Governor’s Tribal Advisor
Tribal Training Program
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www.nijc.org
Some Terminology

- What do you prefer to be called?
  - American Indian or Native American?
- What is a *Federally Recognized* Tribe?
  - A Tribe that is recognized by the federal government as a sovereign tribal nation. Tribes that are recognized receive services from the federal government (often pursuant to the treaties and land patent agreements, federal programs designed to improve living conditions on tribal lands).
  - Federal government owes a *fiduciary duty* to federally recognized tribes to maintain beneficial interests in trust assets for tribes and their members.
  - Tribes that are *unrecognized* possess cultural tradition, practices and communities but do not have a legal relationship to the federal government.
Some More Terminology

• What is the difference between a reservation and a rancheria?
  • Variation in mechanism that establishes the parcel of land that is owned by the federal government, held in trust for the benefit of the tribe and its members, and for which the federal government owes a fiduciary duty to maintain in a positive manner.

• What are Trust Lands?
  • Those lands owned by the federal government, held in trust for the benefit of the tribe and its members, and for which the federal government owes a fiduciary duty to maintain in a positive manner.
  • Lands that are owned by individuals (including Indians) are generally held in fee.
  • Individual Indians may also have Individual Indian Trust Lands.
  • Jurisdiction over trust lands is generally exercised by tribal and federal governments. It is limited with respect to state government.
Tribal Presence in California
Federally Recognized Tribes in the USA

- 567 federally-recognized Indian Tribes in U.S.A. as of January 2017, although the Bureau of Indian Affairs (BIA) lists 571 by region.
- The 2010 Census reports that there are 308,745,538 people in the United States.
  - 1.7% are reported to be American Indian (alone or in combination) (5.2 Million).

Image courtesy of NCAI.org
Federally Recognized Tribes in California

• 109 federally-recognized tribes in California. (~19% of all tribes in U.S.)
  • This number can fluctuate. Currently BIA lists 104 tribes in California by allocating tribes that cross state borders to other states.

• California is home to 723,225 Native people (14% of the total number of American Indians/Alaska Natives).
  • Oklahoma has the 2nd largest population of natives.

• Alaska is home to 227 Federally Recognized Native Villages. (~40% of all tribes in U.S.)
Unrecognized Tribes in California

• There are approximately 104+ UN-Recognized tribes in California.
  • No lands in trust.
  • No legal relationship with the federal government although some agencies such as Indian Health Services will provide services to their members.
  • They may have identified a traditional homeland but it may not be available to them anymore.
  • Cultural practices may still exist.
• Federal Recognition process is set forth and evaluated by the Bureau of Indian Affairs
  • The process has seven mandatory criteria.
  • Some petitions for recognition take a long time. Current pending petitions date back to 1994 submissions.
Tribal people spoke multiple dialects and multiple languages.
Trade routes established throughout and beyond California.
Diverse origin stories, spiritual practices.
Nations within a Nation

- Each of the 109 federally-recognized tribes in California possesses sovereign status and has the capacity to make their own laws and be governed by those laws.

- Hopi Nation is a “nation within a nation within a nation.”
- The complexity of any issue can be measured in the number of borders crossed.
The Histories of the Tribes of California

• Did not begin with the establishment of Missions. It begins with Native People who existed thousands of years before the Spanish arrived.
• Since Time Immemorial.... Since the beginning or as “far back as historic times can be counted.”

A Time of Resistance: California Indians During the Mission Period 1769-1848. Sara Supahan
Prior to the Mission System

• Before European settlement, California had more than 500 “tribal groups” speaking about 300 dialects of at least 100 languages.
• Food Staples: “acorn” mush, salmon, deer, elk.
• According to anthropologists, California was populated by Native Americans for at least 19,000 years. Humans in this area dated back to 50,000 years.
• Russian American Company (RAC) established Fort Ross — In those times they sailed the Pacific seas in competition with the Hudson Bay Company in search of fur.
• While the Russians were at Fort Ross, there was much interaction between the Kashaya Pomo and the various folks inhabiting Fort Ross. When the RAC finally left after being at Fort Ross for 30 years, they took with them Kashaya wives and children.
California Indian Societies

- Some of the oldest and most stable cultures in the western hemisphere
- Conservative Estimate of the Pre-Contact population was 350,000 people. Today some scientists say that number was likely in the millions.
- Diversity: each group had it’s own territory, language, traditions and cultural practices, religion.
- Shared value for natural resource preservation. Tribal leaders managed their production, distribution and exchange.
- California was not an “untamed wilderness.” It is a native home, native place names, burial sites, sacred sites, medicine, food, cultural materials. We are still here and we still embody these practices.
- Collective Laws governed the maintenance and care of resources. If groups grew too large to be supported by natural resources, they split off and found new areas.

