

NATIVE AMERICAN HERITAGE COMMISSION

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January 4, 2011

Dr. Anthony T. Hernandez, Director
LOS ANGELES COUNTY DEPARTMENT OF CORONER
1104 North Mission Road
Los Angeles, CA 90033-1096

Dear Dr. Hernandez:

Re: California Health & Safety Code §7050.5, Reports of Native American Human Remains to the Native American Heritage Commission (NAHC); Unanswered Communication Between the Coroner's Office and the NAHC and the Recent Report of December 29, 2010 of Human Remains Discoveries on property next to Our Lady of the Church of Angels, Main Street near Spring and Olvera Streets; Downtown Los Angeles, California

The Native American Heritage Commission (NAHC) is charged by the California Legislature to designate a Most Likely Descendant (MLD) once human remains are determined to be likely Native American by California county coroners and reported to the NAHC as required by California Health & Safety Code §7050.5.

The NAHC has experienced recent communication difficulties with your office on these issues of human remains discoveries. From November 2009 to date, the NAHC contacted Ms. Elissa Fleak, Los Angeles County Coroner Investigator regarding four cases reported to the NAHC by archaeologists. The NAHC staff left messages on Ms. Fleak's office phone (323-343-0735) in each case but never received a response. The first three cases were reports to the NAHC from a Caltrans archaeologist (Topanga Canyon discovery), Southern California Edison archaeologist (City of Glenora skull discovery), and an Angeles National Forest archaeologist (the recent fire near Chatsworth).

Now, latest apparent discovery: the NAHC received a call on December 29, 2010, from an archaeologist, Reilly Murphy, in the employ of The Sanberg Group, Inc. (15051 Leffingwell Road, Suite 102; Wittier, CA 90604; 562-941-3448). Mr. Murphy was reporting to us a discovery of human remains at a development site next door to the Roman Catholic Church, Our Lady of the Church of Angeles on Main Street, near Spring and Olvera Streets. He indicated that the remains represented about 50 percent of a skeleton and had what appeared to him Native American associated grave goods, which is why he was making the call to the NAHC. Also, this site is near the ancient Gabrieleno Tongva Village of *Yangna*. Mr. Murphy's cell phone number is 310-621-2154. In turn, the NAHC staff called the LA Department of Coroner, your office: 323-343-0512 to request an investigation of the remains and associated grave goods. The person receiving the call at your office said that your office procedure was for the NAHC to call first, the Los Angeles Police Department (LAPD), Central Division. Los Angeles 213-485-3294 and the Police Department would report the discovery to the LA County Department of Coroner. The NAHC staff made that call to the LAPD. The LAPD Officer did take the report of human

remains discovery that included Mr. Murphy's contact information. On December 30, 2010, the NAHC received another call regarding this case from a Beth Miller who identified herself as an archaeologist with the Sanberg Group and said she was also representing the Los Angeles County Department of Coroner. She indicated that the remains that were discovered were definitely not Native American in origin.

The NAHC would like to know what analysis of the remains provides that conclusive determination that the remains were not of Native American origin, in light of apparent 'associated grave goods (beads and other items) found with said remains? Did Beth Miller have authority to represent your office in this case? Is there a change of *protocol* in your office that explains why Ms. Fleak does return phone calls or e-mails from the NAHC?

The NAHC is aware that California Government Code §27491 give California county coroners jurisdiction over all unidentified human remains discovered in the state. In turn, the NAHC takes its statutory responsibility in such matters very seriously. This is the purpose of calling these issues to your attention. The local Native American community is concerned that their rights provided under law are being trampled upon by the apparent failure to adhere to state law.

Thank you for your attention to these issues. The discovery of Native American remains is of great importance to Native American people. We look forward to your timely response.

Sincerely,

ORIGINAL SIGNATURE ON FILE

Larry Myers
Manager

Antonette Cordero
California Deputy Attorney General

Ron Andrade
Executive Director
Los Angeles City/County American Indian Commission

Elissa Fleak
Coroner Investigator

Cindi Alvitre, Chairwoman
Tribal Council of Pimu

Dave Singleton
Program Analyst