have utilized accommodating, adaptive strategies for survival, or how Indigenous society utilized reasoned and cognitive decision making towards social and cultural change over time, we are left with a chronological interpretation of events significant to the human science discourse, based on the actions and behaviors of Non-Indigenous people upon Indigenous people, or an essentialized explanation of "pre-historical" times.

In this context, the Luiseno historical narrative, ethnographically is produced through early academic research and is understood through early anthropological contexts. Underlying the early anthropological and ethnographic research describing Southern California tribal societies are the voices of informants, originating from Indigenous Southern California communities. The worldviews, cosmologies, and epistemologies contained within those early documents is largely interpreted and presented within the non-Indigenous voice. The meaning and importance of the words and ideas utilized by informants are reinterpreted and transcribed into meanings and importance for purposes of anthropological explanation and investigation. Consequently, community knowledge becomes processed and accumulated as data, separating the human value and inherent importance.

The stories, songs, and interpretations of life recorded (the unaltered pieces) by early anthropologists and ethnographers contain religious and spiritual knowledge from an Indigenous perspective. Through anthropological and ethnographic research, the religious and cosmological understandings of Southern California is presented to the world, and *written into existence*. This process becomes problematic by invoking within the imagination a validation of the

anthropological voice to speak for the perceived voiceless and marginalized "other," to authoritatively explain their worldview within the written record.

The knowledge contained in early research is considered sacred, and is divorced from the spoken meaning when placed into a context of readability for the general public. The source material is treated without respect to its sacred usage, content, meaning, and belief, a dislocation of specific knowledge from its sacred context. The songs and stories are presented as everyday language, in a context that reproduces their meaning as secular and mundane, not mentioning their proper place in the epistemological and cosmological understanding and presentation within Southern California tribal communities. Specific sequences, orders, sites, times of day and recitation needs to be followed and understood from within a context of purpose and proper belief. Without any footnotes or context to understand the original process of transmission, we are left to imagine and construct meaning.

Rarely do we find testimony unaltered, what is found within the literature is a work of academic interpretation and implied significance born out of Western academic explanation within an imagined and constructed space of contact between the non-Indigenous worldview and the Indigenous worldview. There are works within the Southern California literature that do have Indigenous worldviews presented that preserve the stories and dialogues of Indigenous perspectives utilizing oral history and storytelling methodology coupled with language revitalization and ethnobotany frameworks in their presentation (Bean & Saubel, 1972; Hill & Nolasquez 1973; Hyde & Elliott, 1994; Ramon & Elliott, 2000; Johnson, 2001, Saubel & Elliott, 2004; Johnson, 2008).

California Indian history within this context, from which it emerges and from which it is understood, is a continual process illustrating how California Indians are understood and how

California Indians are discussed. The structure of California Indian history within this process positions California Indians and their histories within static reconstructed spaces of knowing--once California Indians occupy these spaces, anything outside the structure is considered problematic.

In 1963 Raymond C. White published an ethnographic research project entitled, *Luiseno Social Organization*. The information contained within his research was supplied by Luiseno Religious Chief Rejinaldo Pachito of the Pauma Indian Reservation. Chief Pachito was the hereditary Religious Chief of his clan, a position passed down generationally. Within this work, White documents Pachito's knowledge of Luiseno aboriginal territory, and produces a partial map outlining the locations of significant and important village sites and boundaries. Analysis of the map indicates that the Luiseno have a continuous connection to this knowledge of place extending from areas surrounding Palomar Mountain, through the San Luis Rey River valley, and to the Pacific Ocean (White, 1963, p.90). Moreover, White's (1963) analysis of Luiseno religion and its role within Luiseno social structure stresses the following:

> Song was a Luiseno substitute for written history and laws; ceremony was its graphic reenactment. In large part, song and ceremony were devoted to selected cosmological subjects. Under these conditions, social organization and its controls were, to the Indian understanding, subject to the cosmogony. Luiseno life was mostly organized about it (p.137).

From this analysis, I would propose that the understandings of social organizations and life were largely connected to and dictated by stories and beliefs centered within the epistemological underpinnings of Creation. Additionally, song and ceremony linked history, knowledge, law, and Creation, producing a way of understanding life and Luiseno presence within the world.

Accompanying the socially prescribed behaviors and expressions for humans was a hierarchy in nature, also established through cosmological ideologies:

> For the Luiseno, all 'life-forms' in the total environment belong to a structured existence of which the Indian himself is an element. His cosmogony provides the general outlines and rationale of the system. It is an elaborately tragic pattern in which every kind of creature has a social organization according to its nature, and these are interrelated in a complex manner so that they form a single total social organization structure … all the intricate ecological phenomena of nature thus become a matter for intensive observation upon the part of the Indians (p.142).

The above passage describes an intricate interrelated relationship between humans, Creation, and place that embodies one large structure. Intersecting along structured ways of knowing the world and its hierarchical organization, humans, nature, and place seem to be understood from the cosmological ideologies of Creation. Along with understanding life in terms of Creation and the interrelated links between nature and place, Luiseno ecology was centered on observation and intimate relationships with nature, Creation, and the land. I would put forth the idea that understanding positionality within a structured cosmologically determined existence and presence interrelated with nature, Creation, and place may have produced a heightened sense of self, place, and memory, that may have inscribed itself to place and land. Additionally, specific places and sites, connected to Creation stories retold through song, retain importance and value that has real consequences to human relationships with nature and Creation. I would conclude, that the interrelated complexities of presence and existence outlined through Creation, expressed through song, ceremony, and social structure have real-life consequences when upset, or disconnected.

The Luiseno practice their cosmological understandings of Creation--that links, as we have seen above, nature, man, Creation, and place in complex, intricate, and structured ways

according to Creation—through lifeways and culture. Luiseno knowledge of the land is embedded within the language, songs, ceremonial practices, memory, social organization, and history. Each component has its specificity and is intricately linked back to Creation. Within this context, when tribal communities perform ceremonies and accompanying songs, they are inextricably linked to Creation and all of the complex relationships within Creation. In that sense, the importance of place emphasizes a meaning of interconnectedness that translates towards an understanding of Luiseno beliefs and the significance that traditional cultural landscapes hold within the larger paradigm of Luiseno worldview. The Holy land of the Luiseno is not understood within bounded spaces shaped by Western laws and management practices, rather, the value and cultural importance of place is situated within a larger complex linked to all of Creation.

The village site archaeologically known as Tom-Kav (SDi682)[8] is a place linked to the past and contemporary in specific ways—both Western and Luiseno. In the Western sense, Tom-Kav is a recorded archaeological site of importance to an understanding of a larger constructed San Luis Rey River complex in terms of temporality, science, and research potential. To the Luiseno, Tom-Kav is part of a larger complex of interconnectedness linking humanity,

[8] Tom-Kav is utilized in the archaeological record to designate the site SDi682. Within the accounts given to White by Pachito, and the accompanying map, the site is located around the vicinity of a place named Tomka'. The name similarity is mentioned in (True, Pankey, Warren, 1991:40) the archaeological record and references the page in the White research, but does not link the Indigenous perspective to the archaeological remains. Tomka', according to Pachito was utilized as a way station that the Pauma people utilized en route to the Ocean and for rock to utilize in making arrow points; the archaeological data supports this idea in that large deposits of shell remains were found on site, but True, Pankey, and Warren dispute the arrowhead manufacturing notion being that the site contains a lack of geological sources of stone. The Tom-Kav report does not validate Pachito's understanding of the site, and explains the ambiguity between the archaeological report and Pachito's narrative as a *misunderstanding* on Pachito's part to White's inquiries (White, 1963: 40). Another name for Tom-Kav in the archaeological literature is utilized by True as Tomqav, noting that Tomka is a valley in the La Jolla Indian Reservation area (True, Meighan, 1987: 196). I am confused to the actual name, but for my research I am going to utilize the place name according to Pachito's account Tomka' when discussing a Luiseno context and Tom-Kav when utilizing a non-Luiseno context.