A Time of Resistance: California Indians During the Mission Period 1769-1848. Sara Supahan
Traditional Law

• California societies were typically small groups.
• Differences were settled according to tribal rules and customs.
• These groups did not engage in large scale organized warfare.
• Disputes and fights occurred and were resolved with the exhaustion of other remedies.
• War was a last resort and if used it was brief with few casualties. War was not a means of obtaining conquest or domination. Everyone returned to their own territories. There was no expectation of occupying or controlling the enemy.
• Because this was an accepted world view, tribal populations were not prepared for the Spanish implementation of a plan to occupy and control California lands and peoples.
Spanish Arrival

• “Spanish came from the south, using trails that were created by California tribal people for travel and trade.”
• The trails were widened and are now referred to as “El Camino Real.” Hwy. 101 now follows the same route.
• 21 Missions were established in Yuman, Chumash, Salinan, Costanoan, Miwok and other Tribal Territories.
• No agreements were sought and there was no concern for the balance of resources that supported tribal cultures and life-ways.
21 Catholic Missions were built from San Diego to Sonoma. They were not built linearly from South to North.

The missions were built by California Indians, near Indian populations centers, preferably next to Indian Villages and towns, and often missions were relocated within the first year of establishment.

The Indians within the Missions were enslaved to provide labor and to produce goods for the Spanish Presidios and for the local economy.

Mission governance prohibited California Indians from practicing their traditions and ceremonies, however cultural practices continued through efforts of resistance.
Death and Disease

• The average lifespan in a Mission for a Native person was 10 years.
• A high percentage of Native people in the missions lost all of their teeth within a year of eating sweet corn. Many died from infections.
• Indian children commonly died at the missions around the time that they switched from mother’s milk to solid foods. Father Serra ordered the fathers to put infants on a diet of cow’s milk, a practice he had seen in Spain. As a result, the health of Indian children declined, the mortality rates increased due to lactose intolerance and poor nutrition.
• By the late 1820’s over 100,000 Indians had died. With the Missions came epidemics of measles, smallpox, diphtheria, and influenza. These diseases often killed entire tribal communities.
From a Garden to a Wilderness

- The Spanish also brought hundreds of horses, donkeys, cattle, pigs, sheep and goats. Grazing animals destroyed native plants cultivated for cultural and nutritional uses.

_A Time of Resistance: California Indians During the Mission Period 1769-1848._ Sara Supahan
Resistance and Revolt

- Written records kept by the Spanish Mission officials indicate that Indian people did rebel and escape.
- There were many Native leaders that lead revolts against the Spanish.
- Literature and history books are starting to publish oral historical accounts of these events.
- This picture is not realistic of what happened in San Diego but appears in a Mission today in five different rooms.

_A Time of Resistance: California Indians During the Mission Period 1769-1848._ Sara Supahan
The End of the Mission Era

• In 1822, the areas where the missions were located came under Mexican rule.
• The missions continued under Spanish rule for ten more years. However the padres had to search inland for new “converts.”
• The Mexican governor of California issued decrees in 1826 and 1833 to disestablish the missions, but they were not implemented.
• The Mexican Secularization Act was passed in 1833 and “experimental emancipation” began at Mission San Diego and San Luis Rey.
  • Secularization refers to the historical process in which religion loses social and cultural authority.
The Secularization Plan

• The initial plan was for the secularized missions to become Indian Pueblos (Indian Towns) with “one half of the property belonging to the Natives and the other half being used to support the priests and secular officials. Indians were to “assist” in the cultivation of the common grounds.

• Sacking of the Missions: Church governance was replaced by Mexican civilian officials, physical coercion continued. Settlers and retired soldiers stripped the missions of livestock, supplies and lands and turned Indians into “peon villagers.”

• Within a decade the “administrators” who had been put in charge of secularization had sold or looted all of the available physical resources.
After Secularization

• About 15,000 Indians were released when the Missions were disestablished.
• Many moved into the interior of California, some stayed or moved onto villages that were on former Mission land.
• Others lived at various Indian Pueblos or dispersed to the local communities or ranchos.
• “Pueblos” referred to officially recognized Indian towns in Mexican California. There were five Indian Pueblos: Flores, Pala, San Dieguito, San Juan Capistrano and San Pasqual.
Treaty of Guadalupe Hidalgo

• The Mexican American War 1846-1848
  • Manifest Destiny
  • Dispute over control of Northern Territories and Border at the Rio Grande

• February 2, 1848 — Treaty of Guadalupe Hidalgo
  • 9 Days Before — Gold was discovered at Sutter’s Mill
  • U.S. citizenship granted to Indians in the treaty
  • Granted Rights to Land to the Indians in the Missions
  • Homestead Act
  • Half of Mexico’s Territory ceded to the U.S.
  • Influx of money and land hungry settlers.
Discovery of Gold in California

- In January of 1848, Indian and white workers discovered gold while building Sutter’s sawmill in Koloma Nisenan country. **Sutter was the federal Indian Sub-Agent.** He indentured the Yalisumni Nisenan Indians and signed a 20 year lease to the Nisenan property with the exclusive right to cultivate land, cut timber and build a saw mill and other necessary machinery for the purpose.
The Gold Rush

- From 1848 – 1857, it is estimated that 23.3 million ounces of gold was mined in California.
- The value of the gold at 1998 prices would have been $6.9 billion or $285/ounce.
- More than 100 tons of mercury was dug up for use in the gold rush.
- 7,000+ tons of mercury was lost in local rivers during this time. (One gram of mercury in a lake violates modern federal health standards.)
- 250 million cubic meters of mercury laden sediment from the Gold Rush have filled the San Francisco Bay.

