

**Prof. Paul Langenwaller, Biola University, Testimony before the Native American Heritage Commission, March 28, 2011.**

Thank you, Chairman Ramos and Committee members, for this opportunity to address this problem that has arisen with the Plaza Cemetery. I am Paul Langenwaller, Biola University. I'm the archaeologist for the University and Cultural Resources Manager. I have been involved in the exhumation and relocation of prehistoric and historic cemeteries for over 25 years.

During the week after the discovery of the human remains at the cemetery, I was called to provide burial technicians for the excavation that were familiar with the process of disinterment. We had relatively few individuals available at that time. I was available to provide a graduate of our program with a year and a half of professional experience in the area, along with four other students. And this was during the week of November 1st. The following Saturday I visited the site, November 6, and observed the operations, and visited at that point in time. I also discussed Health and Safety Codes, permitting, jurisdictional issues, excavation process with the principal investigator with Sanberg Group. And I noted a number of issues that I would like to address today. These are primarily issues of due diligence and interagency cooperation and coordination.

So, first the issue of the excavation. I saw a number of things involving the horizontal control, the vertical control of excavation along with the ability to save materials for documentation. And the burials were being removed piecemeal, that is that legs would be exposed, removed, then the torso area removed, the skull removed. Excavation that was sideways, removing beads from around the neck of a person without photographic documentation. And other things that do not fall within the conventional processes of archeological excavation or cemetery disinterments.

Also I noted that there was constant calling by the Supervisor's office, as well as the Plaza authority, that the archaeologist was under tremendous pressure. Some of the things I shall not repeat suggest intimidation and I was duffed about the process.

Also a problem with the use of a bobcat to open the graves and to look at, or to remove the burials as they were being discovered in that fashion.

I brought up Health and Safety Codes that had not been addressed, and the following Monday those were taken by the principal investigator to the appropriate county and plaza agencies and essentially ignored, and that concerned me a lot.

On Tuesday, after additional things that I saw in the field, I instructed our students to remove themselves from the site and to disassociate the University with the project because I felt that the processes were deficient, as well as the coordination with the lead agencies.

So I want to address a number of things I hear in addition to that. First of all, there was a question of when the cemetery had been exhumed. The date of 1844 was suggested for that. And there's a problem with that. And that is the current mission as you see it there, or Church as you see it there, was built on the site of the Estancia constructed in the latter part of the 18<sup>th</sup> century. And this particular building went up starting in 1814, completed in 1822. The Estancia was established to serve the Native American community and to proselytize them. There is a very good record that is common knowledge and described by Bernice Johns in the 1960s of the association of Native Americans with the Institution. And if we move on to this map, which shows the location of the old Plaza Church, it also identifies the cemetery. This is based on Ord's survey of 1849 and shows that the cemetery is in place, but also underneath what appears to be an orchard. The map was revised in March of 1873 and continues to show the presence of this cemetery, so that the dating of any removal of the cemetery seems to be incorrect. Several of the

Native Americans that I work with express concerns that in fact the cemetery that was removed was on the other side of the church, and that perhaps what appears to be a mass grave on the site now being developed is part of the relocation process. We don't know that, but this was missed. This particular survey is in city archives, including the original mapping, and we need to concern that.

Also during the course of this excavation, one of the concerns I had was Health and Safety Code 7525 and 7528. This pertains to the disinterment of human remains. It is part of state law that requires the consent of the cemetery and relatives of the person. In the event those cannot be attained, it requires a disinterment order by the court or by the coroner's office. To my knowledge, that requirement has not been met. It was not met by November 10, after at least 14 to 20 of the burial features had been exposed and removed. This is not the way that we advocate for cultural resources, particularly the single most important early historic cemetery in the City of Los Angeles, and perhaps in Southern California. So I want to point out the nature of the excavation as it was seen in November. We saw it. The excavation is not controlled.

That is the piece of heavy equipment, or light equipment, if you will, that has been utilized. And as you see, the ramp for the equipment is immediately into that area identified as part of the cemetery. Also the piece of equipment that is being used has teeth on the blade. This has been recommended against for over 25 years and is one of the concerns that I have here, was that piece of equipment there. I indicated at that point in time that it should be perhaps discontinued. This shows a standard excavation using mechanized equipment in a cemetery area, or not in a cemetery area. Actually, David Van Horn 1988 in his book *Mechanized Archeology* recommends that mechanized equipment not be used around burials. And that the conventional excavation is that you go down the ramp, establish your controls both horizontal and vertically,

and then excavate. Some of the goals that require control in excavation from an archaeological standpoint are that once you have identified your burial type, the items in red are things that require visual control through careful excavation of horizontal vertical planes. Additional goals from collecting biological data that is necessary and desirable. Here, those in red, they are conventional things that are determined in the field prior to removal of the burial. The population affinities is one of these, important. The population identity is also important.

The Coroner suggested that there were no human remains that were of Native American origin. The cemetery obviously is known to contain a large number of Native American remains. The argument that has been used was that the tooth wear --

**Man's voice:** Paul,

**PL:** Yes, Sir.

**Man's Voice:** we're running . . .

**PL:** One minute,

**Man's voice:** ... the time limit

**PL:** Just one minute.

**Man's voice:** — can you wrap it up?

**PL:** Wrapping it up. OK, tooth wear, cultural indicator of diet and food. It can change. It is not a matter of the biological identity of the person, the ethnic identity of the person.

Also, artifacts assumes that there is no assimilation. And we've heard that the graves were typically in the Catholic style, and a European style. And that again does not determine whether or not they are Native Americans, or perhaps they are just Catholic Native Americans. Biological criteria that are not liable to culture change: DNA studies, skull shaped characteristics that I have listed there, which the coroner should have done in exercise of due diligence.

On Saturday, November 6, I saw a burial, actually two of them, laying on their sides in non-European, typically Native American position. I recommended at that time, November 6, that the coroner be brought back out and that the commission either through the coroner or through the archaeologist be contacted, and that did not happen apparently. Thank you very much.

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**Woman's voice:** I'm sorry, before we go on, again, I'm sorry, can I just ask a question of the previous speaker? Just for clarification, to understand which portions of the project, you were on site on certain portions of the project? And where on the map was that?

**PL:** I was present during, or at the time, that the main trench that still remains, was opened. At that point in time, the first 14 burial features had been exposed and partially or completely excavated.

**Woman's voice:** And in what capacity was that?

**PL:** As I said at the beginning, I had provided students that were qualified to do archeological excavation. I had been contacted because, by the Sanberg Group to provide excavators for the project.

And I hope that this will result in a full day-lighting of all excavation records, all documentary records that are associated with the project. That these will be evaluated by an independent third party. That the human remains will be fully reconstructed and studied archaeologically and then properly reentered with respect. Also, that the Native American community can be allowed access to the Native American remains. Thank you.