Creation, and ecology situated within an Indigenous understanding of self, place, and memory.[9] Tom-Kav is a village-site and is part of the Luiseno Creation story; it is part of Luiseno contemporary life and is connected intricately to man, nature, and Creation.

Western Worldview: California as an Archaeological Record

Viewed through the gaze, and described through the language of the human sciences, the region now known as Southern California has temporally constructed eras to understanding the regional cultural history. The designated time eras were "discovered" archaeologically through the comparison of human material culture, artifacts, and specific cultural practices across the region, and were developed over the last half of the 20th century. The discursive language utilized by human science to define Southern California, over time, leads to a self-legitimizing authoritative power over Native bodies and spaces. V. Deloria (1997) argues that the importance of critical engagement with human science discourse lies within the way its power is produced:

> [T]he impact of scientific doctrine on the status of Indians in American society [is of importance]. Regardless of what Indians have said concerning their origins, their migrations, their experiences with birds, animals, lands, waters, mountains, and other peoples, the scientists have maintained a stranglehold on the definitions of what respectable and reliable human experiences are. The Indian explanation is always cast aside as a superstition, precluding Indians from having an acceptable status as human beings, and reducing them in the eyes of educated people to a pre-human level of

[9] I make this argument because of the importance of place, self, and Creation in a context of Luiseno social organization linking the natural world and humanity, as understood from the role of religious cosmological Creation ideologies embedded within Luiseno culture (White, 1963). Also, Tomka' has ambiguity within the recorded literature as it is designated several names, Tom-Kav, Tomka', and Tomqav. What is known is that the area now being destroyed is in the general vicinity of the recorded narrative from Pachito's, and early accounts given to Dubois, Harrington, and Sparkman, all corroborated with archaeological research conducted by True, Pankey, and Warren. The Western scientific significance is its relations to other archaeological sites within the San Luis Rey River valley. For the Luiseno it is part of a Creation story, and it is in that context that its importance still resonates within the contemporary communities.

> ignorance. Indians must simply take whatever status they have been granted by scientists at the point at which they have become accepted to science (p.7).

Deloria Jr.'s explanation points to the powering effects of discourse, and how the Native bodies and the spaces that occupy that discourse get disciplined within, not only a knowledge system like the human sciences, but accepted as truth by the general public. The elimination of Native bodies and spaces requires an elimination of the Native voice and presence, which is the work that I believe, reproduces settler-colonial violence.

Some of the cultural and tribal communities described and excavated in Southern California archaeology are Luiseno. The practice of archaeology in Southern California, often conflicts with Luiseno narratives and perspectives concerning history and culture because of misread excavations that do not place the same value to the sites as the Luiseno tribal communities and the ideology that scientific research is more authoritative over traditional oral traditions, marginalizing cultural knowledge about traditional cultural landscapes. Champagne (2005) explains how Native American worldviews connect Native people to the land and to their Creator:

> [N]atives generally have creation stories that outline the formations of the world, and the place where people are placed on the land, as well as their relation to the land. The creation stories provide many social, political, and cultural institutions, which are often upheld and kept through ceremony and tradition as part of the cosmic order. Many Native communities have migration stories that depict movement from west to east in addition to creation stories. Why a particular people might live in a specific territory may depend on stories, a migration legend, of a creation story. In all of these cases, the people live in a particular place, with specific institutions and ceremonies, and with particular

forms of government and community organization that are often believed to be the gift and hand of the Creator or spiritual intermediaries (p.6).

But, they are also linked in other ways, as we have seen in the above details concerning the location of a Luiseno worldview; Luiseno tribal communities remain connected to their homelands and to their ancestral heritage through specific and complex belief systems, generationally transmitted oral traditions, and an active interconnected presence upon the land, which should be included within any study that aims to capture the whole representation of traditional cultural landscapes of the Luiseno people.

Archaeologically[10], the San Luis Rey River valley[11] has been documented since the late 1940's (True &Waugh, 1981). The intersections of archaeological research, starting in the 1940's, and early ethnographic research, from the early 20th century, have contributed to the accepted history and knowledge concerning the San Luis Rey River valley and basin (True, Pankey, & Warren, 1991). The narrative within the research describes the communities that lived, maintained, and occupied the San Luis Rey River valley as composing of a "sedentary lifeway tied to bipolar settlement pattern, with a lowland (winter) village and a counterpart mountaintop (summer) village for each of the several communities in the interior regions of the central San Luis Rey River basin" (True, et al., 1991, p.1).

[10]Most of this section is a summation of the introduction found within *Tom-Kav: A Late Village Site in Northern San Diego County, California, and Its Place in the San Luis Rey Complex* by True, Pankey, and Warren, 1991.

[11] The San Luis Rey River valley, in my discussion, is the land surrounding the San Luis Rey River and the valley through which the river flows--which starts at Lake Henshaw, near Warner's Hot Springs, and extends west towards the Pacific Ocean. Within the archaeological record, the upper and inland areas of this river system are designated the San Luis Rey River valley and basin, there is a distinction between upper and inland cultural groups and coastal groups, i.e. Mountain Luiseno, Inland Luiseno, and Coastal Luiseno. Although the Luiseno lived within this valley, extending from Palomar to the Ocean, they also occupied other areas, as seen on the Pauma Band of Mission Indians Website. The archaeological record links the Pauma Complex and the San Luis Rey Complex within the upper and inland excavation sites, and is thus defined within these areas. The Coastal Luiseno are rarely researched or included within the San Luis Rey Complex despite ethnographic research and Indigenous knowledge (Pachito discusses an Ocean route for Pauma Luiseno people and a stop at Tomka' [White, 1963:123]) that positions Upper and Inland Luiseno people within the coastal region of Southern California.

Archaeologically, this narrative positions Luiseno occupancy within a static area, with village-sites located throughout the upper and inland areas of one river valley located within their territory, dismissing the practical reasoning that the Luiseno traveled across the whole area, from the mountains to the coast but also from the coast north towards other river valleys, and erasing the idea that kinship relations extended across villages and across tribal groups. Edward Winslow Gifford's (1918) study, *Clans and Moieties in Southern California,* discusses the interconnected kinship networks extending throughout Southern California. Also, a current interpretation of this extended kinship network across tribal groups can be seen in the Tribal Digital Village program:

> Central to the appeal of the vision to tribal members and Hewlett-Packard was the recognition of the historical connection between the current patchwork of reservation lands, and the larger goals of the Tribal Digital Village. Just as these historical processes fractured family lineages that once moved widely over the region while functioning as coherent distributed Kumeyaay, Luiseño, Cupeño, and Cahuilla communities, the Tribal Digital Village application proposed to use computer technologies to create a distributed digital community that mirrors and amplifies the community and kinship networks that have historically sustained these tribal communities (Frank, n.d.).