- Mercury readily forms alloys with other metals called amalgams.
- 4 Step Process: amalgamation, separation of amalgamation, removal of excess mercury, and burning of the remaining amalgam.
- Mercury is toxic to the central and peripheral nervous system. If inhaled, ingested or touching the skin, mercury can produce harmful effects on the nervous, digestive and immune systems, lungs and kidneys, and may be fatal. Pregnant women, their fetus and children are especially vulnerable and may be exposed directly by eating contaminated fish.
The Gold Rush and Indian People

- Forced or Manipulated Mining Labor
  - Working to pay off food, gear paying for trade goods with an equal weight in gold.
  - Earning wages in liquor.
- From 1848 – 1870s, 10,000+ Indians were indentured, 4000 were children. Boys sold for $60, girls sold for $200.
- Indian miners were resented by white miners because they were a cheap labor force resulting in blatant hostilities.
  - Indians constituted more than ½ of the miners in some mines of more than 4000 miners.
  - Indian women worked in the mines as well.
- Prostitution by Indian women increased as Indian mining earning power decreased. Forced prostitution rampant.
# Unratified Treaties

## Treaty Listings

<table>
<thead>
<tr>
<th>Area</th>
<th>Royce Number</th>
<th>Tribal Names</th>
<th>Unratified Treaties</th>
<th>Acres</th>
</tr>
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<tbody>
<tr>
<td>M</td>
<td>273</td>
<td>Si-yan-te</td>
<td>Camp Fremont</td>
<td>92,200</td>
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<tr>
<td>N</td>
<td>275</td>
<td>No-ah-ee</td>
<td>Camp Barbour</td>
<td>764,600</td>
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<tr>
<td></td>
<td>277</td>
<td>Ko-yo-ge</td>
<td>Camp Bear</td>
<td>413,800</td>
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<tr>
<td>B</td>
<td>276</td>
<td>-</td>
<td>Camp Kayes</td>
<td>384,400</td>
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<tr>
<td>E</td>
<td>280</td>
<td>To-ah-umne, etc.</td>
<td>Yaninees Crossing</td>
<td>241,500</td>
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<tr>
<td>C</td>
<td>282</td>
<td>Chur-ah-te</td>
<td>Camp Burton</td>
<td>56,800</td>
</tr>
<tr>
<td>C</td>
<td>283</td>
<td>Ca-ya-te</td>
<td>Camp Burton</td>
<td>403,700</td>
</tr>
<tr>
<td></td>
<td>285</td>
<td>Ca-ndake</td>
<td>Camp Pescader P. Smith</td>
<td>793,000</td>
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<td>F</td>
<td>287</td>
<td>Dasas</td>
<td>Camp Union</td>
<td>127,200</td>
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<td>G</td>
<td>290</td>
<td>Mi-chap-da</td>
<td>Bidwell Ranch</td>
<td>80,200</td>
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<td>H</td>
<td>293</td>
<td>No-ni-ma</td>
<td>Reading's Ranch</td>
<td>992,500</td>
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<tr>
<td>M</td>
<td>295</td>
<td>Ca-lan-po</td>
<td>Camp Lui-pui-yuma</td>
<td>254,400</td>
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<tr>
<td>O</td>
<td>298</td>
<td>Co-ah, Willay, etc.</td>
<td>Camp Colus</td>
<td>37,800</td>
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<tr>
<td>J</td>
<td>301</td>
<td>Co-Lah</td>
<td>Fork of Cosumnes River</td>
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<td></td>
<td>303</td>
<td>Pah-luk</td>
<td>Camp Klamath</td>
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<td>Q</td>
<td>305</td>
<td>O-de-i-ah</td>
<td>Camp in Scotts Valley</td>
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<tr>
<td>K</td>
<td>307</td>
<td>San-Luis-Rey</td>
<td>Temecula California</td>
<td>1,060,000</td>
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<tr>
<td>L</td>
<td>309</td>
<td>Diequino</td>
<td>San Isabell</td>
<td>956,000</td>
</tr>
</tbody>
</table>
California Tribes’ Unratified Treaties

