

United Nations Human Rights Committee, 139th Session

*Review of the United States of America*

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**International Indigenous Truthing Working Group (California)**

Indigenous Peoples & Persons Report

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**Introduction** (*followed by Questions to the USA and Recommendations*)

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*In Dialogue with, Contributions from and Comments by*

Louise Ramirez, Tribal Chairwoman of Ohlone/Costanoan-Esselen Nation (OCEN)

Cathy Cory, Chukchansi Yokut (disenrolled from Picayune Rancheria of the Chukchansi Indians 2006)

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*And all other persons with whom we have been in conversation, and to whom we give thanks...*

*The United Nations (UN) is an International Institution of Good Faith under what is now known and identified as the legal concept of Responsibility to Protect (RTP). Formed in the wake of World War II and the Holocaust, The UN is, foundationally, here to help States, Peoples, and people of the world navigate the ways to and within and for World Peace.*

*Our submission provides necessary challenges to the evolving systems of International Law and Diplomacy, and we have trust that the United Nations is ready for the task at hand that we present; to put off the task any longer would be to turn blind eyes to ongoing genocide and colonialism that are not being remedied but instead further calculated, internalized, and expanded.*

*We hold that the Human Rights Committee's review of the United States of America (USA), under the International Covenant on Civil and Political Rights (ICCPR), is the critical space and time to make these shifts.*

The United States of America (USA) has, for centuries and ongoing, been claiming,<sup>1</sup> controlling, colluding, violating, invading, usurping, displacing, imprisoning, and committing genocide<sup>2</sup> against, Indigenous Peoples and/or their territories, resources, and self-determination, both within its own currently-claimed borders and territories and around the world in those of other States, regions, and Peoples. The USA and its systems of design have also intentionally and systematically undermined, divided, dominated, imprisoned, neglected, and colluded with its own agencies and institutions to coerce, and force and enforce colonial systems and values onto, Indigenous Peoples and populations. These actions have resulted not only in legacies of brutal and genocidal colonialism but perpetuate them in, arguably, what can be understood as forms of criminality. What we have before us is not only the need to address *Legacies of Colonialism*<sup>3</sup> (indeed that, urgently and critically, also), but in addition, urgently, to condemn and hold accountable the continued and ongoing consequences and realities of Colonialism and its unending Genocide(s) both by and in the USA. This, including the forms it comes in that have been internalized and condoned by giving these crimes and violations proverbial facelift(s) to disguise the US's own destructive duplicity. What we have, still, is the need for the

<sup>1</sup> Notably, we point to the fact that, for example, the Holy See has now rescinded the Doctrine of Discovery: "...listening to indigenous peoples that the Church has heard the importance of addressing the concept referred to as the "doctrine of discovery." The legal concept of "discovery" was debated by colonial powers from the sixteenth century onward and found particular expression in the nineteenth century jurisprudence of courts in several countries, according to which the discovery of lands by settlers granted an exclusive right to extinguish, either by purchase or conquest, the title to or possession of those lands by indigenous peoples. Certain scholars have argued that the basis of the aforementioned 'doctrine' is to be found in several papal documents, such as the Bulls *Dum Diversas* (1452), *Romanus Pontifex* (1455) and *Inter Caetera* (1493). [...] The Church is also aware that the contents of these documents were manipulated for political purposes by competing colonial powers in order to justify immoral acts against indigenous peoples that were carried out, at times, without opposition from ecclesiastical authorities. It is only just to recognize these errors, acknowledge the terrible effects of the assimilation policies and the pain experienced by indigenous peoples [...] The Catholic Church therefore repudiates those concepts that fail to recognize the inherent human rights of indigenous peoples, including what has become known as the legal and political 'doctrine of discovery'." in "Joint Statement of the Dicasteries for Culture and Education and for Promoting Integral Human Development on the 'Doctrine of Discovery', 30.03.2023", Holy See Press Office, Summary of Bulletin,

<https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2023/03/30/230330b.html>; see also "Vatican formally repudiates 'Doctrine of Discovery' used to justify colonization", by Christopher White, Vatican Correspondent, 30 March 2023, in *National Catholic Reporter*,

<https://www.ncronline.org/vatican/vatican-news/vatican-formally-repudiates-doctrine-discovery-used-justify-colonial>; see also the Apache Ndé Nneé Working Group submitted the following Shadow and Alternative Reports to the UN CERD Committee for the Committee's review of the Holy See: *The Holy See and European Dispossession of Apache-Ndé-Nnee Peoples: A call for truth, disclosure, justice and redress*, Apache-Ndé-Nnee Working Group Shadow Report, available for downloading via the UN CERD corresponding session website at:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FNGO%2FVAT%2F22151](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FNGO%2FVAT%2F22151), UN CERD 88th Session, November 2015: Review of the Holy See, and Spain: *Alternative Report for the CERD Review of Spain*, submitted by the Apache-Ndé-Nnee Working Group, UN CERD 89th Session, April-May 2016: Review of Spain, available for downloading via the UN CERD corresponding session website at:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FNGO%2FESP%2F23617](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FNGO%2FESP%2F23617); see also "Responding to Indigenous, Vatican rejects Discovery Doctrine", by Nicole Winfield, Associated Press, in *Cherokee Phoenix*, 3 April 2023,

[https://www.cherokeephox.org/news/responding-to-indigenous-vatican-rejects-discovery-doctrine/article\\_98071b2e-d223-11ed-97cc-5bb3ca6541d0.html](https://www.cherokeephox.org/news/responding-to-indigenous-vatican-rejects-discovery-doctrine/article_98071b2e-d223-11ed-97cc-5bb3ca6541d0.html); see also (Canada) "The Doctrine of Discovery has been rescinded by the Vatican. What happens next", by Matteo Cimellaro, 12 April 2023, in *Canada's National Observer*,

<https://www.nationalobserver.com/2023/04/12/explainer/doctrine-discovery-rescinded-vatican-what-happens-next>.

<sup>2</sup> See, for example, where processes of identifying genocide within the USA have already begun: "University of Minnesota Committed Genocide Against Native Peoples, New Report Shows" in *Native News Online*, 11 April 2023, <https://nativenewsonline.net/currents/university-of-minnesota-committed-genocide-against-native-peoples-new-report-shows>; project News Release <https://ias.umn.edu/news-stories/truth-project-towards-recognition-and-university-tribal-healing>; see the project and report themselves at: "TRUTH Project" <https://mn.gov/indian-affairs/truth-project/> and (the report) [https://mn.gov/indian-affairs/assets/full-report\\_tcm1193-572488.pdf](https://mn.gov/indian-affairs/assets/full-report_tcm1193-572488.pdf).

<sup>3</sup> See *Negative impact of the legacies of colonialism on the enjoyment of human rights*, Resolution 48/7 adopted by the UN Human Rights Council on 8 October 2021 (48th session), A/HRC/RES/48/7, available at

<https://digitallibrary.un.org/record/3945630>; see also the corresponding *Human Rights Council panel discussion on the negative impact of the legacies of colonialism on the enjoyment of human rights* UN Press Release: "Acting High Commissioner: Addressing the Legacies of Colonialism Can Contribute to Overcoming Inequalities Within and Among States and Sustainable Development Challenges of the Twenty-First Century", 28 September 2022,

<https://www.ohchr.org/en/press-releases/2022/09/acting-high-commissioner-addressing-legacies-colonialism-can-contribute>

Responsibility to Protect (RTP) Indigenous Peoples and Indigenous persons to be enacted by the UN regarding the USA, for the USA to Decolonize, Indigenize, and not overlook other factors in the process - such as those we hereby submit, including but not limited to, for example, matters of recognition, disenrollment<sup>4</sup>, and disenfranchisement - no matter how difficult that work is. It is with this intent that we stand in Good Faith and Solidarity that all humans from all States and Peoples have the capacity to problem solve and provide solutions with outcomes that are inclusive, equitable, fair, healing, and creative; what is needed to make these changes as alterations in the who's, how's, what's, at times the why's (getting to the Truth of the matter), and also the when's; the issues, the real-life situations, cannot wait.

The ad-hoc group that we have formed to submit this report is a collective of individuals - Indigenous leaders, activists, victims, experts, and one non-Indigenous International Law practitioner, all everyday people and tied to Native California, who have met while in or connected to someone who is in the California Truth and Healing Task Force Council's Subcommittee on Status and Identity, a subcommittee that has only recently begun to meet to meet and discuss the Truth and Healing initiative put into action in 2022 by Governor Gavin Newsom of California. Important to note is that this ad hoc group of individuals is, in the context of this report to the Human Rights Committee, acting totally independently from the California Truth and Healing initiative; all persons are submitting

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<sup>4</sup> Within the timeframe of when contributor Cathy Cory and her family were disenrolled in 2006 to now, "tribal disenrollments throughout the United States have risen from an estimated 4000 disenrolled then to over an estimated 11,000 disenrolled now as of 2023 – nearly four times the number of disenrolled ... How many spirits and lives have been lost, and cultures further decimated, since that time that could have been protected if an intervention had been found?", Cathy Cory. For more information on this issue, see Cathy Cory's Statement in this 2023 submission to the Human Rights Committee.

*See also:* 31 March 2023, UN to USA - Special Procedure involving the Special Rapporteurs on rights of 1. housing and adequate living, 2. Indigenous Peoples, and 3. older persons:

"We note the [USA] Government's indication that in 'the US cooperative federalism system, governmental authority resides with the federal government, state and local governments, and Tribal governments'. However, we would like to emphasize that States and indigenous authorities share the responsibility for ensuring that processes and decisions by indigenous authorities accord with international human rights, particularly in the context of possible conflicts between the rights and interests of individual indigenous members and the collective rights and interest of an indigenous people or community.' [footnote here] We also wish to recall that indigenous institutions and justice systems have an obligation to comply with international human rights standards. Finally, we would like to draw the attention of your excellency's [USA] Government to potential interferences with the right of the seven individuals and their families to 'enjoy their own culture, to profess and practise their own religion, or to use their own language' in community with other members of their group in case there is no place outside Nooksack where such a community exists." (p. 6-7)",

available at [https://s3.documentcloud.org/documents/23816160/2023-004092-ohchr\\_responsive\\_docs\\_redacted.pdf](https://s3.documentcloud.org/documents/23816160/2023-004092-ohchr_responsive_docs_redacted.pdf)

-footnoted document within the above excerpt is from A/HRC/42/37 - Human Rights Council, Forty-second session, 9–27 September 2019, Agenda item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, Rights of indigenous peoples, Report of the Special Rapporteur on the rights of indigenous peoples, states the following:

"118. When preparing legislation or other measures affecting indigenous peoples, States should consult indigenous peoples in good faith in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them (art. 19 of the United Nations Declaration on the Rights of Indigenous Peoples).

119. States and indigenous leaders share the responsibility for ensuring that processes and decisions by indigenous justice authorities accord with international human rights, particularly in the context of possible conflicts between the rights and interests of individual indigenous members and the collective rights and interest of an indigenous people or community. Dialogue, cooperation, consultation, and consent are crucial. No unilateral or coercive interventions should take place.

120. Indigenous authorities should ensure safe and inclusive spaces for all in the community to discuss the appropriateness of norms and practices and their consistency with constitutional or international human rights, and to argue for their reform or modification. They should give due consideration to the arguments presented in such discussions. Other stakeholders may support such internal discussions, as well as offering relevant capacity-building or other awareness-building activities both to indigenous leaders and other members of indigenous communities. Any engagement by non-indigenous actors with indigenous communities and leadership on such issues should be sensitive to the social, cultural, political and historical context and cohesion of indigenous peoples and the risk that outside interventions may be perceived as perpetuating actions and attitudes reminiscent of colonialist eras and related historically oppressive connotations.

121. States, indigenous peoples and others should work cooperatively to address the special needs and concerns of indigenous women, children, youth, persons with disabilities and others who frequently face discrimination or other barriers in the areas of access to justice within both the ordinary and indigenous justice systems."

statements here without any connection to or policy outcome for the California Truth and Healing Subcommittee or California Truth and Healing Task Force. The California Truth and Healing Task Force and in the form of general Subcommittee leadership, at large, (there are several Subcommittees) has, specifically, as general policy handed down to all Subcommittee(s) members, instructed that all Subcommittee(s) members are not to formally represent the Subcommittee(s) externally, so please do note that we are not doing so, nor is this report to the UN Human Rights Committee re the USA for its review under the ICCPR on behalf of or representing the California Truth and Healing Task Force or an Subcommittee or otherwise therein. We come together in this way, on our own, with our our backgrounds and expertise and experience(s) and stories, to make and submit the current report and forge our own separate identity as such to offer our perspectives, knowing that the UN Human Rights Committee is reviewing the USA and its Human Rights Violations and just how important this review under the UN International Covenant on Civil and Political Rights (ICCPR) is. We believe that we have critical information and views to share for the Human Rights Committee's review of the USA, and so we come together here as the self-named International Indigenous Truthing Working Group (California), for transparency and clarity purposes.