The perspective adopted by the Tribal Digital Village model is that of an extended kinship network based on family lineages extending all over Southern California. Even today people are related across tribal reservations communities, attend and participate in each other's ceremonial

gatherings, attend and participate within each other's funeral rites, and create collaboration across political, economic, and social ties. The early studies attempt to locate Luiseno groups across time within this particular valley through the examination of their material culture. The aim is to gain as much information to how the Luiseno people changed over thousands of years through material culture analysis, and how the sites are connected. The way that this information becomes problematic is when the discourse becomes the "authoritative voice" in decision making by non-Indian entities to displace Native presence on traditional cultural landscapes located within ancestral territories or to diminish Native values and the important ties they have upon to the land. Biolsi and Zimmeran (1997) utilize Dell Hymes' belief that the Marxist idea of alienation applies to the ways in which Native people are situated within knowledge production, especially in terms of repatriation and the analysis of their material culture:

> Alienation for Marx involved the process by which the product of labor became an external thing, existing independently of the producer and even confronting the producer as a hostile force. With little modification, this definition fits the case of the material culture and human remains collected from Indian peoples in the Americas. Turner (1986:1), for example, by appealing to a universal humanity whose interests anthropology claims to represent, seeks to cut any organic ties Native people may claim with their pasts as embodied in materials: 'I explicitly assume that no living culture, religion, interest group, or biological population has any moral or legal right to the exclusive use or regulation of ancient humans skeletons since all humans are members of the same species, and ancient skeletons are the remnants of unduplicatable evolutionary events which all living and future peoples have the right to know about and understand.' By this logic, anthropologists, not Native Americans, become the curators—in fact,

> owners—of heritage…thus Indian people are forced to confront material elements of their own community as an alien, hostile force (p.7).

For Biolsi, Zimmerman, and Hymes the alienation of material culture and human remains form Native Americans, in essence the alienation of self from self, becomes a site of force, a space where the reproduction of settler-colonial violence occurs and the power it contains becomes evident in how it can replace and erase Native people and their cultures. An insight into the definition of settler-colonialism and how it operates:

> First, though, what is "settler colonialism"? It's a form of imperial expansion or colonization that revolves around the removal, if not eradication, of Native populations. Such violence was driven primarily by European settlers—rather than by imperial initiative—who invaded Indigenous worlds with the intent to stay, and employed a variety of tactics to purge the land of its original inhabitants. Obviously violence and forced removal come to mind, but this process also involved wiping out Indigenous place-names on the map, writing Native peoples out of regional and national histories, and a systematic campaign to eliminate Indigenous identities—and claims to land—through assimilation, allotment, and other legal and political means. In the case of the United States, the settler population divested itself of imperial authority and thereby shed its "settler colonial" identity, before embarking on another campaign to remove all vestiges of the Native presence (Rindfleisch, 2016).

Rindfleisch's explanation of how settler-colonialism works helps frame my thoughts in to how these spaces are continual reproductions of settler-colonialism's original intent and purpose, to remove and erase with violence.

To archaeology[12] Tom-Kav is a link to several temporally designated phases and transitions that explain, and in ways explain away, the historical narrative of the San Luis Rey River valley and its people. Beginning in the 1940's archaeology began to piece together a partial record of life encoded within artifacts embedded within the land comprising the San Luis Rey River valley. Sites were excavated beginning in the upper region of the valley, Palomar Mountain and adjacent sites, extending west towards the ocean. True et al. (1991) describe the importance of the San Luis Rey Complex and its underlining narrative, "the distribution of sites is of interest primarily because it represents an adaptation which supported a reasonably large population living seasonally in occupied villages or village-like camps within a relatively small territory," the value of Tom-Kav to archaeology is spatial and temporal in nature—it is a connection to widening a Luiseno San Luis Rey River "district" theory and orientation across regions. Sites like Tom-Kav are valued in the construction of the archaeological record, through its comparative analysis of material cultural resources and how they change over time and across regions, because its function is to link archaeological complexes across time and space, i.e. Pauma Complex and San Luis Rey Complex.

Archaeological work within the San Luis Rey River valley and specifically at Tom-Kav has been conducted over many years. "Ethnographic research and archaeological data secured through several surveys, test excavations, and excavations extending over a period of several decades," eventually led to the report published by True et al. concerning their preliminary finds at Tom-Kav and its importance to advancing more research on the San Luis Rey Complex, the Pauma Complex, and the San Luis Rey River district (True et al, 1991).

[12] My discussion is an understanding of the archaeological record that explains the San Luis Rey River valley and basin. The information that I am referencing and basing my analysis from is derived from the archaeological record by True, Pankey, and Warren published in the 1991 Tom-Kav write-up report, *Tom-Kav: A Late Village Site in Northern San Diego County, California, and Its Place in the San Luis Rey Complex.*

From 1952-1953 C.W. Meighan conducted testing and excavation on a tributary named Frey Creek[13] (SDi-501), according to True et al. (1991), this was the first systematic archaeological research within the region and "concerned … the *late* prehistoric occupancy of the region"(p.1). From these excavations Meighan coined the name "San Luis Rey" and the defining distinctions that characterize San Luis Rey Phase I and Phase II were identified, San Luis Rey Phase I is distinguished from San Luis Rey Phase II through the aggregate of artifacts excavated, Meighan noticed that an absence of pottery differentiates Phase I from Phase II (True et al., 1991, p.1). Each Phase aggregate contained a similar inventory of objects, but Phase I lacked pottery remnants, and was deemed older--the Frey Creek excavation site revealed occupancy within the late prehistoric and proto-historic time periods (True et al., 1991, p.1). Meighan continued excavations within the upper regions of the San Luis Rey River valley in hopes to "identify the characteristics of San Luis Rey II [and] in … recovering stratigraphic data to verify the temporal relationship between San Luis Rey I and San Luis Rey II," excavations occurred at Molpa (SDi-308) in 1955 and 1956; Molpa is a village site located on the Cuca Ranch on the southwestern flank of Palomar Mountain, near the La Jolla Indian Reservation (True et al.,1991, p1). Connecting both the Frey Creek and Molpa archaeological sites, Meighan was developing a "type" site that defined the San Luis Rey Complex, Phase I and Phase II. Further excavations were needed to construct a definitive "type" site and to compare characteristics for the San Luis Rey Complex within a larger geographic region, these would occur at sites about Palomar Mountain, sites located down through the central valley, and sites within the San Luis Rey River basin and the adjacent Valley Center plateau (True et al.,1991, p.2).

[13] Frey Creek is a tributary located in the Pauma Valley region, central to the area in question.

These archaeological excavations occurred throughout the 1950's and into the early 1960's. Important to note is that the San Luis Rey River Complex is a fairly new archaeologically defined complex within Northern San Diego County, and was largely centered in the upper and inland San Luis Rey River valley, extending from Palomar Mountain into the river basin and adjacent plateaus.[14]Analysis of the location of these sites identifies the westward movement of research, starting from Palomar Mountain heading along the San Luis Rey River towards the ocean; within the True et al. (1991) report, there are only three identified sites west of the Pala Indian Reservation located within the lower river system about twenty miles from the Pacific Ocean—and Tom-Kav is one of them (True et al.,1991, p.218). The archaeological material recovered from the early Palomar Mountain sites, the San Luis Rey River basin sites, and the Valley Center plateau sites produced additional data and information in terms of site locations in developing a database for the San Luis Rey Complex.

In 1958, within the lower central San Luis Rey River valley, early excavations were initiated at Tom-Kav (SDi628). These early investigative and exploratory excavations are described by True et al. (1991), as providing early data that "might extend the San Luis Rey distribution and provide a lowland anchor for the development and definition of a regional complex and settlement pattern," through this specific site, the district and regional archaeology could be extended and defined (p.2).

Tom-Kav (SDi-268), also known as Pankey Site, was recorded for the first time in 1951, and was primarily observed through surface examinations up until 1957 (True et al.,1991,p2). Robert and Rosemary Pankey were contacted and arrangements were made to perform small excavations on one section of the larger area, these excavations were conducted from 1958 until

[14] The map to these sites is found within the Tom-Kav report. The location of these archaeological sites is on Palomar Mountain, adjacent to the La Jolla Indian Reservation.

