

## **IMAGINING INDIGENOUS FUTURES**

The fight to save the West Berkeley Shellmound

by Nicole Kim, 2022

### Barbara Banks Brodsky Prize for Excellence in Real World Writing

On September 24, the National Trust for Historic Preservation (NTHP) released their 2020 list of “America’s 11 Most Endangered Historic Places,” an annual attempt to highlight “the threats facing some of the nation’s greatest treasures,” according to the organization’s website. Included on the 2020 roundup is the West Berkeley Shellmound and Village Site: sacred Ohlone ground located in the region currently known as Berkeley, California. What is now a parking lot on 1900 Fourth Street was once a towering mound, one of the 425 funerary monuments that existed across the San Francisco Bay. Built from shells, earth, and ritual objects, these mounds served as places for prayer, ceremonies, and burials for the Ohlone people over thousands of years. The one that stood at the West Berkeley Site is estimated to have been thirty feet high and a hundred yards long.

At the juncture of a Lululemon and a MAC Cosmetics store, the 2.2 acres of asphalt parking lot is the only remaining open land from the original village. The site was recently featured in an ABC News Nightline episode. “Right now, we’re in what looks like a parking lot to everyday people,” explained Corrina Gould, a Chochenyo Ohlone community leader and a spokesperson for the Confederated Villages of Lisjan. The camera panned over the empty lot as a handful of cars whizzed by on the freeway above. “This is the West Berkeley Shellmound. And shellmounds, for our culture, were burial sites. They were cemeteries.”

The publicity granted by the NTHP’s recognition is an important victory for the Chochenyo Ohlone family clans and their allies. The Coalition to Save the West Berkeley Shellmound has been fighting to protect the site from encroaching developers for five years. Since 2015, Blake Griggs Properties and the “owners” of the parking lot have twice petitioned the City of Berkeley for permission to construct a massive condominium and retail complex over the land. Up to this point, the corporations’ requests have been denied due to the Shellmound’s protected status as a “historical site.” However, the Shellmound remains under threat, as Ruegg & Ellsworth and the Frank Spenger Company, the property “owners,” continue to pursue legal avenues to gain control of the lot.

At the same time, the need for recognition by United States law and by national organizations such as the NTHP exemplifies the complexity of achieving and maintaining Indigenous sovereignty in the present day. Native nations are forced to seek legitimation from settler-colonial institutions in order to protect their land and communities. Non-Native settlers exacerbate this complex problem by accepting “working within the system” as the only path forward. For the Ohlone, however, the West Berkeley Shellmound is not simply a historical landmark worthy of protection. It is also a powerful place that can help us imagine decolonial futures.

The continuing efforts by corporations to seize Ohlone land for the purposes of capitalistic development reflect the ongoing project of US settler-colonialism—a project that, from its inception, has hinged upon the literal and figurative deaths of Indigenous peoples. Indigenous land was deemed “terra nullius” (“empty land” or “nobody’s land”) by European settlers, who used notions of white supremacy to justify dispossessing hundreds of First Nations of their homelands and subsequently enslaving millions of African people in order to work those lands.

White colonizers characterized Native land as a vast, pure wilderness of capitalistic possibility. To fulfill this myth, Indigenous peoples became a presence that had to be erased. Diseases and wars were deployed against the Native Nations, and many of the survivors were forcibly removed from their traditional homelands. The settlers also weaponized blood quantum laws, “last Indian” stories, and boarding schools to paint Indigenous people as historical relics of a faraway past. These systemic and systematic processes aimed not only to physically deprive Indigenous peoples of their living space but also to sever them from their place-based systems of knowledge and ways of being.

Within the context of this ongoing violence, the West Berkeley Shellmound is both a reckoning with history and an opportunity to enact radical change. Today, the site continues to function as a gathering place for the Chochenyo Ohlone people and the greater Berkeley community. Prayer ceremonies, speeches, and performances are given there by Ohlone elders and artists, as well as non-Native peoples who stand in solidarity with the family bands. “People from all walks of life come there and pray together now. In ceremony and song. And bring their own ceremonies there,” Corrina Gould explains in a Sacred Land Film Project video. “It’s become a palace where people understand their connection to this land and what their relationship should be to the First People of this land.”