The statements you will find within this submission are the true essence of what we provide and have experienced and live and lived first-hand. We know that it is critical that any USA (and its subsidiaries, such as its states or entities it colludes or operates in conjunction with as well as business, Tribes, other States in the world, etc) or State/colonial entity be held accountable. Truthing is an undertaking that elevates victims' voices, facts, and realities and ownership over that and those themselves, as the holders of their own experiences, histories and information, and does not simply assume top-down control or gather, dissect, recreate, force, and re-colonize or further entrench colonialism, genocide, or any other Crimes (Against Humanity, of War, Enterprise, etc.). Clarity and documentation regarding Human Rights violations (poverty/inequity, etc) are, ideally, final products and outcomes of any Truth initiative ('Truth and Healing', 'Truth Commission', 'Transitional Justice', Decolonization, or otherwise).

As we in the Global Community know and recognize, the USA has a long and extensive track record of what are, essentially, Criminal and/or Human Rights violations world-wide, as well as 'at home',<sup>5</sup> and so for us to even embark upon remedy or process within the Human Rights regimes (versus Criminal Law uniquely) or the contexts of offerings/determinations by the violators themselves (such as a Truth initiative created/decided upon by the USA, or one of its states, or any other entities it has colluded or colludes with or operates side-by-side with/of), is an act of Good Faith. However, we find ourselves concerned that the USA itself is not undertaking and being beholden to an all-encompassing formal Truth process (Commission, Healing, Criminal process, Decolonization, etc) while, for example, the State of California has its own underway.<sup>6</sup> The history of the United States is complicated and vast, and

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<sup>5</sup> For example, see CERD Concluding Observations 2023, USA review, re Indigenous and Human Rights and the matter of **non-recognized** Indigenous People in the USA and "The [CERD] Committee ... remains concerned at the adverse effects of economic activities by transnational corporations registered in the State party on the rights and way of life of minority groups and indigenous peoples in other countries (arts. 2 and 5).**The Committee also reiterates its recommendation that the State party take appropriate measures to prevent situations in which the economic activities by transnational corporations registered in the State party have an adverse effect on the human rights and way of life of minority groups and indigenous peoples in other countries.**"

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&CountryID=187](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&CountryID=187)

<sup>6</sup> See, for example: "The questions of why certain events were allowed to happen can be as important as explaining precisely what happened. Ultimately, it is hoped that the work of the commission can help a society understand and acknowledge a contested or denied history, and in doing so bring the voices and stories of victims, often hidden from public view, to the public at large. A truth commission also hopes to prevent further abuses through specific recommendations for institutional and policy reforms. While some countries have constructed a truth commission around the notion of advancing reconciliation—or have seen such a commission as a tool that would naturally do this—it should not be assumed that such an inquiry will directly result in reconciliation either in the community or in the national or political sphere. Reconciliation is understood differently in different contexts. For some, the full acknowledgement of a long-denied truth will certainly advance reconciliation. But experience shows that many individual victims and communities may require more than the truth in order to forgive. Reconciliation is usually a very long and slow process, and the work of a truth commission may be only a part of what is required. When considering and designing a truth commission, therefore, care should be taken not to raise undue and unfair expectations among the victims that they, or the country as a whole, will or should feel quickly "reconciled" as a result of knowing the truth about unspeakable past atrocities—or, in some

while it is true and critical that California has a unique history of its own to Truth, this is not independent of the whole of the United States and its history, for example in contexts ranging from effects by default/turns of events to intentional complicity, benefit and gain, policy, administration, law, complexities of jurisdictions, layers and networks of colonialism, and collusion.<sup>7</sup> Thus, it is critical that the whole of the USA be beholden to a formal and all-encompassing Truth process regarding Indigenous Peoples, and that the legal liabilities and matters of that not be compromised by a regional- or state-controlled process happening over years and/or within various other formalities beforehand. In fact, it is the USA itself who is and has been the criminal mastermind, in the end, along with and benefitting from and by and with other entities, and this, critically, must not only be truthed - i.e. held to the light and accountability - and decolonized, but done so in ways so as to actually put an end the genocides (and ecocides, etc) still occurring.

The United States has gone to great efforts and lengths to remove the heritage and identities, backgrounds and historical contexts of all Americans, merging all into categories of color to discriminate and control large groups of people, Peoples, and persons, to divide and conquer all at the same time. For example, the use of “white” to erase the diverse histories and realities of persons and groups, places and circumstances of origins and peoples falling into that manufactured category, silencing and subjugating many structurally while uplifting the elite class, creating a caste system and patriarchal structure available to only a few, and the use of violence via sweeping all Indigenous Peoples and populations into wars, forced agreements and unethical, immoral, even genocidal treaties, unratified treaties and arbitrary agreements, and then forced relocation, dislocation, genocide - not least in the forms of removal of religious, traditional and cultural ways and as connected to life-sustaining practices, systems, and, for example, waters and foods sources.<sup>8</sup> Today, in the urban unidentified lands, there continues theft and/or destruction of Indigenous remains and cultural and sacred objects. A current review underway by the USA of Indigenous children having been stolen and taken to boarding schools, in its own “nation-building” colonial history, is bringing to the forefront and light recountings of abuse, murder, and the deep traumas of cultural and family erasure.<sup>9</sup> The forced relocation to what essentially constituted prisoner-of-war camps, called reservations, and structural systems of control under the USA Department of War, eventually to evolve into what exists today, including systems of Government-approved “recognition” and ongoing dominance and/or neglect, leave more Indigenous Peoples in inequity. The never-ending

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cases, receiving official acknowledgement of a truth that they already knew. The expectations placed in a truth commission are often exaggerated in the public mind; it is important to manage such expectations and keep them within reason. An honest portrayal of what can be offered by a truth commission is important from the start. It should be recognized that a truth commission can ultimately have a significant political impact—even if unintended—in a context where, typically, some of the individuals or political entities that still hold power (or wish to gain power) may be the subject of inquiry. Where elections are planned to take place during the course of a commission’s work, or even shortly after a commission is due to conclude, the political consequences of its work can become very clear, and there may be pressure on a commission to halt, postpone or modify its schedule of hearings or the release of its final report. In some cases, it may be important for a commission to take these factors into account in planning its own calendar, while not altering the depth or focus of its investigations in any substantive way.” from *Rule-Of-Law Tools For Post-Conflict States: Truth commissions*, OHCHR, United Nations, New York and Geneva, 2006, p. 2, <https://www.ohchr.org/sites/default/files/Documents/Publications/RuleoflawTruthCommissionsen.pdf>.

<sup>7</sup> See, as one example of such complexities, USA Public Law 280, original text at <https://www.govinfo.gov/content/pkg/STATUTE-67/pdf/STATUTE-67-Pg588.pdf> and current USA Government (Department of Health & Human Services) Fact Sheet at <https://www.acf.hhs.gov/ana/fact-sheet/american-indians-and-alaska-natives-public-law-280-tribes>

<sup>8</sup> Significant to note, for example, is that at times Treaties or Agreements with Indigenous Peoples were, due to Colonialism, made under duress, or not able to be understood or read by the signers and/or representative leaders or persons, or performed by the colonizing entity as acts of dominance through war of colonialism and/or as disguising genocide; all unacceptable elements by today’s International Law or basic ethical legal standards for contract, Treaties, agreements or otherwise.

<sup>9</sup> See: Press Release, US Department of the Interior (DOI), “Secretary Haaland Announces Federal Indian Boarding School Initiative, Outlines Path Forward on Troubled Legacy of Federal Boarding School Policies in Remarks to National Congress of American Indians, 22 June 2021, Last edited 215 February 2023”, at <https://www.doi.gov/pressreleases/secretary-haaland-announces-federal-indian-boarding-school-initiative>, and the 22 June 2021 official directive Memo to the DOI by Secretary Deb Haaland at <https://www.doi.gov/sites/doi.gov/files/secint-memo-esb46-01914-federal-indian-boarding-school-truth-initiative-2021-06-22-final508-1.pdf>.



violence against and undermining of women, ignoring and undermining of elders and traditional-spiritual leaders, perpetuated loss and poverty<sup>10</sup>... to name a few examples ... are urgent and resulting matters that must be addressed immediately by a formal Truthing process (Commission, etc) re the USA, at large.

The Indigenous Peoples and affected Indigenous persons currently under ongoing occupation by the United States are owed a legal remedy of more than simply a casual Truthing process or one or many under the guise of any forced reconciliation or controlled healing;<sup>11</sup> the crimes of genocide and colonialism and all within that are due correct and proper legal redress and process, at a minimum with the an overseeing by the United Nations, formally as a third and more neutral party, beyond the perpetrators and victims and colluders all managing or manipulating and surviving the outcome themselves. The United Nations and the United States of America owe Indigenous Peoples access to the Decolonization Committee and other critical UN mechanisms to monitor and document such a process beyond the talons of the perpetrator party any transitional justice or Truth-justice processes of its own design, lest hasty mistakes are made all over again in the forms of yet even more coerced and complicit outcomes that would, in turn, perpetrate even more legacies of colonialism, genocide, cultural genocide, lack of true remedy, and/or even further what many feel are elements of organized crime between the State (USA in this case) and the colonized elite.

In fact, a Truth Process proposed by the USA/Congress, as a result of deep-seated needs and decades and centuries of resistance, struggle and activism by the same Peoples and people it is meant for, has been sitting on the political table moving around and under consideration for some years within the USA Federal Government.<sup>12</sup> Such a Truth Process

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<sup>10</sup> See, for example, "The situation of non-federally recognized tribes is even more desperate, for they are not eligible to benefit from federally funded programmes. While 567 tribes are federally recognized, some 400 are not.107 The latter exist in a context in which their way of life is not legally sanctioned, they are disempowered and their culture is threatened. Failure to collect disaggregated data for those tribes also hinders the development of evidence-based policies to address their situation." from *Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America*, Human Rights Council Thirty-eighth session 18 June–6 July 2018 Agenda item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America, 4 May 2018, Paragraph 64, A/HRC/38/33/Add.1

<sup>11</sup> See, for example "Briefings. MICHELLE BACHELET, United Nations High Commissioner for Human Rights, said lasting peace is interlinked with justice, development and respect for human rights. 'Peace does not automatically break out when weapons fall silent and atrocity crimes cease,' she said. To rebuild lives, without fear of recurrence, suffering must be acknowledged, confidence in State institutions restored and justice done. [...] Truth-seeking initiatives not only enable victims to recount their experiences, they open new spaces within which victims and perpetrators can re-establish a connection, facilitating recognition of multiple narratives about what has occurred and the formulation of recommendations for redress and reform. [...] For a society to succeed in establishing a transition to peace, she said systemic discrimination, institutional deficiencies, unfair power structures and structural impunity are among the issues to be identified and addressed, with the broadest possible participation of civil society in decision-making. [...] Citing the Council's 'sustaining peace' resolution, she said creating trust among former enemies will always be a challenge. Transitional justice cannot be imported or imposed from the outside. Rather, locally led and locally appropriate permutations of transitional justice have the best chances of success. 'Without humility and modesty, the risks of failure are real,' she assured. At the same time, the international community, and the Council in particular, have essential roles in helping States in these complex processes, by sharing experiences, mandating international support and encouraging implementation of comprehensive approaches. [...] Transitional justice should not be seen as an alternative to criminal accountability for the perpetrators of atrocity crimes. However, criminal accountability should be accompanied by measures to support truth, justice, reparations and guarantees of non-recurrence. And while there is no single way to get the mix right, there is a way to get it wrong by considering victims' rightful demands as an inconvenient distraction that can be papered over or indefinitely delayed." documented in "To Rebuild Lives, Suffering Must Be Acknowledged, 'Justice Done', Human Rights High Commissioner Says, as Security Council Takes Up Transitional Justice", United Nations Meetings Coverage, UN Security Council, 8723rd Meeting (AM), SC/14109, 13 February 2020, <https://press.un.org/en/2020/sc14109.doc.htm>.

<sup>12</sup> See: a) S.Con.Res.19 - *A concurrent resolution urging the establishment of a United States Commission on Truth, Racial Healing, and Transformation*, 118th Congress (2023-2024), <https://www.congress.gov/bill/118th-congress/senate-concurrent-resolution/19/related-bills>; b) H.Con.Res.44 - *Urging the establishment of a United States Commission on Truth, Racial Healing, and Transformation*, 118th Congress (2023-2024), <https://www.congress.gov/bill/118th-congress/house-concurrent-resolution/44/actions>; c) S.Con.Res.6 - *A concurrent resolution urging the establishment of a United States Commission on Truth, Racial Healing, and Transformation*, 117th Congress (2021-2022), <https://www.congress.gov/bill/117th-congress/senate-concurrent-resolution/6/related-bills>; d) H.Con.Res.19 - *Urging the establishment of a United States Commission on Truth, Racial Healing, and Transformation*, 117th Congress (2021-2022), <https://www.congress.gov/bill/117th-congress/house-concurrent-resolution/19>.

or proposal therein should not be held captive as a political matter for and by the colonizer entity and for it to decide on - such a decision and process should revert back into the hands of the victim parties and, as such, as we propose, for example, be overseen by the UN Decolonization Committee and/or other appropriate UN entity(ies) at a minimum, as real process, and made urgent matter and enacted immediately via USA Executive Order (rather than Bill that takes years if ever to move), labeled to address the genocides and legacies of colonialism that have happened in the past and, also, that continue to this day. The USA is not a neutral party to handle its own violations, especially since it has strategically colonized and divided and, at the same time, joined in complicity and collusion certain parties of its own victims for further domination of other victims, for example under the guise of “Recognition” and all that is demanded for and comes with that. The USA must finally and formally be held accountable and be accountable, and for this to happen transitional<sup>13</sup>, transformative<sup>14</sup>, restorative,<sup>15</sup> International-Law-monitored justice is necessary, urgent, and needed.