• U.S. Federal Government negotiated 18 Treaties with California Indians setting aside 8.5+ million acres of land.
  • Negotiated from 1850-51.
  • Treaties put under an Injunction of Secrecy for 55 years.
• California Land Claims Act of 1851
  • Resulting in loss of tribal villages and scattered landless Indians in California.
• 1852 – Establishment of five reservations in California.
• 1905 – California Rancheria Acts begin setting aside funds to purchase land where the CA Landless Indians were found, put the land into trust on their behalf and form Rancherias.
September 9, 1850 - California Becomes a State

- The Federal-Tribal Trust Relationship Begins for California Tribes?
- Sovereign status of tribal communities recognized?
- Tribal governments create their own laws?
- Tribal culture flourishes after the Missions?
Act for the Government and Protection of Indians

- At the first State Constitutional Convention, those assembled voted to eliminate the Indians' right to vote because they feared the control Indians might exercise. In 1850, An Act for the Government and Protection of Indians was enacted by the first session of the State Legislature.
- The act provided for the following:
  1. The Justice of the Peace would have jurisdiction over all complaints between Indians and Whites; "but in no case shall a white man be convicted of any offense upon the testimony of an Indian or Indians."
  2. Landowners would permit Indians who were peaceably residing on their land to continue to do so.
  3. Whites would be able to obtain control of Indian children. (This section would eventually be used to justify and provide for Indian slavery.)
  4. If any Indian was convicted of a crime, any White person could come before the court and contract for the Indian's services, and in return, would pay the Indian's fine.
  5. It would be illegal to sell or administer alcohol to Indians.
  6. Indians convicted of stealing a horse, mule, cow, or any other valuable could receive any number of lashes not to exceed 25, and fines not to exceed $200. (It should be noted that the law provided that abusing an Indian child by Whites was to be punished by no more than a $10 fine. It is hard to compare the penalty with the crime.)
  7. Finally, an Indian found strolling, loitering where alcohol was sold, begging, or leading a profligate course of life would be liable for arrest. The justice, mayor, or recorder would make out a warrant. Within 24 hours, the services of the Indian in question could be sold to the highest bidder. The term of service would not exceed four months.
Table 2 details the State’s expenditures for expeditions from 1854 to 1859.

**Table 2**

<table>
<thead>
<tr>
<th>Expedition</th>
<th>Year</th>
<th>Amount Allowed by California*</th>
<th>Amount Allowed by United States**</th>
<th>Amount Disallowed by United States</th>
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<tr>
<td>Shasta Expedition</td>
<td>1854</td>
<td>4,068.64</td>
<td>1,261.38</td>
<td>2,807.26</td>
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<td>Siskiyou Expedition</td>
<td>1855</td>
<td>14,036.36</td>
<td>6,146.60</td>
<td>7,889.76</td>
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<td>Klamath &amp; Humboldt Expedition</td>
<td>1855</td>
<td>99,096.65</td>
<td>61,537.48</td>
<td>37,559.17</td>
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<tr>
<td>San Bernardino Expedition</td>
<td>1855</td>
<td>817.03</td>
<td>419.99</td>
<td>397.04</td>
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<tr>
<td>Klamath Expedition</td>
<td>1856</td>
<td>6,190.07</td>
<td>2953.77</td>
<td>3,237.30</td>
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<tr>
<td>Modoc Expedition</td>
<td>1856</td>
<td>188,324.22</td>
<td>80,436.72</td>
<td>107,887.50</td>
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<tr>
<td>Tulare Expedition</td>
<td>1856</td>
<td>12,732.23</td>
<td>3,647.25</td>
<td>9,084.98</td>
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<tr>
<td>Klamath &amp; Humboldt Expedition</td>
<td>1858 &amp; 1859</td>
<td>52,184.45</td>
<td>31,823.94</td>
<td>20,360.51</td>
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<tr>
<td>Pitt River Expedition</td>
<td>1859</td>
<td>72,156.09</td>
<td>41,761.54</td>
<td>30,394.55</td>
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<td><strong>Total</strong></td>
<td></td>
<td><strong>$449,605.74</strong></td>
<td><strong>$229,987.67</strong></td>
<td><strong>$219,618.07</strong></td>
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</table>


*Amount submitted to the United States for reimbursement.