1959 and revealed the site to be a key late village-site with a multi-component occupation area (True et al., 1991, p.2). Starting in 1960, C.N. Warren excavated a site (UCLA Test Pit 3) marginal to the salient midden deposit and, along with the early 1958-1959 examinations, documented a San Luis Rey II and San Luis Rey I presence with an underlining Pauma Complex (True et al.,1991, p.2). The Pauma Complex was identified through a mandible (jawbone) located under an inverted metate along with older artifacts. The above excavations confirmed a Pauma Complex and San Luis Rey Complex presence, but additional research was required to gain insight into the older Pauma Complex.

A University of California, Los Angeles (UCLA) graduate student named Stan Long during 1961-1962 excavated four additional test sites for the purpose of demarcating the boundary of the primary midden site, and to gain additional knowledge into the Pauma Complex lying beneath the San Luis Rey Complex (True et al., 1991). Following in the footsteps of the precedent setting Harris site (CA-SDi-149)[15] a pit was dug to supplement the early excavations in order to assess the Pauma Complex at Tom-Kav (SDi-682). At the Tom-Kav (SDi682) site, near UCLA Test Pit 3, 24 inches of upper midden was removed with a bulldozer (standard techniques could not have reached the lower Pauma component) to expose the lower Pauma Complex creating a ditch 8 feet wide and 100 feet long--the upper midden (already deemed marginal) was sacrificed (True et al.,1991, p2). Additionally, throughout the mid 1960's Rosemary Pankey created five additional test units, near the bulldozed ditch, to reach the Pauma Complex, these are described as Pankey Test Units A-E (True et al., 1991).

[15] The C.W. Harris site is located in Rancho Santa Fe, San Diego County along the San Dieguito River. This site established the oldest complex in San Diego County, the San Dieguito Complex which was underlying the La Jolla Complex (Warren, 1966). The Harris site set a precedent due to the notion that the La Jolla Complex was thought to be older, but at this site the San Dieguito component was lying underneath the La Jolla component within the stratigraphic sequence, thereby setting a model for future archaeology.

The age of Tomka' is estimated at 5,000 years old, and was continually occupied and utilized up until the historical period The oldest radiocarbon dates retrieved from artifacts within UCLA Test Pit 3 are adjusted to the date of 6050 BP, and the village-site was believed to be abandoned around the early decades of the 19th century (True et al., 1991, p.40-41). True et al. (1991) describe the complete excavation record that occurred at Tomka', over the last several decades, as a "critical cultural resource … a beginning rather than the end (p. 2)." To the Luiseno, the village-site known as Tomka' represents special significance in its relation and interconnectedness to Creation as understood and practiced by contemporary Luiseno tribal communities.

Archaeologically, Tomka' is valued through its ability to fill gaps across regions, time periods, and layers of earth. To the Luiseno, Tomka' represents an importance equated to human understandings of self, life, and existence. To land development, the larger area surrounding Tomka' represents empty land, with a high potential for economic gain[16]. All three worldviews intersected at the development project site and its destruction in problematic ways. The intersection of these three different perspectives, in terms of legal frames, Indigenous concerns, and cultural resource management, creates a space for further critical analysis and interrogation to highlight problems and to find solutions to addressing the problems being created. But, it also highlights how settler-colonial violence is reproduced at the intersectionalities of discourse, knowledge production, capitalism, and the desecration of human remains (Speed, 2019). Tomka' as a site of contention situated within several worldviews, illustrates current issues between tribal cultural protection and cultural resource management. Indigenous and non-

[16] San Diego County rural areas are seen as potential development sites, and other sacred sites are being targeted for destruction/development. A few miles west, from the Tomka' village-site, towards Pala lays the proposed Gregory Canyon landfill site, another sacred site connected to the larger complex of places significant to Luiseno culture.

indigenous perspectives and concerns are conflicting when the importance of traditional cultural landscapes tied to place, beliefs, and practices are devalued and ignored—in a complicated way the sacred is in tension with the secular.

The resolution of problems emerging out of the development of culturally important places upon off-reservation sites owned by private entities is cemented within a legal framework and protocol. When the legal and political frameworks of CRM and its protection protocols are not followed we are able to see just how institutions, knowledge systems, and development goals largely impede, impinge, deny, and constrain tribal options for protection and is an attack on sovereignty. Cultural sovereignty becomes moot and tribal presence upon ancestral territories becomes replaced and silenced through the frames of Western economic development and human science discourse. In a sense, Western progress and development erases Native claims to land, and to their cultural heritage within the land. In my opinion, the underlining ideologies that give validity to the actions that occurred at Tom-Kav is the same underlying ideologies that helped validate settler-colonialism, and we can see how these spaces (discourse, knowledge production, and development) and sites of contention reproduce the same violence of removal and erasure.

Tom-Kav: A Discussion

The Meadowood project is a development project located in rural north San Diego County, in the ancestral territory of the Luiseno, on a piece of land along the San Luis Rey River, just entering the San Luis Rey River valley, off of Interstate-15 (Nichols, 2012a). The project itself is an 844 unit housing project bordering three other development projects approved for the area. The other three sites include a 751-home Campus Park, a Palomar College satellite campus, and an additional 355-unit home Campus Park West project. The project in question starts at the

base of Rosemary Mountain, were SDi-682 was discovered and wraps around the mountain in to the mountainside encompassing approximately 340 acres. Appendix H of the environmental impact report (EIR) prepared by ASM Affiliates[17] for Pardee Homes is the cultural resource management report and contains the following findings: the site SDi-682 was located and was off-property, avoidance and preservation of that particular site is recommended, the testing involved 13 backhoe trenches and 35 shovel test pits discovering 57 additional "aboriginal" artifacts, but no human remains, the original SDi-682 site was extended west of the ranch road from the slope of Rosemary Mountain to the level terrain on the project property, site SDi-682 is eligible for the CA Register of Historic Places, the National Register of Historical Places, and has a San Diego County resource protection ordinance, capping is recommended for protection, an open space easement is incorporated into the project, curation of any collected artifacts, grade monitoring so no additional unidentified sites will be impacted, a monitoring discovery plan should be created before construction, mitigation if other artifacts are found, and the Native American Heritage Commission needs to be contacted for proper treatment of the discovery of human remains.

A document was prepared by ASM Affiliates, detailing the findings of Tom-Kav (SDi682). According to this document, the only significant sites are the two previously found in the archaeological record, and through surveys the archaeological team assessed the site and presented their findings. Due to confidentiality, various sections of the report that include Native American consultation are left blank, so further investigation into just how and what Native perspectives and concerns represented is not possible. In a newspaper article, describing a lawsuit filed by the San Luis Rey Band of Luiseno Indians, the archaeological report is being

[17] ASM Affiliates is the cultural resource management firm hired by Pardee homes to prepare the EIR, conduct the monitoring, and archaeology.

challenged as flawed, and only takes into account the archaeological record and ignoring the connection the Luiseno people have with this traditional cultural landscape, ASM is not properly assessing the cultural value nor the concerns the Luiseno provide in the consultation process (Nichols, 2012b). Martinez and Teeter (2009) provide a detailed description of what is wrong with archaeology and the practice of cultural resource management from a Native American perspective:

> 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 (p.26).