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The name Ohlone refers to over fifty independent tribes and villages across the Bay Area. The tribes adopted the identity in the ‘60s and ‘70s during the Black Power and American Indian Movements in rejection of Spanish colonizers’ term for the Native people of the Bay. Today, the Ohlone are divided into eight different bands, each with their own territory and language, with smaller family clans and tribes living within each region. The Shellmound resides in the territory called Huchiuñ, the homeland of the Lisjan people, within the region where Chochenyo is spoken.

The Sogorea Té Land Trust, an Indigenous women-led urban organization that provides funding for the Shellmound coalition, writes, “For thousands of years [and] hundreds of generations, the Lisjan people have lived on the land that is now known as the East Bay in the San Francisco Bay Area. We did not own the land, we *belonged* to it.” The village at the West Berkeley site is believed to be 5,700 years old—the oldest known human settlement in the San Francisco Bay, even older than the pyramids of Egypt. The villagers who lived there led a life between land and sea, thriving off of the rich natural resources of the area. They were skilled hunters and fishermen who maintained a complex maritime culture: dozens of tule balsa canoes transported people and goods across the bay, traveling in and out of an active port.

In the late 18th and early 19th centuries, the Spanish Empire invaded the Ohlone homelands. The Ohlone people were enslaved under the Catholic missions that were created throughout the state—“the first prison industrial complex in California,” as explained by Corrina Gould. These prisons were designed to “civilize” the Indigenous people—essentially, to strip them of their beliefs and culture while exploiting them as manual laborers—and many Ohlone died due to inhumane conditions and diseases. The few remaining villagers who lived near the Shellmound at the time were forced to flee to escape this fate.

Much of the contents of the original mound were then stolen in the mid-19th century by Gold Rush settlers, who used the material as fertilizer and decoration. Archaeologists from the University of California, Berkeley began to study the area in 1902, at which point, the mound

had been reduced from its original height of 30 feet to 18 feet. The remaining structure was further destroyed during construction projects in the nearby area throughout the next few decades. Finally, the land was paved over between 1946 and 1958 to be turned into a parking lot for Spenger's Fish Grotto, a restaurant that operated by the lot until 2018.

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For the past five years, Blake Griggs and the property "owners" have been attempting to acquire a permit to build over the Shellmound. Blake Griggs first officially submitted a Draft Environmental Impact Report to the City of Berkeley in late 2016, detailing their plans to construct a five-story housing and retail complex. In response, community members flooded the government with letters opposing the project and maxed out the public hearings held by the city. After months of deliberation, the Berkeley Landmarks Preservation Commission voted unanimously to reject the Impact Report in early 2017.

Following this initial denial, Blake Griggs Properties attempted to negotiate with three Ohlone family bands: the Confederated Villages of Lisjan, the Himre-n-Ohlone, and the Medina Family. The developer offered to monetarily compensate the clans and shrink the size of the project—on the condition that the Ohlone approve the company's plan to build over most of the site. After consulting with their tribal members, however, all three family bands reaffirmed their commitment to protecting the Shellmound.

"[W]e want to let the developers know that they invited us to the table to sell something that is not ours to sell," the families wrote in a joint public statement in December 2017. "Our sacred sites were never given up by our families—not legally, nor in theory. They are not properties or parcel numbers that can be bought or sold."

While the family bands were still deliberating, yet another chapter of the fight to protect the Shellmound was already beginning. In the fall of 2017, the California State Senate passed Senate Bill 35, creating a fast-track approval process for housing projects in cities that were failing to meet local housing needs. Under SB 35, Blake Griggs Properties reapplied for approval of 1900 Fourth in March of 2018, rebranding their proposal as a crusade for "affordable housing" for working people.

Section 3 of SB 35 clearly states that the law does not apply to a project that "would require the demolition of a historic structure that was placed on a national, state, or local historic register," seemingly excluding the West Berkeley Shellmound site from consideration. In response, Blake Griggs used findings from an archaeological consulting firm they had hired in 2014 to "prove" that the Shellmound had not actually existed at 1900 Fourth. The corporation knew from the outset that the location's status as a city landmark and registered archaeological site would pose a challenge to their plans. Citing Archeo-Tec's survey data, the developer claimed in a 2018 press conference that "there [was] nothing at all of any cultural or historical significance" on the property.

Archaeologists who had previously studied the area pointed out flaws in Archeo-Tec's methodology and noted that the data contradicted previous records of human burials. Furthermore, the firm's strategy depended upon an extremely limited reading of the site, operating under the assumption that only the actual Shellmound itself was a historical landmark. In reality, the term "West Berkeley Shellmound" refers to the entirety of the original Native settlement, which is not considered to be separate from the funerary mound by the Ohlone. Most

importantly, the developers blatantly ignored the unique right of the Ohlone to determine whether or not a particular place is sacred to their people.