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<sup>13</sup> See, for example See, for example “Briefings, MICHELLE BACHELET, United Nations High Commissioner for Human Rights, said lasting peace is interlinked with justice, development and respect for human rights. ‘Peace does not automatically break out when weapons fall silent and atrocity crimes cease,’ she said. To rebuild lives, without fear of recurrence, suffering must be acknowledged, confidence in State institutions restored and justice done. [...] Truth-seeking initiatives not only enable victims to recount their experiences, they open new spaces within which victims and perpetrators can re-establish a connection, facilitating recognition of multiple narratives about what has occurred and the formulation of recommendations for redress and reform. [...] For a society to succeed in establishing a transition to peace, she said systemic discrimination, institutional deficiencies, unfair power structures and structural impunity are among the issues to be identified and addressed, with the broadest possible participation of civil society in decision-making. [...] Citing the Council’s ‘sustaining peace’ resolution, she said creating trust among former enemies will always be a challenge. Transitional justice cannot be imported or imposed from the outside. Rather, locally led and locally appropriate permutations of transitional justice have the best chances of success. ‘Without humility and modesty, the risks of failure are real,’ she assured. At the same time, the international community, and the Council in particular, have essential roles in helping States in these complex processes, by sharing experiences, mandating international support and encouraging implementation of comprehensive approaches. [...] Transitional justice should not be seen as an alternative to criminal accountability for the perpetrators of atrocity crimes. However, criminal accountability should be accompanied by measures to support truth, justice, reparations and guarantees of non-recurrence. And while there is no single way to get the mix right, there is a way to get it wrong by considering victims’ rightful demands as an inconvenient distraction that can be papered over or indefinitely delayed.” documented in “To Rebuild Lives, Suffering Must Be Acknowledged, ‘Justice Done’, Human Rights High Commissioner Says, as Security Council Takes Up Transitional Justice”, United Nations Meetings Coverage, UN Security Council, 8723rd Meeting (AM), SC/14109, 13 February 2020, <https://press.un.org/en/2020/sc14109.doc.htm>; see also <https://www.ohchr.org/en/transitional-justice> and Transitional justice dialogue (UN) and <https://www.ohchr.org/en/calls-for-input/2021/call-inputs-transitional-justice-measures-and-legacy-human-rights-violations>.

<sup>14</sup> See, for example, “Transformative Justice And Community Accountability; What Is Transformative Justice? Transformative justice recognizes that oppression is at the root of all forms of harm, abuse, and assault. As a practice, it therefore aims to address and confront those oppressions on all levels and treats this concept as an integral part to accountability and healing. According to Mia Mingus [linked in webpage: <https://leavingevidence.wordpress.com/2019/01/09/transformative-justice-a-brief-description/>], transformative justice is a political framework and approach for responding to violence, harm and abuse. At its most basic, it seeks to respond to violence without creating more violence and/or engaging in harm reduction to lessen the violence. It can be thought of as a way of “making things right,” getting in “right relation,” or creating justice together. Transformative justice responses and interventions 1) do not rely on the state (e.g. police, prisons, the criminal legal system, I.C.E., foster care system (though some TJ responses do rely on or incorporate social services like counseling); 2) do not reinforce or perpetuate violence such as oppressive norms or vigilantism; and most importantly, 3) actively cultivate the things we know prevent violence such as healing, accountability, resilience, and safety for all involved.” from the New York State Coalition Against Sexual Assault (NYCASA), <https://www.nycasa.org/get-info/transformative-justice/>

<sup>15</sup> See, for example, “Access to justice in the promotion and protection of the rights of indigenous peoples: restorative justice, indigenous juridical systems and access to justice for indigenous women, children and youth, and persons with disabilities” study by the United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), 25 June 2014, (Human Rights Council Expert Mechanism on the Rights of Indigenous Peoples, Seventh session, 7–11 July 2014, Item 5 of the provisional agenda: Continuation of the study on access to justice in the promotion and protection of the rights of indigenous peoples), A/HRC/EMRIP/2014/3/Rev.1, at [https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/EMRIP/Session7/A-HRC-EMRIP-2014-3\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/EMRIP/Session7/A-HRC-EMRIP-2014-3_en.pdf); see also “Topic one - Concept, values and origin of restorative justice”, E4J University Module Series: Crime Prevention and Criminal Justice, Module 8: Restorative Justice, United Nations Office of Drugs and Crimes (UNDOC), <https://www.unodc.org/e4j/zh/crime-prevention-criminal-justice/module-8/key-issues/1--concept--values-and-origin-of-restorative-justice.html>



All of the Statements enclosed here, as forming this collective, collaborative Submission to the UN Human Rights Committee for its review of the USA this October 2023, show ways in which *How Things Really Are* in the USA, regarding Indigenous Peoples and on the part of the USA, as the USA is continuing to fail and divert its own due diligence. In the context of the colonized thinking of “recognized versus non-recognized” Indigenous Peoples (Tribes, Nations, individuals...), the USA is failing its RTP - the disproportionate harm of Government-delegated titles of sovereign, forming and colluding with a caste system created to oppress its own Non-/Unrecognized Indigenous Peoples and within the current USA borders, is genocide. The unethical appointment of one government’s authority to sanction another unethical government to discount and deny the rights of and to the birthright of cultural heritage, is genocide; the Tribe-Disenrollment<sup>16</sup> and the Disenfranchisement such collusion and violation creates, and, on the flip side, the favoritism to/for and collusion with and/or as Criminal Enterprises of greed and status it entertains and operates with/for/around and affecting and creating all of that, is ongoing colonialism and genocide.<sup>17</sup>

The UN Human Rights Committee is deeply needed to guide the USA to undergo urgently and formally a formal Truthing process (Truth Commission, etc) and, critically, for such a process to be overseen by a third party - International Law and the UN and its Decolonization Committee along with other UN Expert Mandates, Systems, and Treaty Body Experts, so as to protect and promote and ensure Article 1 of the ICCPR and the ICCPR itself as backbone of the United Nations and International Law, fundamental Human Rights and Indigenous Rights. Too much is at stake, and too much and too many still in harm’s way, for the UN and USA alike to turn away from this responsibility. Identities, cultures, histories, lives, voices, communities, traditions, lands, and truths are being lost, organized crime at the highest levels still in swing. We submit that the USA and its accomplices must include, in equity and inclusion, all Indigenous Voices, in any Truthing process, designing, outcomes, and facts therein regarding its Crimes and Violations, and that such a process is urgently needed, as and is matter of International Law - that it is time to shed the colonial skin, in the form of a case-by-case, overseen-by-the-UN-as-third-party,<sup>18</sup> new improved Decolonization, with respect to FPIC, self-determination, Indigenous Rights, universal Human Rights (RTP) of all Indigenous Peoples and persons, inclusion of historically-correct pre-colonial boundaries and territories, real heritage and (his/her)story(ies), traditional cultural practices, leaderships and values and territories<sup>19</sup> therein, redress re colonialism and genocide, and guarantees of non-recurrence - future forward, in remedy, change, and real recognition.<sup>20</sup>

<sup>16</sup> David Wilkins book “Dismembered”; (use example <https://capitolweekly.net/disenrolled-indians-often-lose-federal-benefits/> ?)

<sup>17</sup> For consideration of example context, see Call for Input, Special Procedures - “Investors: ESG and Human Rights”, Issued by the Working Group on Business and Human Rights, <https://www.ohchr.org/en/calls-for-input/2023/investors-esg-and-human-rights>.

<sup>18</sup> See, for example, “*Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, Adopted 15 December 2005 BY General Assembly resolution 60/147, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>.

<sup>19</sup> See, for example, Aboriginal Title: [https://en.wikipedia.org/wiki/Aboriginal\\_title](https://en.wikipedia.org/wiki/Aboriginal_title).

<sup>20</sup> See, for example, “47. Reparations should cover all injuries and be proportionate to the gravity of the violations and the harm suffered.118 For the right to reparation to be fulfilled, it is essential that the State and any other actors involved in the violations acknowledge their responsibility.119 The Special Rapporteur has noted that judicial approaches to reparations have settled on the criterion of *restitutio in integrum* to decide on the magnitude of the reparations.120 This means that reparation must encompass compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition.121 It is important that reparations be linked to the provision of truth, justice and guarantees of non-recurrence; it is deemed unacceptable to utilize generous reparation schemes to make impunity more acceptable.(122)”. *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli: Transitional justice measures and addressing the legacy of gross violations of human rights and international humanitarian law committed in colonial contexts*, A/76/180 General Assembly Distr.: General 19 July 2021, available at <https://www.ohchr.org/en/documents/thematic-reports/ahrc5424-international-legal-standards-underpinning-pillars-transitional> [accompanying footnote 122: A/69/518, para. 11 (“Promotion of truth, justice, reparation and guarantees of non-recurrence”, Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, 14 October 2014, Note by the Secretary-General, Sixty-ninth session, Agenda item 68 (b) Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms ]; see also *Call for inputs – Transitional justice measures and the legacy of human rights violations in colonial contexts*, Issued by the Special Rapporteur on truth, justice and reparation, [Resulting report subsequently presented to the General Assembly],

***Suggested Questions for the Human Rights Committee to the USA:***

- Why has the (colonial entity of) the United States of America (USA) been tabling the United States Commission on Truth, Racial Healing, and Transformation as matter of US Congress-House-Judiciary, holding it as Colonial Political Hostage, instead of enacting it as Executive Order of urgent due diligence and alongside and with and by the victim parties?
- Why has the USA not submitted to the UN Decolonization Committee that it occupies and controls or has in Trust in some cases colonized territories, given that modern present-day law recognizes the colonialism of Indigenous Peoples including on contiguous land bases and across seas historically?
- How will the USA ensure and protect the equity and inclusion and rights of Non-/Un-Federally-Recognized Indigenous Peoples and persons and the Disenrolled and Disenfranchised Indigenous persons in any Truthing process and a United States Commission on Truth, Racial Healing, and Transformation?
- Does the USA support its states undergoing Truthing Processes before the Nation State itself does, and what are the implications of the USA itself not being beholden to or part and parcel to such a process?

***Suggested Recommendations for the Human Rights Committee to the USA:***

- The United States of America (USA) should enact the United States Commission on Truth, Racial Healing, and Transformation immediately as Executive Order, as urgent matter of due diligence and also RTP, and not continue to delay, review, control, and table it as colonial political power within the House-Judiciary-Congress in the form of a Bill internally.
- The USA should do the above as an Executive Order to submit to the UN Decolonization Committee for the overseeing by UN Experts, relevant bodies and the Decolonization Branch/Committee a Truthing Process regarding the Legacies of Colonialism of the United States of America, with the full participation, co-designing, and FPIC of the affected Indigenous Peoples, and with equity and inclusion of those Indigenous

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<https://www.ohchr.org/en/calls-for-input/2021/call-inputs-transitional-justice-measures-and-legacy-human-rights-violations>; *See also: “Briefings.* MICHELLE BACHELET, United Nations High Commissioner for Human Rights, said lasting peace is interlinked with justice, development and respect for human rights. ‘Peace does not automatically break out when weapons fall silent and atrocity crimes cease,’ she said. To rebuild lives, without fear of recurrence, suffering must be acknowledged, confidence in State institutions restored and justice done. [...] Truth-seeking initiatives not only enable victims to recount their experiences, they open new spaces within which victims and perpetrators can re-establish a connection, facilitating recognition of multiple narratives about what has occurred and the formulation of recommendations for redress and reform. [...] For a society to succeed in establishing a transition to peace, she said systemic discrimination, institutional deficiencies, unfair power structures and structural impunity are among the issues to be identified and addressed, with the broadest possible participation of civil society in decision-making. [...] Citing the Council’s ‘sustaining peace’ resolution, she said creating trust among former enemies will always be a challenge. Transitional justice cannot be imported or imposed from the outside. Rather, locally led and locally appropriate permutations of transitional justice have the best chances of success. ‘Without humility and modesty, the risks of failure are real,’ she assured. At the same time, the international community, and the Council in particular, have essential roles in helping States in these complex processes, by sharing experiences, mandating international support and encouraging implementation of comprehensive approaches. [...] Transitional justice should not be seen as an alternative to criminal accountability for the perpetrators of atrocity crimes. However, criminal accountability should be accompanied by measures to support truth, justice, reparations and guarantees of non-recurrence. And while there is no single way to get the mix right, there is a way to get it wrong by considering victims’ rightful demands as an inconvenient distraction that can be papered over or indefinitely delayed.” documented in “To Rebuild Lives, Suffering Must Be Acknowledged, ‘Justice Done’, Human Rights High Commissioner Says, as Security Council Takes Up Transitional Justice”, United Nations Meetings Coverage, UN Security Council, 8723rd Meeting (AM), SC/14109, 13 February 2020, <https://press.un.org/en/2020/sc14109.doc.htm>.