Martinez and Teeter (2009) go on to list three ways that the practice of archaeology in California is harmful towards Native Americans (1) archaeologists act like gatekeepers to sites and materials excavated at sites because they feel that Native American tribal members have to prove to the archaeologist that they are Native (2) different interpretations of site significance which leads to the dismissal of Native interpretations allowing misinformation to govern the impact reports leading to the damage of non-renewable sites and (3) a lack of cultural sensitivity and respect towards Native beliefs and for the physical site, often dismissing Native prayer and

destroying Native offerings (pp.26-28) . My position argues that the practices described above are examples of how human science retains power over Native people and their cultural beliefs, through the disciplining of cultural resource management into the reproduction of settler-colonial violence.

The literature for the most recent excavations at Tomka' does not exist and is not supported in the literature. The pits and sites that were being studied were bulldozed and all materials that removed along with human remains were repatriated in a different location on the site away from the road construction. My discussion relies mainly on media accounts: newspaper articles, news websites, YouTube videos, and personal communication with tribal monitors that were on the site. The internet is a fast and effective tool in generating awareness and activism towards the creation of organic social and political movements; websites and social media sites such as twitter, Facebook, and You Tube allow for the dissemination of information and current events in unparalleled speed and content (i.e. smart phones, photos, commentary, videos, and organic news journalism).

The archaeology in discussion at Tomka' is not concentrated around the original excavation sites discussed earlier, those recorded sites are deemed archaeologically important, and are being avoided. The following discussion concerns the area where a road was constructed, and the subsequent cultural resources that were uncovered during the grading process. At Tomka,'CRM can be described as management, salvage, and recovery in the face of quick destruction. News media reports that on Thursday morning, February 23, 2012 open archaeological test pits containing 19 human remains and artifacts discovered at Tomka' were bulldozed over, and the area was scrapped clean, two pits were not destroyed and tribal members from the local community guarded those remaining sites (Nichols, 2012d). There exist several

video posts on You Tube with disturbing video of the destruction of the test pit sites, the drivers of the bulldozers laughing, and on overall disrespect and destruction of human remains and artifacts (mariposa415, 2012; Cat 2012b, 2012d). The operation of heavy equipment is restricted to specific hours due to a noise ordinance, for San Diego County the time is from 7am-7pm, when this bulldozing occurred it was started before tribal monitors arrived on site (Nichols, 2012d). Samantha Greendeer, an attorney for the Pauma Band of Luiseno Indians describes the site and salvage efforts by the hired archaeological team one day before the bulldozing occurred, "They're pulling buckets of dirt and remains out of the ground faster than the archaeologists can look at them and inventory them … the archaeological record is being destroyed"(Nichols, 2012c). At Tomka' human remains were treated without dignity and were destroyed, and the Luiseno concerns detailed through the consultation process, were ignored.

The newspaper articles provide the only record of active archaeology that was conducted at Tomka'. The themes that I have drawn out of various newspaper descriptions concerning archaeology at Tomka'concern the following areas: state and federal law compliance, the mediation process between Pardee Homes and local tribal nations, a thorough environmental impact report (EIR), a flawed archaeological report, the discovery of 19 human remains and artifacts, management of human remains as per legal protocols, re-alignment of road is too costly and will effect wetlands, further archaeological excavations and investigations by tribes will cause delays, tribal monitoring, bulldozing human remains, hastily processed archaeology, destruction of archaeological record, and the site is deemed archaeological significant. The following themes are discussed in various newspaper articles, blog sites, and on various news websites. Each category can be further analyzed and interrogated, but that is not within the scope of my thesis.

Overall, the newspaper articles delineate a narrative that positions tribal concerns within the overarching development site. If read from the first article published, concerning the approval of the proposed Meadowood project by the County, and up until the day of the bulldozing and destruction, the main thrust of the discourse was centered on approval of the project and compliance with state and federal laws regarding human remains, including tribal mediation. The destruction of human remains at Tomka' coupled with the events and attitudes leading up to this event reveal how settler-colonial violence works concerning the treatment of Native Americans. The only concerns voiced by the County and the developers were centered on the cost of delaying the project due to tribal concerns, compliance to state and federal law in regards to the discovery of human remains, and the authenticity of sacredness and any meaningful importance of the site to local tribal communities. The discourse emanating out of the non-Indigenous concerns point to the underlying power embedded within the value placed on tribal concerns. Power that is both encompassing over the land and over the body—a dominating power steeped in the overall colonial project.

Personal Communication: Luiseno Cultural Resource Management

The following information that I am going to discuss was obtained from personal communication with Cami Mojado originally obtained in 2013, who works with Saving Sacred Sites (C. Mojado, personal communication, 2013). She details the events that occurred at Tom-Kav, she explains how she practices CRM, reveals strategies used by her firm, and provides suggestions into improving CRM in Southern California. Luiseno perspectives are highlighted within personal communications with Cami Mojado, a tribal monitor who works for Saving Sacred Sites, and was involved with this particular site. Saving Sacred Sites (SSS) is a Native

American monitoring and consultation service company, Cami Mojado is a member of the San Luis Rey Band of Luiseno Indians.[18]

Some of the most revealing information discussed with Mojado is the archaeological history at Tom-Kav. The Pankey family is the landowners of the property where the site is located. Rosmary Pankey, also mentioned in the True et al. original study, was a novice archaeologist that did work at the site since the 1950s' and even helped with interpretation of the site when True and his crew arrived. The family knew about the site and were collecting artifacts from the site for decades. They also did a lot of damage through farming, digging leech lines, and planting orange groves, and burying features and artifacts that were later discovered in the 2012 excavation. Tom-Kav was so impacted by the Pankey family that it is often referred to as the Pankey site. Mojado stressed that archaeology likes to categorize things in manageable spaces, she told me that the 2012 excavations did not see the significance of the site, because they misread its importance by not linking the whole area, and that the original survey conducted by True et al. was wrong as far as the coordinates and the locations of their earlier work. Traditional cultural landscapes are not just sites, but part of an interconnected system, Parker and King (1998) explain:

> "Traditional" in this context refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practice… A traditional cultural property, then, can be defined generally as one that is eligible for inclusion in the National Register because of its

[18] The San Luis Rey Band of Luiseno Indians are not federally recognized, but are recognized by the State of California.

> association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community (p.1).

By recognizing the role that traditional cultural landscapes have within the continuance of a living community, helps understand its significance and needs to be holistically documented and researched.

Cami explains that the whole area is significant to Luiseno people, and should be interpreted as such. The archaeologists, from the firm ASM Inc., sectioned up the area into workable sites, Cami explains that "everything is chopped up and segregated, and is viewed as separate entities and not one huge site" (Personal communication, updated June 2021). From her perspective, the whole are needed to be valued for its rich heritage and significance to Luiseno people and its connection to their cultural beliefs. "The area is unique and special to the Luiseno people because it is an area that taught us, the people, how to mourn" the site is part of the Luiseno Creation story, and is the site where the Luiseno were introduced to death (Mojado, 2021). Cami Mojado explained the significance and scale of the traditional cultural landscape, and its significance to Luiseno people. The Luiseno believe that Wiyot was witched at the site, and became ill, this was the beginning of how to deal with disruption and the order of the Luiseno world was dictated and prescribed, the site is very important to the Luiseno and its protection--by segmenting the site, the value is transformed and is misread.