**Amount actually paid by the United States.

Table 3 sets forth the twenty-seven California laws that the State Comptroller relied upon in determining the total expenditures recapitulated in the official report. The total amount of claims submitted to State of California Comptroller for Expeditions against the Indians was $1,293,179.20.
Table 3

<table>
<thead>
<tr>
<th>Legislation Type</th>
<th>Date</th>
<th>Page</th>
<th>Description of Act or Joint Resolution</th>
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<tbody>
<tr>
<td>Statute</td>
<td>1851</td>
<td>489</td>
<td>Creating William Foster &amp; William Rogers Pay Masters</td>
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<tr>
<td>Statute</td>
<td>1851</td>
<td>402</td>
<td>Creating James Burney Pay Master to pay Troops</td>
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<td>Statute</td>
<td>1851</td>
<td>520</td>
<td>To negotiate a loan for the War Fund $500,000</td>
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<tr>
<td>Joint Resolution</td>
<td>1851</td>
<td>530</td>
<td>To Establish Forts on our Borders</td>
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<tr>
<td>Joint Resolution</td>
<td>1851</td>
<td>532</td>
<td>Directing Adjutant General to enter names on Muster Roll</td>
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<tr>
<td>Joint Resolution</td>
<td>1851</td>
<td>534</td>
<td>Reference to the payment of claims and informal transfers in writing</td>
</tr>
<tr>
<td>Joint Resolution</td>
<td>1851</td>
<td>535</td>
<td>Reference to the payment of certain claims in the Gila Expedition</td>
</tr>
<tr>
<td>Joint Resolution</td>
<td>1851</td>
<td>538</td>
<td>Authorizing the Pay Master of the Gila Expedition to pay claims</td>
</tr>
<tr>
<td>Joint Resolution</td>
<td>1851</td>
<td>539</td>
<td>For the Benefit of the Citizens of Los Angeles County</td>
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<tr>
<td>Statute</td>
<td>1852</td>
<td>59</td>
<td>Authorizing the Treasurer to issue Bonds for $600,000</td>
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<tr>
<td>Statute</td>
<td>1852</td>
<td>61</td>
<td>Authorizing and requiring Board of Examiners to settle with William Rogers</td>
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<tr>
<td>Statute</td>
<td>1852</td>
<td>250</td>
<td>For the relief of James S. Bolen</td>
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<tr>
<td>Statute</td>
<td>1852</td>
<td>261</td>
<td>For the relief of Jacob C. Kore</td>
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<tr>
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<td>1852</td>
<td>262</td>
<td>For the relief of John G. Warrin</td>
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<td>Statute</td>
<td>1853</td>
<td>79</td>
<td>For the relief of Thomas A. Wilton, M.D.</td>
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<td>Statute</td>
<td>1853</td>
<td>95</td>
<td>To pay troops under Captain Wright S. McDermott $23,000</td>
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<td>Statute</td>
<td>1853</td>
<td>97</td>
<td>For the relief of Beverly C. Sanders</td>
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<tr>
<td>Statute</td>
<td>1853</td>
<td>130</td>
<td>For the relief of John C. Johnson</td>
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<td>Statute</td>
<td>1853</td>
<td>134</td>
<td>Additional War Fund $23,000</td>
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<tr>
<td>Statute</td>
<td>1853</td>
<td>154</td>
<td>For the relief of A.D. Blanchard and Samuel Stephens</td>
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<td>Statute</td>
<td>1853</td>
<td>177</td>
<td>Secretary of State constituted one of the Board of Examiners</td>
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<tr>
<td>Statute</td>
<td>1853</td>
<td>177</td>
<td>Providing for the pay and compensation of Major James Burney</td>
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<td>Statute</td>
<td>1853</td>
<td>200</td>
<td>For the relief of John Brown $1,150</td>
</tr>
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<td>Statute</td>
<td>1853</td>
<td>225</td>
<td>Payment of the Fitzgerald Volunteers</td>
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<td>Statute</td>
<td>1853</td>
<td>268</td>
<td>For the relief of John W. Jackson</td>
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<tr>
<td>Joint Resolution</td>
<td>1853</td>
<td>310</td>
<td>General Statement of War Debt to be made out</td>
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<tr>
<td>Statute</td>
<td>1854</td>
<td>171</td>
<td>For the relief of Powell Weaver</td>
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</table>

Reservations vs. Rancherias

- In 1852, Edward F. Beale, first Superintendent of Indian Affairs in California plans to establish five Indian reservations. Congress appropriated $250,000, and in September 1853, Beale gathered some 2,000 Indians and established the 50,000 –acre Tejon Reserve. By focusing all his effort/resources at Tejon, Beale neglected some 61,000 hungry landless Natives. "Beale declared that humanity must yield to necessity, they are not dangerous, therefore they must be neglected." (Heizer, 1978:110)

- In 1854, Beale was removed from his post. However, based on the information he acquired as superintendent, Beale eventually gained control of the reservation land.

- In 1854, Col. Thomas J. Henley is appointed as the new superintendent. Henley, following Beale's original plan, established the Nome Lackee Reservation; Nome Cult, Mendocino; Fresno Indian Farm; and Kings River Indian Farm. However, Henley did not act in the best interest of California Indians. The reservations suffered from lack of water. Squatters grazed their cattle on the unfenced land and destroyed crops that were being raised to support the Indians. "Most of these squatters were business partners or relatives of Henley and, therefore, impossible to remove." (Heizer, 1978:110)

- It is important to note that all of these early reserves eventually left federal ownership, and the Indians who resided on them were once again forced to move to other lands to make new homes. Every time Indians were removed, the commissioners prospered.