Peoples and persons who have been not “Recognized”, “Unrecognized”, disenrolled, internally usurped, and disenfranchised, and otherwise made to suffer, endure, and survive the systems of colonialism.

- The USA should end its colonial recognition system and undergo Transitional, Transformative, Reparative Justice via the above.

# Statements

Statement by

*Julie Holder*

California Native American Cultural Specialist, San Diego California, Kumeyaay Nation

10 September 2023

*for the* Submission by the International Indigenous Truthing Working Group (California)  
to the UN Human Rights Committee (ICCPR) review of the USA 2023

My name is Julie Holder, I am the Granddaughter of Anna Brown born 1906 in Old Town San Diego California. My Grandmother was born to a California American Indian Father and an Irish mother. This unique union would also bear her brother Felipe and twins Frank and Isabel this is Old Town San Diego in 1906 and at that time California had only been a state for 60 years. Her Indian father worked for the railroad and her Irish mother was raising the children she also lived with her father's mother, her grandmother who was a full blood Indian woman named Ysabel. My grandmother had many memories and she said her grandmother spoke her own language and Spanish but very little English. In 1913 my grandmother's father was killed in a railroad accident, at that time she was 7 her brother Felipe was 9 and the twins were 5 years. Her mother and grandmother were left to care for the children without resources or help. This is early California in 1913 when women have no rights, there is no system to help this family and charity is at the kindness of whoever was willing to help.

This ordeal of her circumstances was catastrophic for Margaret her mother and she quickly became ill and was taken to the poorhouse leaving the children to be cared for by Ysabel the grandmother. Ysabel was a healer and midwife; she would attend the ill and infirm with the Priests. Her work was knowing medicine, helping bring children into the world and serving those leaving the world. She was well known in old town and respected in the community, but she was a woman and an Indian so any rights to her Grandchildren would not exist. My Grandmother told many stories of what she was learning from her Nanie, the name she called her grandmother and her eyes would fill with tears from her memories. One of my grandmothers' fondest memories was going with her Nanie to find plants and learning the names as they gathered. She always remembered her saying never take more than she needed, so they would always be there when she came back. She also smiled when she spoke of being children free to run the streets of old town and because they were Indian never feeling welcome in the old town school. She spoke of old town turning into a proper city as the social order was changing from the old west dirt streets into the modern city of prosperity many of its colonial residents had hoped for.

This is in my lifetime.

As Indian children they also had no rights and the newly formed charity of women's league took it upon themselves to notify the court and request the children be taken to attend school. At that time the Indian residential schools were forming to train the Indians how to be civilized citizens. So, one day the children were picked up from the streets of old town San Diego and my grandmother with her then 8-10-13 year old brothers and a sister were taken to the children's home and then quickly moved to Sherman Indian Institute in Riverside, California. Her memory of that day being taken from their Indian Grandmother and their sickly Irish Mother was seeing her grandmothers' eyes filled with tears protesting in all her languages as they were taken. Despite the protests the children would be told by strangers they no longer had family and were now wards of the Indian school. It is these experiences and memories along with the sadness that my grandmother harbored which lasted throughout her lifetime. It is also her trauma which affected all those in her household and has remained the open wound within our family. At the end of my grandmother's life, I made a promise that I would try and find the connections to her past and learn what happened to her grandmother and her people.

I remind you; this is in my lifetime.

Over the years in research from all over the US, I have found that my mother and her brother were born Mission Indians named during the early days in California before the call to census. Our people would be filtered into another



name called Diegueño by our association to the reservation lands of my Great-great Grandmother Ysabel. Eventually an anthropologist told us the name of our people was supposed to be Kumeyaay so all San Diego Indians became Kumeyaay. Now, the land that my Great-great Grandmother's people live on is called Iipay Nation of Santa Ysabel so today in San Diego we are currently known by the name we call ourselves, but collectively all San Diego people are called Kumeyaay.

The promise to my grandmother has been a life struggle, to find her people has taken her lifetime, my mother's lifetime and my lifetime. What I have found is that I am a direct decedent of the Guachingo/Cota/Brown clans which represents many reservation families in San Diego. This info I found in hard to come by, church mission records and National Archives history that is also impossible to identify and hard to find. So, we are historically tied first by birthright then by government to all the tribal lands in San Diego. My Grandmother always considered herself an urban Indian and was given her BIA number in 1928s call to census as was my mother and her brother. I have found from research this is true of most California Indians.

Ironically, my mother's father also an Indian could never claim his heritage. His mother's history was that she was acquired by his father in New Mexico during the end of the Indian wars, he believed she was Mescalero Apache but there was never any way to prove her birthright. So, like many Indian people we have no history and no documents. In 1928 with the first lawsuit enacted by California Indians, the government was forced to call a census for Indian people and it was at that time my grandmother and her children were given BIA ID numbers. Growing up, I also was given a BIA number, yet today we are not formally enrolled with any land associated tribe so therefore I have no status according to the current government's identification of Indians.

Throughout my life I knew I was Indian and, in my youth, I traveled the roads to the reservations with my grandmother in her job as a social worker for elders, I would see the conditions of our lands and its people. There was no opportunity and the poverty and poor conditions were shameful. In my lifetime being an Indian has carried many mixed feelings.

What I have learned over many years of deconstructing Indian history is: In the continental lands of the United States, the BIA Bureau of Indian Affairs was established in 1824 by the federal government and housed in the dept of war. During that time, the BIA's mandate was to herd and house the rebel Indian people into isolation with the ongoing support of the government's military might. The governments' true purpose was to sever the small bands of renegades and spare the public humiliation of the visible military defeats they were suffering. All Indians were considered enemy combatants and pursued until the 1920s. The movement west was on the horizon, but also, at this time there was the plight of slavery and the civil war churning in the media which was creating a divided populace. This was forcing a view for an America never seen before. This image along with the Indian abuses during the same era now craft a new underclass of disenfranchised populations.

At that same time, California is not a State but still a colony ruled by Spain and eventually Mexico, so California Indian people are not affected by these conditions, yet. Mexico wars with Spain and Spain loses her colony of Mexico and the new world. Mexico heady with victory begins claiming territory and assaults the borders of Texas and California not for any other goal than to claim territory and keep the resources they found in the new world. Mexico would rule California and her border territories for less than 10 years, when she faces her own revolution. So, she is simultaneously waring with her own people and faces the new America on her borders which she loses.

The flag of the United States is raised in Old Town San Diego in 1846 and California now faces a new invasion. A reminder it will be less than two years later that gold is discovered in California changing the fate of California and her Indian people. Also, remember the civil war will not begin until 1861. This 12-year gap offers no remedy for Indians and the military battles continue well until the 1920s. California still isolated by the Rocky Mountains on the east and the Pacific Ocean on the west is spared until the discovery of gold and the politicians take notice. Vast tracks of lands without measure historically the homelands of California Indian people become the targets for this invasion. California lands traditionally the responsibility of California Indians, may now harbor untold wealth and in 1849 the invasion begins anew. California Indians long established in their territory began fleeing their homelands as migrants from around the globe invade. In 1840 the migrant population is counted at 8000 by 1849 there are over 300000 non-Indians claiming our homelands.

In 1861 the civil war begins, and it is not until the end of the civil war in 1865 that a new audience widens the gap in an already divided nation. Americas self-image is now reflecting a democratic system overseen by a light skin male

dominated money laden gentry of representatives called the Fed Government. In 1949 the BIA moves to the dept of Interior with the new goal of claiming not only lands but the resources like gold that are hidden within. At the end of the civil war the Freedmen's Bureau is invented to deal with the newly unprofitable populations of freed slaves which now go hand in hand with the Indians. From 1849 well into the 1900s California is still isolated by natural boundaries distant from the direct influence of Washington politicians who continue making arbitrary choices that effect the California Indian populations. As the civil war ends, the gold rush wanes and the invading populations remain. The conditions of the California Indians become visible conflicts. By the end of this era, on one hand, reconstruction offers the blacks 40 acres and a mule, but on the other the Indians now become wards of the states.

The BIA and the Freedman's bureau, both administration agencies allow the government control, not just of the lands but the newly freed slaves and the roaming feral Indians. The only thing these groups have in common is both races would always be aligned by the governments need to discount, disregard, neglect and the need to control the outcome for their populations. This is because, these populations indicate no economic benefit to the American government. Lost is the free slave labor and the Indians plight has created a visible sympathy and offers a new look at their treatment. But the guilt divided America can always find ways to continue its contempt and the Freedmen's bureau and BIA jam-packed with corrupt bureaucrats could always find reasons to enact as little in resources as necessary. It was not any surprise when 40 acres and a mule along with the California unratified treaties once again become broken promises.

In the 1900s California Indians begin to organize and it will take another 20years, but they are able to sue the government for the first time. The BIA is forced to mount an organizational effort so it calls to the table all California Indian people this unexpected gathering of nations brings the California Indians plight into this century. The California Indians win the lawsuit, but the federal government once again finds ways to twist its duplicity back in to its own benefit. Policy is created and the BIA plants the Indians into barren remote lands far from their native homes hoping this will be the tool that silences their voices and the system can now wholly discount their status. The reservation system is invented and the perk is to call these lands "sovereign," so the justification for Indians to not pay taxes could be accomplished. Remember this is after the civil war, and the government is still trying to find an answer to the "freed slave and Indian problem." Slaves can be citizens, but Indians are not allowed citizenship until 1924. Indians already in remote locations accept and are willing to pay no taxes, they always had their own governments and were ruled by their own people, so they thought they won. But the reality of this win was being shoved into isolated, forgotten lands with no resources and no way to sustain economy. This is the 1930s and as populations on the assigned lands diminish, the Indians always enterprising and never wanting or expecting a handout flee the reservations and seek opportunity in urban centers.

This was the standard outcome and the Indians are left to continue trying to survive within the ocean of populations that wanted nothing more than to be rid of the cost, responsibility, upkeep and guilt for the theft of their lands. No status was ever defined, no clarity for who or what lands your people belonged to or how to identify what your history was. What these actions truly meant for Indian people was forgotten isolation, displacement in concentration camps providing "no benefits, no infrastructure no support for services and no opportunity for self-sufficiency." The BIA always a government-controlled organization of non-Indians would manipulate this system of responsibility and control the money and destiny of Indian people for more than a century. Even in the 1930s it is evident that California is isolated and secluded from Washington politicians' ability to strongarm and pursue with military zeal its smaller populations. The Feds relinquish some responsibility to the State. In the 1940s the State picks up where the Feds leave off. Removal and termination are the next torment the State government enacts and what has been the policy of State of California was imbedded then and has been the status quo of operations.

That is until Alcatraz, and I remind you, this is all being done in our lifetime.

In my early years, my grandmother never willingly shared her childhood memories, not until 1969 when the people of all nations began the occupation of Alcatraz. This action was the first in my lifetime that we would witness. To see Indian people with voices that carried our words and were speaking about the history of our people, was the first visible engagement of modern Indians bravely speaking the truth of our history to the entire world. I remember sitting with my grandmother watching the news on what was a small black and white TV as she grabbed my hand her memories came pouring out. She spoke of the love of her grandmother, the treatment and cruelty of the keepers of Indian children at Sherman. How her brother ran away and how they kept bringing him back until they sent him to Haskell Indian school in Kansas and then he was enlisted in the army and shipped out, never to come home again. She

spoke of being sent by the matrons “outing” her to service to a family in Hollywood who were to keep her as household help. She thinks she was almost 17 but was not sure, her memory of her birth and family connections were twisted with trauma and she really didn’t want to remember, but when she ran away from the Hollywood people, she returned to Old Town to search for her family who she said, she could not find in any of the homes they had once lived. She would make a life for herself surviving all that was placed before her and she worked always serving to help her people and her family. I also learned bits and pieces about the past from her brother and sister, twins who were always close and clung to each other as only children of trauma can.

I know now, the wounds they bore, never healed, they were never given voice, nor pride nor the honor they knew their grandmother carried. From the, many years of research work I have done my family history begins as countless California Elders who share these same memories. With my promise to her, I would embark on a lifetime of research and in the years upon years of research looking for information on California Indians, our names our history our locations our records, I have come to understand this is the systematic process of removing the status and identity of any people.

This is the blueprint for genocide.

Remember this is in our lifetime.