Myra Ruth Masiel-Zamora (2013), a Luiseno scholar from Pechanga working in cultural resource management, was given permission to tell the Luiseno Creation story in her analysis of the village Exva Temeeku and provides the first printed version of the Pechanga Creation story,

she explains the connections the Luiseno have with Creation and the importance their worldview prescribes to the cultural landscapes within their story:

> This narrative gives importance to the relationship that Luiseño people have with the sky above them and the earth that surrounds them. This story explains the environmental, social and spiritual relations of the Luiseño people. The Temeku site significance goes beyond the collection of artifacts that were uncovered in the excavation; it's the center of the Luiseño's origin and thus, of their world (p.4).[19]

Champagne (2005) explains how important traditional cultural landscapes and the connections to living communities should be valued:

> Humans have a role to play in the cosmic drama, but not necessarily a central role or an exclusive role. Upsetting or disrespecting the powers of the cosmic order will lead to retaliation and restoration of the disorder. Humans seek a balance of powerful forces in order to live their lives and achieve their assigned life and community tasks within the cosmic community. The native view of cosmic order and community includes the powerful forces of the cosmos; sometimes clans or societies are named after powerful beings in an effort to seek their approval and blessings…The land, plants, animals, and elements such as fire, wind, water, and earth had specific powers, and humans have specific relations to the powers and must honor and respect those relations in order to maintain well-being and balance for living a fruitful and honorable life. The native conception of community and relation to nature varies considerably from the Western Enlightenment view (p.7).

[19] Due to the sensitive nature of the Luiseno Creation story I am not going to re-tell the Pechanga version because I was not given permission to do so in my research.

Both scholars stress the importance of centering Native worldviews into analysis that specifically deals and discusses importance of specific places and the ways in which Native people value their connectedness.

Cami goes on to detail what happened at the site, 20 odd pieces related to cremation were found in an area west of the original site, this material contained human teeth, they were discovered in the soil piles that were created when a tree was dug up and moved to another location. ASM trenched for soil types (they found bone but did not send the samples out for testing, tribal monitors were able to retrieve the bones and sent the material out to be tested and they were determined to be human. They bone fragments were never returned and were "lost at the museum." ASM's original investigation involved digging trenches in an area that was designated by the Pankey property owners. Pankey had put in leech lines for a septic system and he did not want ASM to investigate that area. Later on, SSS discovered that the area where the leech line was initial dug was full of material culture and artifacts. So much material is at the site that Rosemary Pankey was able to collect metates and other artifacts from the ground and within the surrounding areas for her personal collection. According to Cami, Pankey kept the collection in a nearby shed, but were never recovered, when the tribal monitors where on site.

Human remains were found in the road development area and along the orange grove, SSS submitted the findings to the Native American Heritage Commission (NAHC). NAHC maintains a database of human remains found in California and they determine "the most likely descendant" (MLD) tribe that is closest to the area where the human remains were located. The process of CRM begins when developers contact NAHC to ask for locations of burials in the area of proposed development, if positive affirmation of a cultural resource is within the location, the MLD is determined and contacted by NAHC. The landowner is then notified and the mitigation

process begins. The consultation process is within the developer's advantage because the tribe has 30 days to request mitigation, tribes have to get together and discuss how they want to proceed then meet with the landowner to agree upon a procedure if human remains are disturbed and located, then a space needs to be found in order to repatriate the human remains if development cannot be re-designed. Initial tribal response was to discuss with the County about the significance of the site and to request that the road be stopped or re-routed. Palomar College was tasked for developing the road, as their new satellite campus was part of the development plan. There are three separate development sites proposed and the road had to be built in order to access the development. The road had to be built in order for the developers to gain access and to get out back and forth into the proposed development sites. The Pankey property is next to the main highway, the development sites are behind the Pankey property so a road needs to be built through the site in order to mitigate access. A letter was sent out and the tribes were given an opportunity to consult. Also, the tribes discussed a re-design of the road for avoidance of the cremation sites and the human remains, but the re-design would have a negative effect on the wetlands in the area.

On the first day of the road build they found human remains. As the sites were been dug deeper, significant material was coming up, the monitors had to go back to the other areas to supervise. The materials being uncovered and removed were located in the path of the road development and were not in the area of the earlier True et al. (1991) excavations. They found features that were covered over and buried by Pankey during farming that were not in the original report. A, B, C sites of the original report were off, the info was wrong. The C site was said to be really deep but was shallow and located in the middle of the Pankey site. The information given was inaccurate, so they had to back-peddle to get the correct information and

to document accurate details about the site and its location. It was a real nightmare, they had to go back and forth with jurisdictional issues, and had to constantly educate the developers and the County on why the road needed to be removed or relocated and on the application of the law--a lot of legal work was involved. The reality was the developers needed the road for development to continue and they were going to get their road by any means.

The archaeologists on site were there for the developers, their clients. They were hired to smooth things over through mitigation, and to make the process easier for development to continue. A lot of animosity and tension between the developers, archaeologists, and tribal monitors was apparent and felt while working. The animosity got so bad that some archaeologists refused to come out to the site on some days. SSS wanted to keep everything recovered on site so they asked the archaeologists to set up an onsite make-shift lab so no material can leave the site. The archaeologists started going through the materials. The monitors were recovering so much stuff that the archeologists started to accuse the monitors of bringing in materials and planting materials in order to get the road project stopped. So much material was being recovered and found that the scientists started calling the material "redundant data." They were only able to agree on how the excavations should be handled. They kept finding more and more material related to cremation sites and burials, that the archeologists thought they were planting material. The tribal monitors and Natives on site wanted everything to stop, the road to be put somewhere else, and for the area to be declared a cemetery and/or burial site. They initiated a filing of a restraining order in court against the developers in order to finish the excavations already started, to prove the site as significant, contained cremation sites, burials, and human remains, that the road needed to be stopped and relocated, and the area capped and protected. The developers bulldozed the excavation pits in order to stop the restraining order

process and to prove that the soil they applied over the pits, a soil cap, will not lead to further impact to the site. The strategy on the developer's side was to prove that there would be no more impact to that area due to the soil they bulldozed over. Unfortunately, SSS was not able to get back into that area to do more work.

The Luiseno belief is to not take human remains away from the site. The Luiseno mitigate for an open space that is agreed upon to place the remains back into the ground where they came from. The material that was excavated and collected was repatriated to another site agreed upon. A trench was dug and sand was placed on top as an indicator to not dig for future disturbances, and the coordinates are recorded and kept in a database with the NAHC. That means that the site selected will be protected in perpetuity. A dig buffer is applied around the area, it becomes a no dig site, a do not touch zone. They were able to add materials repatriated from UCLA that were recovered from the original dig site, from another University, and a museum.

In the 1950s the original report detailed a shelter that contained rock art and was visible from the front road; the original site went up the mountain, where an orange grove is now located. Pankey was upset that monitors were going up to the area and did not give anyone permission to go onto that section of the property. Cami suspects that he knew what was up there when he planted the orange grove, and he covered it up or removed the objects. The actual development site were the satellite campus is now located did not contain anything. Features were found in the housing site area, but the development was redesigned so no disturbance and destruction occurred to those sites, but those areas were not full of materials to the extent that the road appeared to have. Cami discussed a positive outcome within the site, they were able to go along the bottom of the mountain and found new stuff that the original report missed, and they

were able to recover new stuff that Pankey had buried when he was farming. The area was covered with geo-fabric and documented. They use the geo-fabric to mark significant areas so when in the future if someone were to dig, they will find the fabric before any impact is created. The geo-fabric is an indicator to stop digging, it is part of a protection protocol for features and anything capped. Also, the coordinates are documented accurately and sent to the South Coast Information Center for inclusion in their database. The information is submitted and updated to stop future destruction.

SSS likes to employ measures to stop impaction and development in order to protect traditional cultural landscapes, whereas the mitigation process is used to lessen the impact of materials within the project development sites. So, they usually compromise and create a 50 ft. space as a barrier to minimize and lessen the destruction of the site or its impact, it stops tractor tires and bulldozer tracks from crushing material underneath. Ideally, SSS would like to install easements, which is a big procedure that creates no touch zones. The initial Pankey test sites and pits, performed by True et al, were by the road, Cami speculates that they had to know the actual site extended west towards the farm house, and was very significant due to the cremation remains and human remains.