Ultimately, the project was denied permission once again, and property “owners” Ruegg & Ellsworth and the Frank Spenger Company sued the City of Berkeley in November 2018 (Blake Griggs walked away from the project in August 2018). The Coalition to Save the West Berkeley Shellmound & Village Site met with attorneys and legal advisers over the next year to prepare legal arguments in the city’s defense. And in February of 2019, the Confederated Villages of Lisjan became an official intervener in the lawsuit, allowing for the voices of the Ohlone people to be heard directly in the legal battle.

After two years, in late 2019, an Alameda County Superior judge ruled in favor of the City of Berkeley. Judge Roesch expressed support for the preservation of the Shellmound in his ruling, stating that “a historic structure does not cease to be a historic structure or capable of demolition because it is ruined or buried.” A California State Senate bill that was signed into law in September 2020 further solidified the decision. AB 168, according to the Shellmound website, “ensures that any project site that contains a tribal cultural resource listed on a national, state, tribal, or local historic register—such as the West Berkeley Shellmound—will be automatically disqualified for SB 35 fast-tracked approval. Furthermore, under AB 168, developers are now required to conduct a consultation process with a California Native American tribe prior to submitting *any* application for SB 35 fast-tracked approval.”

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Assembly Bill 168 marks an important milestone, not only in the preservation of the Shellmound, but also in the Ohlone people’s ongoing fight for survival. Today, Native peoples exist in a “liminal space” where they must constantly negotiate their status as a racial “minority” group and as independent political entities, as explained by Professor Bryan Brayboy and other Native scholars. The latter component of Indigenous identity is frequently overlooked, and issues facing Native communities often get subsumed into a dialogue around “minority rights,” or worse, swept under the rug altogether.

The various ways the Chochenyo Ohlone have garnered support for the preservation of the Shellmound reflects this complicated landscape of affirming Indigenous sovereignty and self-determination. For example, the recognition by the Nation Trust for Historic Preservation is undeniably an important step toward bringing greater awareness to the site. However, the inclusion of the Ohlone sacred ground in the organization’s list also promotes a harmful narrative of American multiculturalism. The Shellmound’s power is stifled by its characterization as one of “America’s historic places.” The site becomes subsumed into the “melting pot” schema used to present the US as a diversely harmonious society, erasing the violence that both created this nation in the first place and continues to sustain it.

Indeed, unlike the “full American story” that the NTHP wants to depict, the West Berkeley Shellmound tells a different tale—one that attests to the resistance and survival of Native peoples amidst 200 years of settler-colonial violence and imagines vibrant decolonial futures—in particular, the rematriation of land to Indigenous stewardship.

Additionally, protecting the West Berkeley Shellmound is not only a matter of remembering the past but also of honoring the future. At a ceremony held at the site, Corrina Gould described what is at stake in preserving Ohlone history and culture for future generations: “I have a responsibility to stand my ground in this way because I have children and I now have

grandchildren. If we lose the places where we're supposed to pray and sing, then we lose who we are, and the entire genocide is complete.”

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Unsurprisingly, the property “owners” of 1900 Fourth have appealed Judge Roesch’s ruling, with a new decision expected to be delivered in the spring of 2021. In the meantime, the movement continues amidst the pandemic, manifesting in phone calls, letter writing, social media posts, and Zoom conferences.

Berkeley was the first city to replace Columbus Day with Indigenous Peoples’ Day in 1992. Now, the Chochenyo Ohlone hopes the city will be “the first place to stand up for [the] ancestors,” as Corrina Gould said in “The Birthplace of Berkeley” video. The Ohlone vision for the West Berkeley Shellmound is to restore the land. They envision a free-flowing Strawberry Creek, a dance arbor for Ohlone ceremonies, and a 40-foot high mound covered in California poppies, “or to recreate a shellmound so people can actually see what these were like.”

“For us as Indigenous people, especially in California, trying to save our sacred sites, we know when land is left like this—covered, but really undisturbed—that our ancestors are at work here in this very special place. That we can begin to dream about saving these places,” Gould said at a past ceremony at the site. “And we’re trying to send this prayer out for those developers and those ‘owners’ of this land to see that same vision.”

**NICOLE KIM B’22** asks that you consider donating to the Shellmound Defense Fund at <https://shellmound.org/donate/> .