After Alcatraz and the changes in the new world order, along with media allowing a larger voice of its populations. The most ironic karma is the reservations isolation was to become the windfall of California Indians reservation. With the title of “sovereignty,” reservations were able to create unregulated by government business. Isolated reservations were always looking for business opportunities to sustain their economy. They had long held bingo, peon and gaming tournaments and what begin as small-time gaming springs up overnight into the multibillion-dollar casino industry. The Government unhappy with its inability to find a way to put their hand in the till, creates political issues and forces the gaming tribes to put the process to a vote. The Indian Gaming Regulatory Act of 1988 wins and the right of reservations to have gaming business. This bittersweet redemption of opportunity, is what has now become the downfall of California Indians. It has given Indian people a new image, not just of ourselves, but how the rest of the world views us.

But don’t be confused, and I remind you Casinos are not Indian; Casinos are the business of reservations. Indians are the population of people living and taking part in the reservation lands. Know also in California there are approximately 179 identified tribes, only 109 recognized tribes and untold California Indians like me with rights to my heritage and yet no status. Few California Indians benefit from Casino profits. Only those reservations with casinos receive income so the myth of the rich Indian is another urban legend. But I would gamble on our urban Indian numbers being far greater than ever accounted for. If our status and identity is ever reported the government may be responsible and need to make some accounting for its long history of disregard. Also, to make it clear, and to remind you, the government always a player made the gaming regulation come at a cost, all gaming tribes must pay their pound of flesh since they cannot be taxed, the cost for gaming is set on the price of machines they are allowed to house. These compacts are the cost which today is measured in the billions an inadvertent bounty for government and makes this need for clarity on the status and identity issues facing California Indians a big deal. Oddly, on reflection, I realize this brings you up to date with the governments gridlock on the fate of California Indians.

So, in the past 177 years, since California was invaded by the US, it seems that today is no different, what is clear to me now is that this history is always accomplished with the agreement and tacit actions of governments. The underlying purpose is never about people, it’s always about what one colonized system of people needs that belongs to another system of people. These are the tools of greed and the disregard of all people allowing the actions of excessive mistreatment to prevail.

Today this issue of status and identity is no less a consequence than it was in my grandmother’s time. This current campaign mounted by government appointed officials is the worst pretense, and will be the nail in the coffin of Ca Indians. In spite of what the current colonized structure declares are its good intentions, this system is the wolf hidden in the coat of sheep. Disguised but as usual dishing out the same old values working to keep the status quo and pretending to want change but never supporting or allowing the work to make truly effective changes.

In addition, the underlying need of this current colonized system is to control and profit from the resources that belong to those being taken advantage of. With the guidelines and behavior of the government organizers it is evident this government has no interest in the Indian status and identity unless it is aligned to the casino profits that can be funneled from the coffers of the casino business. 62 billion dollars a year can appoint, pander and steam roll their voices into the government “recognized,” profitable Indians vs the poverty stricken non “recognized,” Indians. This not-so-subtle message is clear and once again it is governments manipulating the outcome. The difference is that the Casino Governments are now infected with the colonized virus of greed and their learned immorality motivates their efforts to thin their populations so they may inflate their profits. So, it is now casino rich Indians vs who is real Indians and does your money buy your heritage? Who decides?

We all continue to witness this methodical and intentional failure in the current global system and its lack of accountability to its people. We are plagued with war, famine displacement of entire countries people driven from their homes and lands for nothing more than the global need for resources. We witness vast populations of concentration camps families fleeing and being relocated for access to resources. This identity is of indigenous poverty-stricken humans simply wanting to survive. This is the same as my California Indian people we have always wanted to have our homelands our traditions and our right to survival in the lands that we were born to.

This continues in our lifetime.

So here we are in 2023 after all this time coming to the table to recount horrific actions of a system that continues to this day to discount our existence. It’s ironic that today, the status and identity issues are as profound and horrendous to deal with for all the Indian populations of California on lands we were born to, and where we continue to be historically and culturally displaced. The most compelling and disappointing aspect of this story is that the entire population of indigenous and 3d world nations now face the same tools for extinction and genocide that has been visited on our people.

I have witnessed and watched the work of the governments after years of studies, task forces, councils, consultations offer no answers just more money spent to make another study so they can pretend they are looking for answers. Ironic the answers are here, all anyone has to do is read what the studies, task forces, councils and consultations have produced. But that is not the goal of government to find answers and solve issues. It is evident the governments are there to protect their profits and the interests of those who pull the strings.

We have created a world of consumption that is swallowing itself from gluttony.

In this time, we can show clear evidence and I have found many answers, but what I continue to find and personally believe what must be accomplished in the true undertaking to change this system is equity, inclusion, access to the tools of opportunity, cultural representation and justice with a heavy-duty dose of accountability. It will also take brave and strong people with individual integrity who can encourage change in a system that is deliberate in its failure to uphold ethically or with honesty its obligations to all its people.

So, I believe is It’s my goal to send this message to other nations of humble diverse and indigenous people.

**Beware:** Do not be fooled, do not forfeit your lands, your language your traditions or your culture for hollow promises of future fortunes. There is no truth to their money and it will cost you the history of your people, it will rob you of your language, your songs, your culture and traditions. If you believe them and take the trinkets they are dangling before you, you will not be allowed to carry these into the future you will have no future. There is nothing their greed of expansion and development will bring you but sorrow and displacement.

Everything they tell you are lies; they do not speak any truth; their promises mean nothing. Do not forfeit your life and the life of your lands for possessions that are meaningless. The dream of America is not your dream, the illusion you see in media is not what your people need.

Your life is rich with hope and dreams and the land you stand on belongs to your people do not let the lure of corporate demands and the greed of their money fool you. They will isolate you and try to make promises by a few of your people, they will offer to pay you what may seem like a fortune but it is nothing to them and it will cost you far more than you can ever be paid. It will cost you the trees and then they steal the water and they pollute and rape the lands making the soil barren. Greed brings nothing but devastation, waste and the end of life as you know it. Their greed

does not care about your future or the future of your children. Do not be fooled, what little you have truly belongs to you and do not let it be taken from you at any cost.

Please hear me, we must end the cycle of genocide on humanity in our lifetime.

We must not allow this earth and its people to continue to be used so that greed and destruction can profit. We must defend the rights of our homelands, our people and our future.

We must accomplish this in our lifetime.

*Julie Holder*

San Diego homelands  
9/4/2023



Statement by

*Louise J. Miranda Ramirez*

Tribal Chairwoman of Ohlone/Costanoan-Esselen Nation (OCEN)  
the Historical Nation of Monterey County, California USA

10 September 2023

*for the* Submission by the International Indigenous Truthing Working Group (California)  
to the UN Human Rights Committee (ICCPR) review of the USA 2023

Saleki Atsa, Nish Map,

Good Day, My name is Louise J. Miranda-Ramirez, the current Tribal Chairwoman of Ohlone/Costanoan-Esselen Nation (OCEN) the Historical Nation of Monterey County, California. Miranda identifies my maiden name which also represents my Esselen lineage. The name is not the name carried by my Ancestors, back to the original San Carlos Borromeo de Carmelo Mission records, as the Inquisitor Junipero Serra and other Priests attempted to remove our history and identity from our people by giving us names of Spanish soldiers. Indigenous people of California and the United States were not citizens of their own homeland until the: **1924 Indian Citizenship Act**.

I was born at my Grandmother Nora's ranch in Pajaro, within Monterey County California, my indigenous homeland. Within months after my birth, we were back in the homelands of my paternal grandmother's home of the Santa Ynez Chumash, Santa Barbara, California, but my grandmother Marquesa died of cancer two months before I was born. My mother said Marquesa would say that they lost their land because her father always drank. My Mother's and her mother's indigenous homeland is Buena Ventura, California, I have two different tribal lineages of Chumash and two separate lineages of Esselen pulsing through my heart and every thought. We moved many times as my mother Marcelina never had the money to pay rent, my father never helped her, even though rents were between eight (8) and twenty (20) dollars. My mother said they rented a house from Aunt Katy, but my father always took the money. In the 1950's you could be arrested for not having a place to live, and there were not many places for an Indian person to work, even less so for an Indian woman.

As children we lived in secret, being told don't tell anyone you are Indian because they will take you away and send you to a residential school. **They could have Children taken from Native Families until 1978. Indian Child Welfare Act.** Say you are Mexican; they don't hate them as much as they hate Indians. Threats that we were not allowed to practice our dances, sing songs, or speak to Great Grandmother Ynez Agnez, who lived with us, in her language. Secret meetings at the labor camp in Salinas, California, as my sisters and I watched the elder's dance to music we didn't know. Memories of feet pounding and laughter. All taken from us, with fear of punishment to continue and for us children to carry culture forward. I have two children, Mike born in 1967 and Tiara born in 1977, I could not teach them our ceremonies. **Weren't granted full religious freedom until 1978. American Indian Religious Freedom Act 1978.**

Today, hundreds of tribal descendants, enrolled in OCEN, live a great distance from our homelands, our language, and culture. Our families fled in the 1850's to survive due to the genocide paid by California and the United States Government for the scalps and heads of our people. Survival for many in the mountains and forest. Homes taken under eminent domain in Monterey on Dutra Street. John Peabody Harrington's most known Indian consultant, Isabel Meadows, said that the last rancheria our people lived on was 12 acres and colonizers took it away acre by acre, until there was nothing left for our people. **We couldn't protect our land from U.S. Seizure until 1924.** Today Cities charge us hundreds of dollars just to use our homeland for tribal events, where together we take time to share or lineage, to regain our family, culture, and language. Those relationships that were forcibly taken from us many years ago. **We couldn't practice our languages in schools until 1990. Native American Languages Act.** I started to learn

our language in 2006, even then the expert linguist stated that he never thought he would teach our language because the Esselen were supposed to be extinct. It lives in me.

Our homeland is so sacred and beautiful that movie stars buy homes for millions of dollars. In 2023, Actor Brad Pitt bought a home in Carmel for \$42 million, the Butterfly house in Carmel sold for almost \$30 million, a car dealership owner purchased two homes in Carmel on a sacred burial ground behind San Carlos Borromeo de Carmelo Mission for almost \$ 15 million and then dug without permits and disturbed four (4) of our ancestors- the new owner refused to provide property to rebury our Ancestors. Those Ancestors of ours, two adults and two babies were put in a box and the land own said, "Take them". I continue to protect the remains of our Ancestors until the United States, California, and Local Governments provide Ohlone/Costanoan-Esselen Nation with land for the reburial of our Ancestors. **We could not consult to protect our cultural and sacred sites until California AB52 was approved in 2015.** Even then Assembly Bill 52 is not strong enough to protect our rights, as these new owners will pay the penalties for the illegal actions, ten thousand dollars is nothing to them.

Government offices must be willing to enforce the sacredness of the land and reburials. I work to protect our sacred burial grounds and cultural sites as colonized owners are afraid to assist us because we may gather and pray too loudly. Too many of us may scare all the neighbors. They would rather give or sell our sacred sites to white non-profit organizations. The protection of a 7000-year-old site with notable mortars at least 4 feet tall was ordered by way of an easement by the California Coastal Commission, but the owners took more than two (2) years to enforce the order, therefore the easement order protecting this archaeological site expired. There is no legal enforcement since all requirements expired. We can only try to protect our homeland if there is an attempt to build on the property and start the fight from the beginning.

How do we continue to survive? Politically it's a fight to educate our young people. Curriculums changes are not accepted at elementary and high school levels with statements from school officials such as "The Children are too young to be taught about all the destruction and killings by their Ancestors." Statements that "we can't teach children that **RELIGION LEAD THIS GENOCIDE.**" Slavery of our people, Doctrine of Discovery, unkept treaties, manifest destiny, caste system, lack of education for women, medical care, water is life, and food sovereignty. We should all be aware of these subjects; knowledge will prevent many of them from being forced upon our people.

Casino Tribes, federally recognized, are spending enormous amounts of money to stop Non-Federally Recognized Tribes' requests for Federal Recognition, while also placing restrictions on their petitions (such as NO CASINO, for Federal Recognitions by politicians alongside the tribes); their wealth is being used to ensure their domination, due to money and certain interpretations of what sovereignty is.

The state of California and United States' responsibility for all indigenous people does not stop because they choose not to confirm all the documentation on the genocide of indigenous people. These Governments can require proof of genealogy back to the earliest records as recorded by the Mission system, and unratified treaties. Work with *us* as SOVEREIGN NATIONS. WE KNOW WHO WE ARE AND CAN PROVE IT BEYOND A DOUBT; BUT THE GOVERNMENT REFUSES TO ACKNOWLEDGE US.