During the road development, archaeologists were digging in a pit and they located baked core or cooked earth, indicating a cremation, along with human remains. The tribal monitors talked to the migrant laborers, one of which was an older gentleman who was viewed as an Indigenous man who was spiritually gifted, who worked the area in the groves prior to the development and who stayed on site in the farmhouse; they described an orange light, an orb that would come out of the ground where the baked core dig site, cremation pit, human remains were discovered. The workers also described a cave on the slope of the mountain, later identified

through their description as a shaman feature, which contained really old artifacts inside the cave; the feature was not identified because it had been already destroyed. The Luiseno had a device called a bullroarer that was used to call people to ceremonies and doings, usually used atop a hill or mountain so the sound can travel and signal people to come; they could hear the bullroarer in that area where the slope was, and it was heard during digging. Cami explains that they felt that the site and "things were coming to life" that their ancestors/spirits were getting disturbed, that they were angry, and were letting themselves known. She stated that the ancestors were upset and things were happening that were visible and that they were seeing and hearing a supernatural component and phenomenon.

The Pankey area, according to Cami, has a high probability of containing more cremation sites, they were discovering more and more materials related to cremation, but were not allowed to finish due to the bulldozing. The site is now been developed again, and there is an ongoing discussion with developers to not move forward. The Pankey site had enough materials found during the excavations and bulldozing that the site could have been declared a cemetery, and would have warranted a no disturbance, no touch zone.[20] The developers were fined for bulldozing, but the road was completed.

To Cami, the Pankey site was a nightmare, they put their blood, sweat, and tears into that project to get it protected, and saved. When the bulldozers came and covered up all the pits and sites, it felt like mourning, it was a bad day with a horrible feeling. All the time and effort they put into to saving the resources was overwhelming, resources were being discovered faster than they could save them. The video footage of the bulldozing was captured by protesters camping out at the site overnight, some of them sat in front of the pathways of the bulldozers to try and protect the pits that had human remains and were part of the cremation/burial areas. The

[20] According to CA code 7003.a, a place where six or more human bodies ae buried constitutes a cemetery.

bulldozer operators were laughing, because the road had to be built and finished regardless of the law, policy, and interests of the tribes.

SSS has eight standard mitigation measures that they use with land owners and developers. These measure help the other parties understand the significance of the site and the process and law involved: they have monitor protocols that inform the landowner what will happen and how that process is applied, they have measures that handle unanticipated findings and measures to let the owner know how that will be handled, they have measures for human remains discovery and the protocol used to handle the remains. These are educational measures that they use to inform the owners and developers.

Cami described seven strategies needed for the improvement of CRM in the local area:

1) More communication with developers and lead agencies.
2) Better protections of Human Remains.
3) City Consultation—in order to educate the city planners.
4) More communication of understanding of the tribal perspective concerning the importance of their resources. Traditional cultural landscapes are non-renewable resources, once they are gone they are gone forever, the future generations of Native Americans will never be able to interact with the place, and see the areas. Saving Sacred Sites tribal monitors always have to educate and re-educate, developers, planners, and lead agencies—non-Indians.
5) Army Corp of Engineers need more communication; there is constantly new leadership with new decisions and new perspectives. The relationship becomes difficult when they have to educate and re-educate, similar to the city planners, who often have new leadership.

6) Native involvement: Tribes need to be educated in the timeline importance and the total overall process and how it is vital for protection; they need to know the process and the time-tables. Example: A lot of elders were hesitant to give away information and knowledge about specific sites and their meanings because they believe that revealing its place and significance out of context, from the tribal into the non-tribal, lessens its power in its original context. Many Native people believe specific knowledge is deemed privileged and or personal/secret to the tribe and its beliefs. Tribes need to realize that CRM becomes a catch-22, we know what is there, and what it means, we have a "do not touch perspective", but that meaning has to be revealed and spoken about in order to be protected.
7) Tribal communities need more voice in the mitigation process from the beginning and more communication with NAHC.

Cami believes that more educating of the city and land developers is paramount. Native people involved in CRM have a responsibility to teach as much as possible about CRM, its processes, and about tribal input. That should be the goal of Natives working in CRM, as a person involved in CRM, to teach CRM to developers.

Several concerns and constraints have been identified in regards to archaeology at Tom-Kav. Haphazard and hastily conducted archaeological survey and a lack of input within the environmental impact report (EIR) as to the cultural relevance and significance of the site within Luiseno terms is a problem for tribal monmitors when they are on site because they are dismissed and or trivialized. A faulty cultural report located in the EIR is often repeated in error within the archaeological record and is deemed legitimate knowledge concerning the site, making the whole project an authoritative misread that marginalizes tribal perspectives. Once

the site is excavated and the report is complete, the site is no longer seen as significant, making the law and policy that utilize the faulty report more susceptible to continue the marginalization of the Native voice. Archaeologists are not sensitive to tribal perspectives and the archaeologists who are hired by the developers try to save developers money by leaning towards the developers interests over tribal cultural heritage concerns. Archaeological sites become a space of contention when the Archaeological perspective is valued over the Native perspective; often time's tribal monitors are denied access to sites because of the conflicting ideas about the significance of a particular site and the full knowledge of the site is not recorded. The conflicts and problems associated with Tom-Kav have lead to unfavorable outcomes that both archaeologists and tribal members have felt.

CHAPTER FOUR: CONCLUSION

Concluding Thoughts

Indigenous bodies, spaces, and histories have been marginalized, appropriated, and dispossessed within the research of human sciences. The ideological work of human science research has affected Native American communities within San Diego County through the systematic dislocation of cultural heritage and history from Indigenous contexts within the discourse of cultural resource management. The historical work of archaeology and anthropology has furthered dominant narratives and ideologies concerning Native Americans within the prevailing discourses legitimizing scientific Western research while at the same time supplanting and delegitimizing Indigenous worldview and history. Indigenous people within San Diego County have been largely denied access to their cultural heritage resources and tribal histories have been ignored and dismissed. Anthropology and archaeology, which lies outside of Indigenous worldview, utilizes a specific discourse that informs researchers on how to understand Native American culture and traditional cultural landscapes; with this process and system in place, any alteration or attempt to clarify or disrupt this expected ideology becomes problematic. Indigenous presence and voice challenging modern perspectives constructing their heritage, history, and culture occupy a space of contention that I believe is a reproduction of settler-colonial violence. The contentious relationship between human sciences and Native Americans is rooted in the assumed power that science exerts over Native peoples—their cultures and histories. The academic language of Anthropology creates inequalities; the discourse categorically constructs hierarchies that place more significance of the scientific research over the Native American subject. I posit the idea that the spaces where academic discourse functions reproduces the violent dislocating power and control of settler-colonization.

In the book, *Appropriated Pasts: Indigenous Peoples and the Colonial Culture of Archaeology* McNiven and Russell (2005) employ a historiographical approach to exploring the ideologies of colonial culture embedded within anthropology and archaeology, they "identify negative tropes with deep historical roots in Western thought that have disassociated Aboriginal people from their traditional lands and ancestral places" that have become embodied in academic research, textbooks, and reproduced within popular culture (p.vii). For McNiven and Russell, the ideologies within colonial culture are entangled in academics and pop culture, and the historical narrative that is constructed has helped to dispossess Aboriginal people from their traditional lands, and ancestral territories.

