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10News Investigations

Who Pays For Mishandling Of Indian Burial Ground?

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LA JOLLA, Calif. -- The bird songs of the Kumeyaay tell of their ancestors being here before the beginning of time.

In a way, they were.

In the mid-1920s, archeologist Malcolm Rogers discovered remains of these Native Americans in La Jolla that dated back 5,000 years or more.



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Ancient Indian burial grounds are sacred and honored by their people to this day.

"They're deserving of the respect that we as a so-called civilized society can give them," said Carmen Lucas of the Kwaaymii Laguna Band of Indians.

Lucas is upset about the lack of respect being shown to her ancient ancestors during a remodeling and excavation project at a La Jolla home last year.

The home is located in an area that Rogers referred to as the Spindrifft Site -- a 20-acre site well-known by archeologists to contain resources and remains of ancient Native Americans who once lived there. It is also protected by state and city codes.

If artifacts or remains are discovered, work on a project in this area stops immediately. But that is not what happened during the removal of dirt for a backyard swimming pool.

"It wasn't until the third skeletal remains were discovered, from what I understand, did they stop work," said attorney Courtney Coyle.

Three inhumations were later buried on the Kumeyaay Reservation, but the problem is work had stopped far too late. Much of the dirt from the site, possibly containing other remains, was already removed.

Some would say it would be like someone digging up your family burial plot and a grandmother ends up in one part of the county and a grandfather in another part.

Lucas said, "For me, that's a spiritual violation of the highest degree. Why they didn't stop work, I will never know. I never got an explanation. They allowed that work to continue."

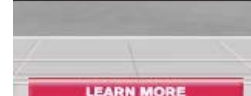
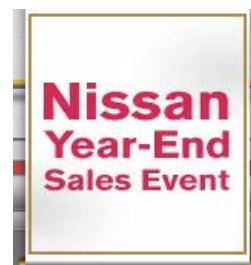
It was later discovered that much of the dirt was sent to the backyard of a home near Soledad Mountain Road as fill dirt to prevent a landslide.

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Lucas has asked that the soil at that home be tested for remains and artifacts and, if need be, removed.

However, that could prove to be costly.

"It certainly shouldn't be the tribe's burden to pay for that when they didn't create this problem at all," added Coyle.

So, who is responsible for the cost?

It is expensive, but the I-Team did not have firm figures.

That particular project needed special permits from the city, so the I-Team continued its investigation.

The I-Team learned the city failed to follow proper procedures for the project and could be held responsible for some of the costs.

City official Kelly Broughton's office was supposed to oversee the issue of project permits. As far as he could tell, the permit for the swimming pool did not receive the proper attention needed for an area considered to be so sensitive.

"In this case, I'm not sure if that was the case but that could have occurred," said Broughton.

He also told the I-Team that his office would conduct training for all of its employees to be more knowledgeable about these sensitive areas.

A position of tribal liaison was created in the mayor's office to oversee issues like this.

In its defense, the city did require an archeologist to monitor the project during construction.

That company, Affinis, located in El Cajon, should have stopped work immediately according to city codes when the first remains were discovered.

The I-Team asked the company and the archeologist responsible for the project for a comment, but phone calls were not returned.

It should be noted that the tribes are not opposed to development. They simply want projects conducted on Indian burials to be done with dignity.

The parties involved in this dispute will meet Monday to try and find a resolution.

There are several areas of sensitivity throughout the county, but they are not a matter of public record out of fear of grave robbers and artifact hunters, the I-Team learned.

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