- 1905, the first of many Rancheria Acts, sets aside $5000 to $15,000 to purchase lands for the landless tribes of California.
Social and Cultural Issues
Tribal Cultural Resources

- What are they to us?
Definition of Culture*

- Culture (is) a system of behaviors, values, ideologies, and social arrangements.

- Culture is learned, transmitted in a social context, and modifiable.

Determinants of Health

• As reported in the 2010 American Indian and Alaska Native Health Assessment in California, the major determinants of AI/AN health in California are:
  1. Sovereignty and Self Determination
  2. Cultural Revitalization, and
  3. Access to Culturally Competent and Affordable Health Care
Pablo Tac
(Luiseno) (1822-1841)

- Indian who provided a rare contemporary Native American perspective on the institutions and early history of Alta California.
- Tac was born of Luiseño parents at Mission San Luis Rey de Francia and attended the Mission school.
- He was a very promising student and was singled out by the Franciscan missionary, Father Antonio Peyrí, to accompany Peyrí to Rome in 1834 and was enrolled in the College of the Propaganda, studying Latin grammar.
- He went on to study rhetoric, humanities, and philosophy in preparation for missionary work, but he died in 1841.

Culturally Inclusive (daresay relevant) Curricula

Our contributions to California, historical and contemporary, are often missing from the history books. The impacts of the settlement of California upon tribal cultures are absent from curricula, our social context and the media.

Tribal graduation rates for 2015 were 2.5 percentage points better than 2014. 2015 Graduation rate for AI/AN in California is 73.1%.
Juana Maria “The Lone Woman of San Nicolas”

- Scott O’Dell’s *Island of the Blue Dolphins* is largely based upon Juana Maria’s story.
- The search for Otter pelts lead the hunters to the Island of San Nicolas where they clashed with the Native inhabitants, decimating a once flourishing population to the remains of only a few.
- After an attempted “rescue” mission one woman, later named Juana Maria was left on the island for nearly 8 years.
- Juana Maria was later removed from the island and brought to Santa Barbara where she died of dysentery. Her survival is a true testament of strength and perseverance in the face of adversity.

**Sacred Sites, Cultural Resources**

We do not have access to some of our historic places, cultural items and environmental resources because they are controlled/owned by government agencies or private individuals.
“Captain Jack” protested forced removal from his ancestral territory to unsuitable reservation conditions in Oregon.

- He left the reservation and returned his people to the Lost River area of Northern California.
- The US army attempted to force them to return to Oregon, refusing to create a reservation at Lost River.
- Captain Jack led a resistance in the Lava Beds of 57 men against the Army’s 1000 for six months, suffering only 6 tribal casualties.

Social Structures: Family, Community

California tribal communities survived war, disease, land grabs, Indian boarding schools and the militias. These activities ravaged the social structures by which we transmitted our values, beliefs, cultural practices and language. Don’t be surprised that there are tribal programs for language revitalization or programs to address chronic addiction.
Ishi (Yahi) (1860-1916)

- Ishi has been labeled as the “last wild Indian” although we know this to be untrue.
- After being found in Oroville, Ishi was transported to the University of California in San Francisco where he was put on exhibit and studied by the university anthropologists.

Stereotypes and Mascots

We know that there are a lot of movies portraying Native people. The Hollywood Indian stereotypes, the mascots, and the history books have a negative impact on our people, particularly our children.
John Tortes “Chief” Meyers (1880-1971)

John Meyers was a Major League Baseball catcher for the New York Giants, Boston Braves, and Brooklyn Robins from 1909 to 1917. He played on the early Giants teams under manager John McGraw and was the primary catcher for Hall of Famer Christy Mathewson. Meyers hit over .300 for three straight years as the Giants won three straight National League pennants from 1911 to 1913. Overall, he played in four World Series - the 1911, 1912, and 1913 Series with the Giants, as well as the 1916 Series with the Robins.

Meyers was a Native American from the Cahuilla culture of California, and he was educated at Dartmouth College.

We have a lot of talented people in California’s Indian Country.
- Sports
- Cultural Arts
- Medicine
- Law, and
- Leadership

Elmer Busch (Pomo) (1890-Unknown)

Elmer Busch became a 2nd team All-American Tackle in 1913 and was captain of the Carlisle football team in 1914. He played on the Carlisle team in 1911 and 1912. In 1912, Carlisle beat the US Army 27-6.

During the 14 game season, the team earned a total of 504 points compared to their opponent’s 114. They won 12, lost 1 and tied 1, earning the title of the highest scoring team in the nation.