Borrowing their idea, I posit the idea that the American academic disciplines of anthropology and archaeology have followed a similar trajectory in the creation of and positioning the value of Western knowledge over the value of Native American knowledge in regards to traditional cultural landscapes. American history parallels Australian history in that both are settler-colonial nations from England that systematically dispossessed Indigenous peoples from their lands, cultures, and histories through similar reasoning and rhetoric—that of terra nullius and Manifest Destiny. The imperialist powers that guided European settlers upon Australian shores and through expansion, also guided European settlers upon American shores and through expansion:

> Issues surrounding relations between archaeologists and Indigenous peoples in the settler colonies of Australia and North American tend to 'mirror' each other because of similar colonial histories … all share a common heritage of dispossessed Indigenous peoples who never ceded sovereignty and who continue to fight legal and moral battles for control of their ancestral lands and cultural heritage (McNiven and Russell, 2005, p.3).

The parallelism between Australia and the United States lies within the foundations of settler-colonialism and negative tropes concerning indigenous people that continue to permeate and inform contemporary research and social institutions. More importantly, the language that positions these negative tropes promotes a hierarchy of control and domination.

From my stance I argue that human science discourse and the application of that discourse within the practice of cultural resource management creates spaces through which settler-colonial violence is reproduced. When the value that Native people place in traditional cultural landscapes gets dismissed and re-contextualized to fit into analysis and data collection Western ideologies and beliefs concerning Native people begin to replace Native presence and worldview from the landscapes through which they are connected.

Identifying external ideologies will help map the historiography of archaeological rhetoric embedded within academic research. Identifying internal ideologies will help map the concerns and perspective that Indigenous communities have regarding archaeological interventions within cultural significant sites and spaces located off reservations boundaries and within ancestral territories. Mapping both ideologies reveals how expectations are created, disrupted, and understood from both perspectives, creating space for collaborative work and research that critical alters hegemony and decolonizes the practice of archaeology into research that centers around respect. Research should focus on reversing the limiting and constraining of cultural sovereign rights by legitimating Indigenous access to their cultural heritage and resources, creating a space where research can be collaboratively instituted, allowing Indigenous worldviews to co-exist with Westernized theory, where both worldviews can work together in research efforts. Place is part of nature and ecology, meaning it has a complex interrelated connection to man, nature, and Creation. Specifically, when traditional cultural landscapes are

thought of within this cosmological understanding of Luiseno worldview, the whole culturally constructed nature, organization, and connections to place takes into account connections to Creation. Tomka' is part of the Creation story of the Luiseno Indians and represents an important and integral event in Luiseno origin, which is still part of contemporary Luiseno worldview.

One way to think about cultural sovereignty is its function, that tribal communities have the inherent right to determine their own cultural interpretations and understandings. From this perspective, culture is remade and reconstituted; it is a living fluid presence and practice that deals with change and continuity based on rational decision making from the goals and values of the community. The real life consequences of disruption that has occurred at Tomka' can be understood from a Luiseno worldview. To disrupt or cause harm, without proper restitution is dangerous, and can cause catastrophe, disease, and even death. To disrupt the site and ignore Indigenous concerns for their communities is an infringement on the well-being of Luiseno communities and their overall existence within the world and becomes an attack on cultural sovereignty. Kroskrity (2012) explains the importance of cultural sovereignty for contemporary Native people:

> Cultural sovereignty has important community-building functions as well as important political implications in regard to the dominant society. By promoting institutions and practices that are indexed to indigenous worldviews and value systems, Native nations foster the maintenance of difference rather than the complete assimilation of indigenous groups into the larger sociocultural regime of the more encompassing nation-state. If Native groups were to lose all distinctive aspects of their societies and culture, how

would they legitimate their status as Indians and their claims to special legal treatment (p.6).

Adding to Kroskrity's insight, the ways in which settler-colonial violence functions to erase and replace Native culture and identity, which the Luiseno believe is part of the land and the connections they have with Creation, has real-life implications for future generations and is an attack to their cultural sovereignty. The Luiseno are the people that understand these consequences when important sites life Tomka' are desecrated. They are the individuals who have to manage the disruption caused by the actions that occurred at Tomka.' They know how to restore balance according to their prescribed religious-cultural beliefs and is vital to understanding how development at Tom-Kav is an infringement on cultural sovereignty and human rights concerning well-being and health.

The destruction of Tomka' represents an intersection between Luiseno belief, human science discourse, and cultural resource management. The silencing and disregard of Luiseno perceptions concerning cultural importance and connection to the site is a reproduction of settler-colonial violence. Unpacking these inter-sectionalities and sites of contention can produce solutions, but these solutions need to be across communities. The intersection of conflicting worldviews and social institutions at the Meadowood development project illustrates contemporary issues regarding cultural resources management and the relationship between local tribal nations and the surrounding communities. To the surrounding community, Luiseno presence and the worlds they inhabit ends at the reservation border, severing Indigenous presence and history upon the land. Tribal communities occupy a special category within the legal-political discourse of this country, tribal communities are distinct nations, with inherent rights—they need to be treated and afforded that recognized right. The mismanagement

occurring at Tomka' is an example of settler-colonial violence, functioning with multiple discourses concerning authority, power, and claims to knowledge and property--all based and understood from a perspective that promotes continual domination, entrenched in the continual process of settler-colonization. In this light, Tomka' represents and extends the colonial project, and represents a reality that all tribal nations must navigate. Indigenous perspectives concerning land, rights, and sovereignty are ignored and marginalized in the face of "progress" and "development." Indigenous concerns from tribal communities need to be respected and heard, not discredited through research. California Indians have always placed value in the worlds that they inhabit and in the worlds that they make, that will continue to hold true as time unfolds. Linda Tuhiwai Smith (1999) explains how research can be destructive:

> The ways in which scientific research is implicated in the worst excesses of colonialism remains a powerful remembered history for many of the world's colonized people. It is a history that still offends the deepest sense of humanity. It galls us that Western researchers and intellectuals can assume to know all that it is possible to know of us … it appalls us that the West can desire, extract and claim ownership of our ways of knowing, our imagery, the things we create and produce, and then simultaneously reject the people who created and developed those ideas and seek to deny them further opportunities to be creators of their own culture and own nations. It angers us when practices linked to the last century, and the centuries before that, are still employed to deny [the] validity of indigenous peoples' claims to existence, to land and territories, to the right of self-determination, to the survival of our languages and forms of cultural knowledge, to our natural resources and systems for living within our environments (p.1).

For Smith, Western perceptions that supplant and erase Indigenous "ways of knowing" are just extensions of colonialism and display the power dynamics that its discourse can have over Native peoples. My thesis discusses the ways in which settler-colonialism is reproduced within the practice of cultural resource management. Interrogating the spaces in which settler-colonial violence inhabits reveals its discourse and mechanism through which it regulates and replaces. By deconstruction that space and including a Native voice alongside a Native-centric worldview spaces for decolonization will be created leading to a more collaborative approach to cultural resource management and academic research that equally values both perspectives and reveals the flaws that inequality promotes. With this framework, solutions to correcting friction and contentious relationships between archaeologists and tribal nations can be formulated towards a more holistic approach to research and its application in the field. Moreover, I hope my discussion and the ideas that I have shared can occupy a space for the greater good of my community and contribute to overcoming struggles Indigenous peoples face. Native American perspectives are needed within the scope of protecting sacred sites because understanding tribal connections to the land within a context that gives value and importance to tribal-centric worldviews becomes an approach towards a more holistic reading of the overall narrative concerning specific traditional cultural landscapes and the material culture connected to those landscapes. The ultimate goal is protection, and the knowledge/discourse produced through a holistic approach creates a positive outlook on centering Native worldviews within both the overall academic record and the anthropological/archaeological record.

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