WE ARE HERE, WE EXIST – LET KA LAI, LET CHA'A

Louise J. Miranda Ramirez,

OHLONE/COSTANOAN-ESSELEN NATION

Statement by

*Cathy Cory*

Chukchansi Yokut (disenrolled from Picayune Rancheria of the Chukchansi Indians 2006),  
American Indian Activist, Elder/Retired Special Education Specialist for the State of California Department of  
Developmental Services

10 September 2023

for the Submission by the International Indigenous Truthing Working Group (California)  
to the UN Human Rights Committee (ICCPR) review of the USA 2023

*“Cathy Cory’s submission that was forwarded in 2010  
to the United States UPR contact [upr\\_info@state.gov](mailto:upr_info@state.gov)<sup>1</sup> (Cathy Cory received no reply)”*

*Preface by Cathy Cory*

Although these violations of tribal, civil, and human rights of my family by the Tribal Government of the Picayune Rancheria<sup>2</sup> of the Chukchansi Indians occurred initially in 2006, further violations of tribal disenrollment have continued over the past two decades at Picayune--including the disenrollment of another estimated 200 Chukchansi tribal members in 2022-2023, with even more disenrollments letters pending at time of this writing. The total number of tribal members disenrolled at Picayune is well over a thousand tribal members, with more to come.

The very theft of one's birthright as Indian People, clearly for reasons of power and greed, is horrific indeed. Within the United States, there are now an estimated 11,000 tribal citizens that have suffered these violations of tribal, civil, and human right at the hands of corrupt tribal officials--most related to gaming [Casino-owning-and-operating] tribes, the epicenter of the crisis in California Indian Country. This is a direct result of colonial law and policies put in place by both the United States Federal Government and the California State Government. With a monetary bounty placed upon the heads of California Indian People by the California Governor in the 1850's allowing our murder, the separation of Indian People and way of life by the Allotment Act of 1887 and the subsequent destruction of our lands, culture, practices, sacred sites, and religion, the United States has been complicit with the State of California genocide of California Indian People.

The generational trauma and loss of culture resulting has now allowed for the new age genocide of thousands upon thousands more of our People through the tribal disenrollment now practiced against our Indian People from within by corrupt and colonialized minded tribal government officials. This is lateral violence at its most damaging, as it

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<sup>1</sup> For background information on submissions made to [upr\\_info@state.gov](mailto:upr_info@state.gov), see: “Q: How has the USG solicited information from the American public and civil society? A: During the first UPR cycle, the U.S. government conducted consultations with civil society in a number of cities. In preparation for the second UPR cycle, the U.S. government is conducting additional consultations with civil society. The Department of State also has an email inbox ([upr\\_info@state.gov](mailto:upr_info@state.gov)) to which NGOs, academics, civil society, and the general public can send questions and voice their concerns.”, under heading Universal Periodic Review Frequently Asked Questions, page under Home > Under Secretary for Civilian Security, Democracy, and Human Rights > Bureau of Democracy, Human Rights, and Labor > Universal Periodic Review; U.S. Department of State, at <https://2009-2017.state.gov/j/drl/upr/faq/index.htm>

<sup>2</sup> There are numerous articles published in various newspaper articles regarding Picayune's disenrollments and other actions ranging from 2006 to the current year. The *San Francisco Chronicle*, the *Fresno Bee* and the *New York Times* have all covered disenrollments at Picayune specifically, running front page articles regarding the violations occurring there, and with other tribes as well. The *Los Angeles Times* ran a huge article centering on tribal disenrollments as well, which centered on disenrollments at Pechanga, but talked with others well versed in the disenrollment situation as well such as the Central California American Indian Movement Co-ordinator Laura Wass. Much has also been published within Native American Social Science and Legal scholar/researcher David Wilkins book "DISMEMBERED", which has an entire chapter on disenrollments at Picayune, but thoroughly covers disenrollments in other tribes throughout all of Turtle Island as well. There is also much information available in public format at Pechanga disenrollee Rick Cueva's blog site "Original Pechanga's Blog".

comes from within and at the hand of our own kin. Our disenrolled are violated by their own Tribal Council official with impunity, as those affected continue to contact State and Federal Government Officials including both California State legislators and Assembly people, Federal House of Representative and Congresspeople, the Senate Committee on Indian Affairs, the Department of Justice, and the President of the United States himself, as well as the National Indian Gaming Commission (NIGC), the Bureau of Indian Affairs (BIA), and the Secretary of the Interior/Department of the Interior.

US Federal courts continue to dismiss cases involving tribal disenrollment, as they have for two decades now, due to "lack of jurisdiction". The United States has trust responsibility for ALL Indian People--including those marginalized from their tribes through tribal disenrollment--as well as those not belonging to Federally Recognized tribes, those disenfranchised, banished, etc. Furthermore, the Indian Civil Rights Act of 1968 also implores that the rights of all Indian People be upheld, as these rights continue to be violated on the daily by not only the tribal governments that profess to uphold them (even referring to the Indian Civil Rights Act (ICRA) within tribal constitutions, as does Picayune Rancheria), but by both State and Federal Governments as well.

When will real truth and healing come to ALL Indian People--California Indian People included-- regardless of status? Far more disenrolled and non-federally recognized California Indian People suffer from lack of rights afforded others, including ability to gain permissions to gather traditional materials, practice cultural and sacred ceremonies, have children protected under ICWA rights, obtain adequate housing and food, educational assistance, and access to medical, rehabilitation, and services offered to Missing and Murdered Indian Women and People (MMIWP).

A huge number of our Indian People in the United States are being denied their rights and protections as Indian People, and this horrific violation must end!

.....

*Below: Cathy Cory's submission<sup>3</sup> forwarded in 2010  
to the United States UPR contact [upr\\_info@state.gov](mailto:upr_info@state.gov)<sup>4</sup> (no reply received)*

----- Original Message -----

From: REDACTED

Sent: 4/19/2010 12:32:39 AM

To: [upr\\_info@state.gov](mailto:upr_info@state.gov)

Cc: [mail@airro.org](mailto:mail@airro.org)

Subject: FW: HUMAN RIGHTS VIOLATIONS IN INDIAN COUNTRY

<sup>3</sup> *Courtesy-redacted* for sharing in submission to the Human Rights Committee for its 2023 review of the USA under the ICCPR. Note: There are numerous articles published in various newspaper articles regarding Picayune's disenrollments and other actions ranging from 2006 to the current year. The *San Francisco Chronicle*, the *Fresno Bee* and the *New York Times* have all covered disenrollments at Picayune specifically, running front page articles regarding the violations occurring there, and with other tribes as well. The *Los Angeles Times* ran a huge article centering on tribal disenrollments as well, which centered on disenrollments at Pechanga, but talked with others well versed in the disenrollment situation as well such as the Central California American Indian Movement Co-ordinator Laura Wass. Much has also been published within Native American Social Science and Legal scholar/researcher David Wilkins book "DISMEMBERED", which has an entire chapter on disenrollments at Picayune, but thoroughly covers disenrollments in other tribes throughout all of Turtle Island as well. There is also much information available in public format at Pechanga disenrollee Rick Cueva's blog site "Original Pechanga's Blog".

<sup>4</sup> Note: For background information on this submission Cathy Cory made in 2010 to [upr\\_info@state.gov](mailto:upr_info@state.gov), see: "Q: How has the USG solicited information from the American public and civil society? A: During the first UPR cycle, the U.S. government conducted consultations with civil society in a number of cities. In preparation for the second UPR cycle, the U.S. government is conducting additional consultations with civil society. The Department of State also has an email inbox ([upr\\_info@state.gov](mailto:upr_info@state.gov)) to which NGOs, academics, civil society, and the general public can send questions and voice their concerns.", under heading Universal Periodic Review Frequently Asked Questions, page under Home > Under Secretary for Civilian Security, Democracy, and Human Rights > Bureau of Democracy, Human Rights, and Labor > Universal Periodic Review; U.S. Department of State, at <https://2009-2017.state.gov/j/drl/upr/faq/index.htm>

Source: Name and full address of the indigenous people, organization or individual(s) submitting the information.

Submitted by:

Cathy L. Cory  
 REDACTED

Phone: REDACTED

When and Where:

Picayune Rancheria of the Chukchansi Indians  
 Tribal Office/Chukchansi Economic Development Building  
 46575 Road 417 #A  
 Coarsegold, California 93614

Phone: (559) 683-6633

Date, time and precise location of the incident (Tribe, State, region, municipality)

Date: September 16, 2006

Time: 10:30 a.m.

Location: Disenrollment Hearing Meeting at Picayune Rancheria of the Chukchansi Indians  
 Tribal Office/Chukchansi Economic Development Building  
 46575 Road 417 #A  
 Coarsegold, California 93614

Victim(s) or Community Affected: Name, number and full details on the location of the indigenous people, community or individual(s) whose rights allegedly have been violated or are under threat.

Victims of Human, Civil, and Tribal Rights Violations

1) Cathy L.Cory (Mother) Tribal Member/Picayune Rancheria of the Chukchansi Indians/Disenrolled October 4, 2006  
 REDACTED

2) REDACTED (Daughter) Tribal Member/Picayune Rancheria of the Chukchansi Indians/Disenrolled October 4, 2006 (REDACTED)

3) REDACTED (Daughter) Tribal Member/Picayune Rancheria of the Chukchansi Indians/Disenrolled October 4, 2006 REDACTED

4) REDACTED (Son) Tribal Member/Picayune Rancheria of the Chukchansi Indians/ Disenrolled October 4, 2006 REDACTED

5) REDACTED (Minor Daughter) Tribal Member/Picayune Rancheria of the Chukchansi Indians/Disenrolled October 4, 2006 (REDACTED)

All victims permanent address: REDACTED

What happened: Detailed circumstances of the alleged violation. If an initial event leads to others, please describe them chronologically.

What happened:



Myself and my family arrived at the PRCI tribal office for a scheduled disenrollment "hearing". All of my family was required to show their tribal identification cards, which we did, and to submit to search by metal detector by tribal security. Of the seven Picayune Rancheria of the Chukchansi Indians tribal council members, six were present. Also present were the three enrollment committee members, and the enrollment co-ordinator, as well as the tribal attorney and at least one assistant of his. The rules of the tribal council in conducting these meetings were that of the five family members being brought before council for disenrollment, only one representative was allowed to speak for the entire group. If an attorney had been retained--which we hadn't been able to afford--only the attorney would be allowed to speak.

I, Cathy L. Cory, spoke for myself, my adult children, and my minor child, as they were not allowed to speak for themselves. I submitted a written request to record the hearing, as the tribal council was in fact recording the meeting. After tribal council member REDACTED requested that REDACTED tribal attorney REDACTED show me the policy on recording the hearings, attorney REDACTED stated there was no policy. REDACTED, then tribal chair, began with the meeting without further comment, so I again asked if I could record the meeting. After a few moments, REDACTED stated that I could not record the meeting. I then requested a copy of the tribe's recording, reminding the council that I was asking in writing.

REDACTED stated I would not be allowed to record the meeting, and I could not have a copy of the tribe's recording of the meeting either. All members of the meeting, except myself and my family members who had all signed the request for a recording, declined to sign the form to either approve or deny my request.

I had brought a tape recorder and it was sitting in front of me on the table between then tribal REDACTED and myself. Then tribal council member REDACTED interrupted the progress of the meeting, saying "Is that a tape recorder?" pointing to the recorder. I stated "Yes", and he stated loudly "Is it on?" I stated "No..." and then REDACTED stated "I want that recorder out of the room right now!" At that point, I took the recorder, left the room, and went outside to the security guard. I gave him the recorder, to which the tribe's own security said, "So they wouldn't let you keep that, huh? Kinda' makes you wonder what they're trying to hide..."

I returned to the hearing, and each portion, presentation by me and rebuttal by the council, was tightly timed and I was cut off in mid-sentence if I had not finished with no further time to complete my statements. Many issues were brought up by myself, including the fact that our tribal constitution does not speak to disenrollment of tribal members, and that even the enrollment ordinance states that the only reason for removing a tribal member would be if there was falsification of documents by the member, which never occurred in the paperwork for any of the victims--myself and my four children. Furthermore, several copies of tribal ordinances were presented which stated that the roll on which myself and my children listed was in fact a valid roll. Furthermore, it was brought to the attention of the tribe by myself that these disenrollments were being fueled by two families who had previously been disenrolled by the tribal council for numerous offenses against the tribe, including embezzlement, theft of tribal property, etc., and who had been mysteriously reinstated to the roll several years later when property to which they had claim to had been needed for easements for the current Chukchansi Gold Resort and Casino. (These documents--tribal council hearings--had been obtained by me through the process of FOIA from the BIA/Central California Agency.) Also at issue and presented was the "600 List," a list on which the tribe had suddenly began determining that one's name had to be on in order to remain in the tribe, then had begun turning around and saying many people on the list actually should not be enrolled and that the list was in error. It is widely known that the "600" list actually did not incorporate many people who had actually submitted enrollment forms and had been inadvertently left off the list. Furthermore, tribal council member REDACTED very pointedly asked me "Just when did you enroll?" I presented a paper which had been copied and taken from my enrollment file which was dated several months prior to the development of the "600 list" and the cut off date of application listed in the constitution.