Rupert Costa (1906-1989)

Rupert Costa was of the Cahuilla tribe from Anza. A fine athlete in his youth, Rupert Costa briefly played semiprofessional basketball. During the late 1920s, he attended Riverside City College and then worked successfully as a highway engineer, hydrologist, meteorologist, and surveyor before becoming a historian, author, publisher, researcher, and speaker. A tribal spokesman for eight years, he helped found an electrical cooperative in Anza, the Anza Farm Bureau, the Anza Soil Conservation District, and the Riverside Farm Bureau.
• Elsie Allen was a well-known basket weaver of Pomo heritage whose ancestors inhabited the area around California's Russian River.

• She worked for her people by promoting education, cultural preservation, and Indian rights in the community. Allen's community regarded her as a cultural scholar, and she became known as "Pomo Sage," acquiring an honorary Doctor of Divinity degree.

Julia Parker
(India Miwok/Kashaya Pomo)

• Julia Parker has dedicated more than 50 years to the preservation of Native American traditions and basketry.

• Ms. Parker has been a cultural demonstrator at the Indian Museum in Yosemite for the past 40 years, she has coauthored books and been featured in documentary films. In 1983, she presented a basket to Queen Elizabeth II. The basket now resides in Windsor Castle.
Dr. Daniel Joseph Calac  
(Pauma Band of Luiseno Indians)

- Dr. Daniel Joseph Calac is the Chief Medical Director of Indian Health Council, Inc.
- He graduated from Harvard Medical School in 1999 and serves as the director of research for the California Native American Research Center for Health.

**Health**

From 2004 to 2014, 17% of AI/AN in California were reportedly abusing drugs (tobacco, alcohol, mixed, cannabis, amphetamine, opioid).*

Highest rates of drug abuse among AI/AN in (1) Humboldt (10.4%); (2) San Diego (8.4%); (3) Riverside (7.9%); (4) Mendocino (6.0%); (5) Butte (5.5%); (6) Fresno (5.4%) and (7) Sonoma (5.4%). *

Diabetes among CA AI/AN is estimated to be 2x that of non-Indians in California.**

CTEC’s Top 5 Health priorities in CA (2013): Diabetes, Drug Abuse, Obesity, Mental Health, Alcohol Abuse

*See California Tribal Epidemiology Center’s American Indian/Alaska Native Drug Abuse in California Factsheet.  
The Mission Indian Federation was Southern California's most popular and long-lived grass-roots political organization.

One of the most revered presidents of the MIF was President Adam Castillo, a well-known Luiseño Indian activist. Adam Castillo also served as the chairman of Soboba Band of Luiseño Indians, Soboba Indian Reservation near San Jacinto, California.

Judge Cynthia Gomez was appointed by Governor Brown as his first Tribal Advisor in March 2012 and as the Executive Secretary for the Native American Commission.

She worked for the Tule River Tribal Council, Cal EPA Assistant Secretary for Environmental Justice and Tribal Government Affairs; Caltrans Chief for the Native American Liaison Branch. She Chaired the National Transportation Research Board's Committee on Native American Transportation Issues.

Co-founder of the San Manuel Cultural Awareness Program. Third District Supervisor, San Bernadino County; and appointed to the Native American Heritage Commission in 2008.
Tillie Hardwick (Pomo) (1924-1999)

- During the whirlwind era of termination, many California Indian Rancherias became things of the past.
- In a landmark case, Tillie Hardwick v. United States, one Pomo woman restored the sovereign status of 17 tribes.
- The U.S. Supreme Court upheld a 1983 U.S. District Court decision preserving the status of 17 of the small reservations, including Pinoleville, and the status of the 700 residents.

Joseph A. Myers (Pomo)

- Executive Director of the National Indian Justice Center, a non-profit corporation. He founded the NIJC in 1983 as a resource for tribal governments and courts.
- Mr. Myers has contributed significantly to the improvement of justice in Indian Country.
- In 1993, Mr. Myers received national recognition from attorney general Janet Reno for his work on behalf of victims of crime in Indian Country.
- Mr. Myers is also the current Chairman and founding board member of the California Indian Museum and Cultural Center.
Legal Presence of Tribal Governments within State Boundaries
Tribal Sovereignty - Defined

• Sovereignty is the Right of Self-Governance.
  • It is the right of an entity to make its own laws and to be governed by them.
• Tribal Sovereignty was initially recognized by the U.S. as a result of having entered into treaties with Tribes.
  • The U.S. only negotiates treaties with sovereign entities.
  • The U.S. may expand or contracts its recognition of tribal sovereign authority.
Treaty-making process

• For a treaty to become valid after it is signed by U.S. and tribal government representatives, it must be sent back to Washington D.C. and approved or ratified by Congress.

• Only 374 treaties have been ratified by Congress. (Of the 374 treaties, all have been violated in some form by the U.S.)
Unratified Treaties

- Negotiated
Tribal Sovereign Status

Inherent Tribal Sovereign Authority

• Possess Inherent Sovereignty by virtue of being.
• Subject to Tribal Powers only.

