



June 28, 2021

The Honorable Chief Justice Tani Cantil-Sakauye  
The Honorable Associate Justices Supreme Court of California  
350 McAllister Street Room 1295  
San Francisco, CA 94102-4797

**Re: City of Berkeley & Confederated Villages of Lisjan v. Ruegg & Ellsworth and Frank Spenger Company, Case No. S269012**

**Letter of Amici Curiae from the Interfaith Movement for Human Integrity  
in Support of Petition for Review**

Dear Chief Justice Cantil-Sakauye and Hon. Associate Justices of the California Supreme Court:

We, the Interfaith Movement for Human Integrity, a statewide interfaith organization, submit this letter as amicus curiae in support of the petition for review of Petitioners City of Berkeley and the Confederated Villages of Lisjan.

The Interfaith Movement for Human Integrity is a California Statewide organization of people of faith and congregations dedicated to religious pluralism and cooperation in the pursuit of racial equity and social justice. The Interfaith Movement for Human Integrity represents people of diverse faiths and spiritualities across the state who seek to advance racial equity and human rights through interfaith collaboration. In the last two years, we have trained 2000 people of faith to take leadership roles, engaged 250 faith communities, enlisted over 50 sanctuary churches, and reached more than 100,000 people.

As an interfaith organization, we uphold and honor the rights of indigenous communities to practice their religion, cultural sovereignty and to have their sacred sites recognized and protected. As first peoples of this land, indigenous peoples are critically important members of the interfaith community; their religion and spiritual practice important to all interfaith endeavors. We are gravely aware that, if the Court of Appeals decision stands, the West Berkeley Shellmound, the oldest historic structure and only remaining



sacred and ceremonial ground of the East Bay’s first peoples would be destroyed. Indigenous communities today and in the future would be unable to practice their religion on this ancient sacred site.

As an interfaith organization, we support the right of all peoples in this country to practice their own religion, or no religion at all. We acknowledge and are painfully aware that for most of the period of Western in what we now call California, indigenous communities were not afforded this right to freely and safely practice their religion. 400 years of colonization came with forced conversions to Catholicism and Christianity as a tool to exterminate indigenous spiritual practice. Indigenous communities were wrongly viewed as heathen, uncivilized, and this was used as an excuse to remove them from their land, forcibly convert them, and separate them from their culture and religion.

This overt racism and religious imperialism became enshrined in institutional and legal practice as the State of California systematically sought to steal indigenous lands, destroy indigenous culture and religions, and exterminate indigenous communities. Two years ago in June 2019, Governor Gavin Newsom issued a formal apology to the Indigenous people of what is now California for the state’s role in sanctioning and perpetrating violence against indigenous peoples:

*“California Native American peoples suffered violence, discrimination and exploitation sanctioned by state government throughout its history. We can never undo the wrongs inflicted on the peoples who have lived on this land that we now call California since time immemorial, but we can work together to build bridges, tell the truth about our past and begin to heal deep wounds.”<sup>1</sup>*

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The significance of the West Berkeley Shellmound has already been recognized at the local, state, and national level. It has been designated a City of Berkeley Landmark (#227) and is listed in the California Register of Historical Resources. In 2020, the National Trust for Historic Preservation, a nonprofit specializing in historic preservation within the United States, named the Shellmound one of America’s 11 Most Endangered Historic Places. The Shellmound has been determined eligible for listing in the National Register of Historic Places, and a formal nomination (under Criteria A, C, and D) is currently in preparation for submission to the California Office of Historic Preservation.

In Ohlone spiritual tradition, the Berkeley Shellmound is acknowledged as an important place of origin in Ohlone oral tradition. Since its construction nearly 5000 years ago, the Shellmound has served many forms of human spiritual and cultural activity including, prayer, communal ceremony, dances, rituals, interment of ancestors, and cultural arts.

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<sup>1</sup><https://www.gov.ca.gov/2019/06/18/governor-newsom-issues-apology-to-native-americans-for-states-historical-wrongdoings-establishes-truth-and-healing-council/>



Today contemporary indigenous communities of the East Bay, still use this sacred site for prayer, gatherings and ceremony, and other community building activities, including interfaith prayers for peace.

Today, all other Ohlone sacred and historic ceremonial sites have already been desecrated and destroyed, except for the West Berkeley Shellmound which the Confederated Villages of Lisjan seek to preserve and protect. It is wrong and a continuation of colonial and euro-centric bias that indigenous holy and sacred sites are not given the same kinds of protection and respect that Christian and other houses of worship enjoy. We affirm the designation of the Berkeley Shellmound as a sacred and historic area, deserving of preservation and protection as other sacred sites of worship.

We ask the court to support the Petitioner's petition for review.

Respectfully submitted on the 28th day of June, 2021.

Rev. Deborah Lee  
Executive Director  
Interfaith Movement for Human Integrity

Document received by the CA Supreme Court.