I had brought a poster-sized picture of my Chukchansi grandfather from the 1900's (I am a seventh generation descendant of a headman of the Chukchansi tribe) which my children were holding at the back of the hearing room. Following the hearing, my daughter REDACTED brought the picture forward asking the tribal council at table if they would like to see it. Several of the council members looked at it, with then council member REDACTED saying "I knew your People..." and all obviously were familiar with the history of my grandfather (I am related to members of both the tribal council and the enrollment committee, both at the time of this disenrollment meeting and the tribal council of today). When my daughter approached then-council member Dustin Graham with the picture he gruffly put her off, saying "I've seen it!" and looking away.

It should be noted that each tribal council member was paid 250 dollars for attending each persons hearing, and each enrollment committee member was paid 150 dollars. The tribal attorney was paid 350 dollars an hour for attending. In addition to the five members of my family who were brought to hearing for disenrollment at this September 16, 2006 meeting, over 400 other Chukchansi People were disenrolled by the Picayune Tribal government following similar hearings in 2006 and 2007--nearly 50 per cent of our Tribe. In addition, over 200 Chukchansi Tribal members, including a tribal chair, were disenrolled by Picayune in 1999-2000 over a disagreement in regard to the establishment of the proposed casino. The tribal attorney was paid 350 dollars an hour for attending. These meetings were held prior to submission by the tribe of plan for distributions of profits from the newly established Chukchansi Gold Resort and Casino. Also know that tribal council member REDACTED stated at a tribal meeting in late 2006, when questioned about those who had already been mailed a notice for hearing being included in special general council meetings is regard to pending enrollment issues stated, "It doesn't matter—these people will be disenrolled anyway...".

Subsequent to our "hearing," all five of my immediate family members were formally disenrolled from Picayune in October 2006. I knew immediately upon reading the summary of the disenrollment "hearing" exactly why the council refused our request to tape or obtain a copy of their recording. The meeting contained numerous inaccuracies, and tribal council member REDACTED specifically lied as to my enrollment date, stating I first gave one date of enrollment and later changed my testimony to another date, which never happened. In fact, I declined to give any date for enrollment at the "hearing". Additionally, there was absolutely no mention of the fact that I submitted a form which had been copied directly from my enrollment file which was dated several months prior to the date which the Tribe had stated I applied for enrollment. The signature of then-Tribal council member REDACTED, who is currently the PRCI tribal chair and who was the only council member not present at our "hearing", was on the disenrollment document of my daughter REDACTED even though he wasn't even at the hearing. He did not sign the documents of myself or the other three of my children, only signing REDACTED 's. All tribal council members present signed for disenrolling my entire extended family in direct violation of the tribal, civil, and human rights of my family as Chukchansi Indian People. Furthermore, of the 71 of my extended family members enrolled at Picayune, 42 of them were brought up for hearing and disenrolled during 2006-2007, along with over 400 other Chukchansi People from Picayune. Furthermore, the disenrollment papers stated that there was no right to appeal from disenrollment from the Tribe, therefore exhausting all avenues in dealing with one's disenrollment through "internal" measures no matter what the circumstances.

What Tribal, Federal or International laws were violated: Detailed references to the law(s) which may have been violated.

Tribal law was blatantly violated in our disenrollment, as the Picayune Rancheria of the Chukchansi Indians Constitution has absolutely no provision for disenrolling tribal members. Furthermore, the Tribal constitution states that it will not violate any law of the United States Constitution, nor will it violate the rights of tribal members under the Indian Civil Rights Act. All have been violated in this arbitrary and capricious disenrollment of myself and my family from the Tribe.

In addition, Federal law has been violated in that the United States Government has an obligation to uphold trust responsibilities in regard to all Indian People, including Individual Indians. California Indians, including Chukchansi, have been decimated by murder and disease since the 1800's and have been terminated as a tribe by the Federal government. Since being reinstated, our People are now being destroyed by a corrupt tribal government engaging in a paper genocide against our own People through the misuse of sovereignty due to lack of intervention by not only the BIA and the Department of the Interior, but by Congress itself in enrollment issues—a situation which is destroying the lives of thousands of Indian People throughout California and beyond. Also, grant monies gained by Picayune based on tribal enrollment has allowed PRCI to obtain and use Federal funds based on an inflated count of Chukchansi People that have been disenrolled or are being refused enrollment.

The human rights of myself and my family have been violated by both the government of Picayune Rancheria of the Chukchansi Indians and the United States Government have been violated by their engaging in the very theft of our identity--who we are as Indian, as Chukchansi People--through this paper genocide. This is a theft of our history, our culture, and our community, and a destructive force on our ancestors, our elders, and our future generations.

Perpetrator(s): Detailed information on the person(s), groups(s), Tribe(s ) and/or organization responsible for the violation.

Perpetrators include:

1) 2006 Picayune Rancheria of the Chukchansi Indians Tribal Council

- a. REDACTED
- b. REDACTED
- c. REDACTED
- d. REDACTED
- e. REDACTED
- f. REDACTED
- g. REDACTED

2) 2006 Enrollment Committe, Picayune Rancheria of the Chukchansi Indians

- a. REDACTED
- b. REDACTED
- c. REDACTED
- d. REDACTED

3) REDACTED, LLP

- a. REDACTED
- b. REDACTED

4) Department of the Interior/Bureau of Indian Affairs-Numerous Officials

- a. Central California Agency, Sacramento CA
- b. Pacific Region, Sacramento CA
- c. Bureau of Indian Affairs/Washington D.C.

5) United States Congress, Washington, D.C.

Action taken by State authorities: If applicable, what actions have been taken by the relevant authorities to remedy the situation? Has the matter been reported to the administrative or judicial authorities of the State concerned?

No action has been taken by State authorities. These circumstances have been reported on numerous occasions to the State Attorney General, and the Office of Indian Gaming, with no response noted.

Action taken before international bodies: Has any action been initiated before any international or regional human rights organization? If so, at what stage are these other international actions?

No action has been taken before the international community. Tribal disenrollment issue has been brought to the Native American Rights Fund, the Naional Congress of American Indians, and the American Civil Liberties Union with limited response deferring to tribal sovereignty.

Action taken before tribal, State, and/or federal courts: Has any action been initiated before any judicial body? If so, at what stage are these other international actions?

As stated in prior information, the tribal government of Picayune Rancheria of the Chukchansi Indians has formally stated there is no right of appeal in regard to disenrollment. Furthermore, there is no recourse in tribal court, as there is no tribal court available. No action has been initiated against Picayune, as a lack of financial resources has prevented such along with the history of both state and federal court to decline jurisdiction in enrollment issues and defer to tribal sovereignty, leaving no avenue to gain justice for individual Indian People in regard to these issues.

Loss or effect on those violated: What have been the consequences of the violations? How have those who have been violated experienced loss? Describe how the violation(s) have affected the person(s), group or community.

As a result of our disenrollment from Picayune, our family has lost community validation of our history, our culture, our ancestors--our very identity. Each of my children struggle with their identity, and are hard-pressed to comprehend why their formal identity has been virtually stolen from them by their own People who are now driven by a thirst for power and greed which has caused them to engage in the destruction of our elders and future generations. It is truly incomprehensible, both to them and to me. My daughter, who is a student at San Francisco State University and majoring in American Indian Studies, lost her tribal scholarship during her second year at SFSU due to her disenrollment and is now struggling--a full three years later--to complete her degree due to financial and health issues undoubtedly compounded by her disenrollment. My son, who attends a community college, was denied consideration for a tribal scholarship even before his disenrollment, contrary to the written rule of the Tribe that one would be eligible for tribal benefits until the time that one was disenrolled. I have had numerous health issues, undoubtedly compounded by the stress centered around the disenrollment of both myself and my family members, including diagnosis of high blood pressure and stress related chest pain requiring a full cardiac evaluation and emergency treatment on two occasions since early 2007. All in my household suffer from depression and the estrangement from our community, and all will continue the fight forever to restore our heritage and formal recognition of who we are, both in this life and beyond.

Furthermore, our Chukchansi community continues to be injured through in-fighting and division. The circle of our People has been broken, and each day there is more talk of further disenrollment from the Tribe and fear in our People that this will indeed occur. Several further attempts to disenroll have been undertaken, and our People live in anger and in fear of what may occur in the future. When "leaders" in the Indian Community forget who they are, and the true Indian way of caring for all of the People, our culture is destroyed and eventually will cease to exist. Tribes must bring their People home, or there will be no hope for the future of Indian Country.

What can/should be done to prevent future violations?: Provide input regarding possible fix to the problem. How can future violations be prevented? What should be done on tribal, federal and/or international levels.

Congress has plenary power over the tribes, and must intervene when countless tribes are abusing their authority as sovereign nations to destroy their own People. The lack of response by the Federal Government in addressing enrollment issues is aiding and abetting the destruction of Indian People and culture throughout this country, with thousands of Indian People having their tribal, civil, and human rights violated at the hands of corrupt tribal governments blinded by power and greed. The arbitrary and capricious disenrollment and non-recognition of thousands of Indian People cannot be allowed to continue. Tribal governments who are guilty of violating the rights of their own People must have severe consequences imposed. The Federal government has an obligation to protect the rights of all Indian People, and has trust responsibilities to all Indian People as well. Tribes and federal government agencies that neglect these responsibilities should be sanctioned and Indian People must be brought home to their Tribes. These issues must be dealt with to stop this modern day genocide of our People.

Sincerely,

Cathy L. Cory  
Chukchansi  
Disenrolled/October 2006  
Picayune Rancheria of the Chukchansi Indians

also speaking for:

REDACTED  
REDACTED  
REDACTED  
REDACTED

Statement by

*Norma Louise Flores*

California Indian Advocate, former spokesperson for the Kizh Nation, Gabrieleno Band of Mission Indians and descendant of Mission Indians, Former Student Affirmative Action Outreach Coordinator, CSUDH, Retired Risk Manager with the State of California and SCRTD/ MTA in Los Angeles.  
Leader in the Junipero Serra Canonization resistance.

Great granddaughter of Eufricina Lujan, a Rincon woman  
and Granddaughter of Joseph Ernest Lujan

12 September 2023

*for the Submission by the International Indigenous Truthing Working Group (California)  
to the UN Human Rights Committee (ICCPR) review of the USA 2023*

I am the great daughter of a Rincon woman named Eufricina, born in 1892. There are many variations of her name. It appears as "Lefricina", born in 1892, Rincon Luiseno, on the Sherman School registry.

After she was married, my mother's European paternal grandfather changed her name to "Grace".

My mother's paternal grandfather, a Basque man, named Andres Lujan met her while the Native girls served meals to the men working in northern San Diego, her ancestral homeland. She was just a teenager.

He was a mason and shepherd who arrived in California by way of México. He lived in Los Angeles, in Sonora Town, now downtown L.A., before finding work in San Diego.

She was placed in the original Sherman Indian School for a period of time as he made arrangements to pay (livestock and masonry work) so he could marry her. She was taught to sew and made uniforms at Sherman.

The Sherman School sold the uniforms, but she didn't profit from her labor. My mother was told she was still sewing for Sherman, even after she married Andres Lujan and had 5 sons; my grandfather was the eldest, born in Corona, CA on a Rancheria.

My grandfather was named Joce Maria at birth. He later changed his name to Joseph Ernest. He didn't want to carry a Spanish name. She was only 14 or 15 years old when she had my grandfather.

It wasn't the type of loving and respectful marriage people think of today.

She was a commodity; chattel with few human or legal rights and not treated in a kind and loving way by my European great grandfather.

My great grandmother died of Tuberculosis in 1925. Many people died during the Influenza Pandemic of 1918 or of Tuberculosis during that period of history. She either contracted TB at Sherman or due to the cold, damp conditions the family lived in because she was Indian and not allowed to live in the same places as Anglo people. I would be interested to know how many children at Sherman died of TB or influenza. The family is identified in the 1920 census as Indian.

I am not aware of federal or state statistics maintained of Native Peoples dying, over 100 years ago and during Spain's initial unlawful invasion in the 1700's and subsequent historic genocides. The missions kept birth, baptism, marriage and death records of enslaved neophytes, but didn't care if they died; so long as they were successful in exploiting their labor to build the missions, maintain crops, livestock and of colonizing them. So long as they had baptized the dying natives, it was counted as successful evangelism according to church records. Thousands of human remains of California Indians are buried in mass sites and across Mission grounds.

Because she practiced medicine and never became a Catholic, she was considered "Pagan" and was denied burial in Calvary cemetery in Los Angeles. In 1925, she is buried at the top of Rose Hills Memorial, a newly developed non-denominational cemetery in Whittier, California. She remained in an unmarked grave for decades until my mother made arrangements for her revered grandmother to have a formal headstone.

My maternal grandmother was a Spanish Jew from Jalisco. The Jews left Spain during the Inquisition and went to Mexico where they had to become Catholic to become educated, buy land, practice business and survive. She was brought to Los Angeles during the Mexican revolution, shortly after her birth in 1918.

Her cousin was also named Maria de Refugio Amparo and was born in Arizona around the same time, so the family switched birth certificates and swapped the babies at the U.S. Mexico border, to be raised by her mother's sister, Maximina and her cousin, Esther who were already settled in Los Angeles.