Legal Sovereign Status of Tribes

• Possess legal sovereign status because of treaty making between tribes and U.S./foreign powers.
• Subject to Plenary Power of Congress, Interpretation of law by Federal Courts and some State Powers.
Types of Jurisdiction

Jurisdiction is the scope of that which laws apply (persons, places, activities, real property, etc.).
Johnson v. McIntosh (1829)

- This case applied and adopted the **Discovery Doctrine** into U.S. case law.
- Discovery Doctrine gave the U.S. the exclusive right to extinguish the original tribal right of *possession* by purchase or conquest.
- Discovery Doctrine only left Tribes with the **Right to Use and Occupy the Land**.
- This theory gave the discovering Government title to all land as a result of having arrived onto the continent.
- U.S. Supreme Court held that Indians did not have the power to give (nor could a non-Indian receive from an Indian) title to land upon which Indians lived.
- This case served to protect federal land grants (federal land patents) which the federal government used to settle the territories.
Cherokee Nation v. Georgia (1831)

- State of Georgia attempted to apply state law over Cherokee Nation in an effort to “annihilate the Cherokees as a political society.”
- Cherokee Nation filed suit as a foreign nation directly in U.S. Supreme Court.
- U.S. Supreme Court held that Cherokee Nation was not a foreign nation but a **Domestic Dependent Nation**.
Worcester v. Georgia (1832)

- Two missionaries were sentenced to 4 years hard labor by state of Georgia for residing in Cherokee Nation without a license and without taking oath to support the Georgia Constitution and laws.
- Worcester challenged the jurisdiction of Georgia Courts.
- U.S. Supreme Court held that Indian nations were distinct, independent political communities in which state law has no effect . . . Unless Congress grants permission.
- President Jackson purportedly said Marshall has made his decision, now let him enforce it. No mechanism in place to enforce, South Carolina tries to leave the Union, Jackson begs Georgia to let missionaries go. Missionaries pardoned in 1883.
Trust Relationship

- The federal government owes a responsibility to the federally recognized tribes.
- Initially this responsibility was described as the relationship of a “guardian to its ward.”
- Now it is called the Trust Relationship.
- Pursuant to the Trust Relationship, the federal government owes a fiduciary duty to the tribes to protect their interests in the lands and resources held for their benefit.
Trust Relationship

- A legal trust comes to an end. The Trust Relationship will end only when the tribes cease to exist (legally or otherwise).

![Diagram]

- Trustee = all federal branches of government
- Res (lands and resources held in trust for Tribes or their members)
- Beneficiary = Tribes and their Members
Federal Tribal Trust Relationship

**SETTLOR**
Entity that creates a Trust

**THE FEDERAL GOVERNMENT**

**TRUSTEE**
Creates Trust, Manages Assets,
Holds Fiduciary Responsibility

**THE FEDERAL GOVERNMENT**

**BENEFICIARY**
Entity entitled to receive the principal and/or income from the trust

TRIBES

*Common law prohibits the settlor and trustee from being the same entity to protect against mismanagement of assets.*
Legislative Timeline

- 1851 – CA Act for the Government and Protection of Indians
- 1887 – Dawes Act (aka General Allotment Act)
- 1905 – Rancheria Acts begin
- 1924 – Indian Citizenship Act of 1924
- 1934 – Indian Reorganization Act of 1934
- 1950s – Termination Era begins
- 1968 – Indian Civil Rights Act
- 1970s – Restoration of Terminated CA Tribes
- 1998 – Indian Gaming Regulatory Act
Termination and Relocation

• The U.S. Government sought to move Indians off of the Reservation into the Urban Center
• Through P.L. 280, the U.S. Government sought to end the Federal/Tribal trust relationship
• Resulted in loss of land and homelessness
Indian Gaming Regulatory Act

- IGRA was passed by Congress in 1988 as a response to the Cabazon case.
- IGRA provides for establishment of or requires:
  - All Indian gaming must occur on trust lands;
  - National Indian Gaming Commission oversees enforcement;
  - Gaming classes I, II, III and allocation of regulatory authority between tribe and state;
  - Tribal Gaming Ordinances to regulate operations, use of revenues, audits, contractors, licensing of employees;
  - Off-reservation environmental impact statements prior to gaming;
  - Tribal-State Compacts for Class III gaming activity
Modern Tribal Governance

- Tribal Constitution
- Legislative Process and Record
- Code of Laws, Ordinances, Resolutions
- Consistency establishes the community standard
- Cooperation and collaboration
Government-to-Government

U.S. Constitution
Branches of Federal Government

Legislative Branch
U.S. Congress
Article I
Creates Law

Executive Branch
U.S. President
Article II
Enforces Law

Judicial Branch
U.S. Federal Courts
Article III
Interprets Law

Branches of Tribal Government

Legislative Branch
Tribal Council
Creates Law

Executive Branch
Chairman/Council
Enforces Law

Judicial Branch
Interprets Law