The cousin my grandmother lived and grew up with in Los Angeles, Esther Alaniz, later studied with Max Factor and worked in Hollywood studios and a hair and makeup artist, becoming Dolores del Rio, Gilbert Roland, Wallace Berry and Rita Hayworth's cosmetologist and socialized with Diego Rivera, Frida Kahlo as well as Orson Wells.

My grandmother met my grandfather as she worked as a maid to help pay for her cousin Esther's cosmetology training and my grandfather was a gardener and handyman at an estate home in Los Angeles.

My mother's father, Joe Lujan, taught Douglas Fairbanks Junior, Wallace Berry and Orson Wells to box, brawl and fight for the movies and was a stunt man, portraying "the Indian horseman in chase and battle scenes" in movies, since he was an expert horseman and was Indian. He traveled to Tijuana, Mexico, Baja California to coach Wallace Berry for his leading role in "The Champ" in 1931. My grandparents knew all the movie stars that came into Esther's shop since they did different jobs there.

My father's parents came to the U.S. after the Mexican Revolution, over 100 years ago. My paternal grandfather was a horseman in Francisco Madero's Army. After the revolution, he and my grandmother boarded a train north. He found work in Columbine, Colorado as a timberman in the mines. My paternal grandmother, Manuela Salcido Flores was a bookkeeper in the mining office, but gave birth to still born babies in Colorado because of minerals in the earth, so they moved west.

My paternal grandfather, Alberto Flores worked on the Hoover Dam project but saw too many men killed, entombed in concrete, so the family moved to Los Angeles. He obtained citizenship working the Arroyo Seco project linking Los Angeles to Pasadena.

Because Joe Lujan and his brothers weren't raised on tribal land with their mother's people after her death in 1925 when he was a teenager, he made his life in Los Angeles as a carpenter, boxer, and movie extra/stunt man. My mother didn't grow up in close contact to her native culture because it wasn't legal to practice ceremony in the 1930's and 1940's until only a few decades ago.

My grandfather practiced medicine and ceremony with his brothers and other Indians and taught my mother what he learned from his mother, but he wasn't formally enrolled in his mother's tribe, that we know of.

In the 1940's, my mother was placed, at the decision of her Basque grandfather, in "Francis de Pauw Girls School" for Latin American and Indian girls in Hollywood.

A Methodist Church affiliated boarding school, they "aided young Latinas from the early 1920's to the 1970's". Her Americanization and assimilation process and indoctrination began there.

She was told her parents were bohemians and her Indian father was a pagan and pedophile since he often wore his boxing shorts and no shirt while training for fights at home. She wasn't allowed to see her father.

My grandmother could only visit my mother on holidays and special occasions. She attended Thomas Starr King junior high in Hollywood while she was there. She left to live with her mother in Boyle Heights before the Methodist Church could arrange a marriage for her, as the older girls warned.

Prior to being placed in the Americanization boarding school, my mother helped at her older cousin's beauty shop and has fond childhood memories of her interactions with Rita Hayworth, Dolores del Rio, Orson, Frieda and Diego Rivera. They all had "Pet names" for her. Rita called her "hermanita" (little sister) Dolores called her "escuincla" (kid, squirt, brat) and Frieda called her "changita" (little monkey) like her pet monkeys in her famous paintings. Esther did the famous red hair color test swatch for Rita's role as Gilda, on my mom's hair.

Life for non-white people during prohibition, the depression and both World Wars was exceptionally hard, especially for urban California Indians living below the radar, blending in with Mexicans in cities outside of tribal lands like Los Angeles. The Church took advantage of this time during the historic record gathering time, for the Inquisitor Serra.

Growing up as a Chicana and descendant of formerly enslaved California Indians with primarily "Anglo" children in southeast Los Angeles in the 1960's, I was constantly reminded I wasn't considered to be "pretty" fitting the "Barbie Doll, American Standard of Beauty" like my blonde haired, blue eyed classmates. I was short and dark complexioned compared to the Anglo girls. The boys called me beaner, greaser, the "N word" and other racist names. This was all in the midst of the civil rights movement.

Urban California Indians didn't dare mention we were Indian when I was growing up. Culturally, our mother raised us as Chicanos and told us, "In order to be considered equal to the Anglos, you need to be twice as smart as them".

My brothers and I weren't taught to speak Spanish fluently even though both of my parents were fluent. My Native grandfather told her that it was more important to "speak Standard American English, like a news broadcaster" than the language of his abusive European father. This explains why so few California Indians speak the language of our Ancestors oppressors and colonizers.

When I entered high school, the Anglo tennis coach/counselor asked me what I wanted to major in. I told her "College prep". She replied: "No, you will either get married or become a secretary".

That was in 1973, in Bell, California. Because of that woman's decision, I was not allowed to take the high school classes needed to prepare for the University of California.

I had already taken the "WISC R" in 1968 with a UCLA PhD Psychologist and scored an IQ of 140 on the test.

That score was on my LA Unified permanent record, but I wasn't a little blonde girl like my classmates, so I wasn't allowed to take college prep classes in high school. I took several as electives, instead.

In talking to other California Indian women my proximate age, I have found this form of institutional racism of exclusion and denial of access to preparing for post-secondary education and a university degree was not uncommon in the 1950's, 60's and 70's.

I rode the Southern California Rapid Transit District (RTD) bus my senior year at Bell after taking the 2 classes I needed to graduate early, and attended East Los Angeles College during what was my senior year of high school. I earned my A.A. one year after my high school class graduated.

I was offered a scholarship to Boston College in 1977, but my father had left our family, so I attended California State University, San Diego as my mother had just accepted a professorship at a community college in San Diego while still working on her M.A. at CSU, Los Angeles and commuted from San Diego to L.A. several days a week. We simply didn't have the resources for me to leave home to pursue an elite education.

I worked in recruitment and admissions while an undergrad at CSU, Long Beach and became an admissions officer for the CSU Student Affirmative Action Program shortly after graduation.



My goal was to help other underrepresented students since no one helped me and I was intentionally denied access to a university education after high school.

I later went into Workers' Compensation Claims with the State of California and worked in San Francisco. Ironically, I was recruited by a "headhunter" and joined the first Risk Management Department of the SCRTD in Los Angeles ... the bus and later rail agency I rode to community college in the mid 1970's.

I was responsible for the oversight of workers' compensation injuries, litigation, settlements interacting with labor unions and safety implementation, fatality accident response, establishing policy and procedure still implemented today.

It has been over 13 years since I was subject to a constructive discharge after 22 years of honorable service with that agency. I made the fatal mistake of reporting my former manager for soliciting kickbacks from vendors during a procurement to the ethics and inspector generals' offices. She was later arrested and terminated. I wasn't protected as a "Whistleblower" under federal guidelines, but rather put on an agency hit list, as unethical behavior by management was the norm at the agency.

Growing up away from my native culture has given me a different perspective. I have spiritual contact with my great-grandmother. This is something Natives understand and that I refuse to discuss with non-natives. They always want to compare our experience with their "Christian values" perspective and experience.

I grew up with white Anglo people; I know many of them didn't like me and carried racist preconceived notions about non-white people. Throughout my life, I have been deceived and used by many Anglo people while in school, work and socially.

Most recently, during the campaign to stop the canonization of the Inquisitor Serra, my efforts were usurped by many white women, seeking validation and attention when the battle wasn't theirs. For this reason, I proceed with caution when dealing with them and "hold my cards close" because I've been burned too many times.

In 2015, with the permission of her descendants, I used the name of Toypurina, the Kizh woman who planned one of the first Mission revolts in 1785 and represented the Kizh Nation, Gabrieleno Band of Mission Indians in the international campaign to bring attention to the Pope and Holy See of their unlawful canonization of the Inquisitor Serra.

I created, promoted, and monitored a Move.org Online Petition in 2015 immediately after the pope announced moving forward on the canonization of the Inquisitor who never "performed miracles" except killing 90% of our Ancestors and stealing our homeland.

The Petition is as follows:

**"Pope Francis is coming to Washington, D.C. to canonize Junipero Serra as a Saint. It is imperative he is enlightened to understand that Father Serra was responsible for the deception, exploitation, oppression, enslavement and genocide of thousands of Indigenous Californians, ultimately resulting in the largest ethnic cleansing in North America.**

**The reality of the California Mission system has yet to be accurately taught in California schools or recognized by the Catholic Church. Elementary school children tour mission grounds and are taught that native people were "docile and child-like savage pagans, saved by the kind and benevolent padres". In reality, the human remains of thousands of indigenous people are scattered beneath the grounds of the Missions that were built by Indian slaves as garrisons for the church and Spanish crown. Indigenous people died of rape, beatings and diseases introduced by the Spanish conquistadors in California. Spanish Priests did little to recognize**

**indigenous people as humans and did not come to their rescue when women were raped by soldiers and settlers. With an over 90% indigenous mortality rate, Serra hardly "saved many souls".**

**Why is this important?**

**Descendants of Mission Natives strongly oppose the canonization of Junipero Serra. Pope Francis recently apologized to Native peoples in South America for past inhumane treatment and colonization; yet our ancestors were suppressed, dominated and enslaved by Serra and considered collateral damage to the Church and State. The canonization will not celebrate Hispanics (since Serra and his Inquisition Conquistadors were foreign invaders), welcome Native Peoples back to the Catholic Church, or honor our ancestors. It will re-awaken the Inquisition Doctrine of Discovery; a very dark, and brutal time in the history of the Catholic Church and Civilization.**

**The passage of time has not made the reality of dominations and genocide of Indigenous Californians go away, nor has it made the Mastermind of the brutal Mission system a Saint. We respectfully ask you to urge the Pope to vacate this plan and open meaningful dialogue with California Nations, in California, before his visit to Washington D.C.. We do not want an apology; rather, we need immediate action from the Vatican to rescind the Doctrine of Discovery and to recognize the inhumane treatment of our ancestors. This canonization is in direct conflict with the pope's position on protecting indigenous peoples in his encyclical on the environment. If Pope Francis is sincere in his intentions towards Native peoples, he will abandon the canonization of Junipero Serra now."**

It should be noted then Governor Jerry Brown of California, a Jesuit educated former seminarian traveled to Rome and strongly championed Serra. He called the Inquisitor a "heroic pioneer". I traveled to New York to deliver the petition to the Permanent Observer Mission of the Holy See. Along with Antonio Gonzalez of AIM West and others we met with a Monsignor from Malta.

He didn't review the thousands of pages with over 10,000 names and comments on the petition.

When we left the office, he told me in the elevator:

***"History is told by the Victors".***

This, from the Popes representative.

The Holy See was later held accountable for the unlawful act of aggression towards Native People by canonizing the Inquisitor Serra in Geneva, shortly after the canonization.

During an interview with the BBC in 2015, both the Church and an historian asserted that California Indians are unrealistic in our views of history. They deny the occurrence of slavery and genocide in an emotional, zealous, illogical, and often hysterical manner.

I am not a tribal leader, nor am I enrolled, I am a descendant. I have advocated for the Kizh for almost 10 years because I was born and live on their land. I literally live on land that was the rancheria on the end of my cul de sac.

I helped the Kizh recognize land to be developed as sacred and represented them on the Serra resistance and other projects. I am a lone woman, 1/8th California Indian, not enrolled in the federally recognized tribe of my grandfather.

I know I am not alone, and many families began with one young California Indian woman that didn't get to live very long, like my great grandmother. I have now lived over twice as long as she did.

Today, those arranged marriages would be called Human sexual trafficking.

I was contacted by my Ancestors to do something when the pope announced he would canonize the inquisitor Junipera Serra. I have nothing to lose and everything to gain for my ancestors so they can rest in the spirit world and I can join them, earning my place. The petition I created and delivered to the Holy See and the BBC interview I participated in speak for themselves.

I remained as logical as possible when discussing the slavery, starvation, beatings, rape, land theft and genocides our ancestors endured without addressing the subsequent institutional racist systems of oppression that exist today and impacted my family directly.

Our Ancestors are referred to as "Merciless Indian Savages" in the U.S. Declaration of Independence.

After I embarked on my journey of decolonization years ago, I slowly started viewing everything differently.

Just as Europeans exercised the Doctrine of Discovery globally and brought colonization based on white supremacy across the globe, there are Native Peoples who know the truth about the history of colonization, land theft, genocide and all of the economical and now environmental impacts of colonization.

As the Holy See, United States Government and State of California recognize reparations and genocide of others not from this land, they continue to ignore and marginalize the original peoples of California, refusing recognition to the majority of the original Mission Nations, enslaved by the Church, Spain and the inquisitor Serra.

There will never be healing, until the Truth of the California Missions, including slavery, land theft and genocide brought to our ancestors by Spain, the Church, U.S. Government and State of California is formally recognized to the world.

The spirits of our ancestors are here. This land is sacred.

Colonization and intergenerational trauma impact my identity, world view and how I interact with others.

As women; daughters, mothers, aunts and sisters I know we share many similarities and must remain in solidarity with one another as we dismantle and make sense of history and the often invisible, unspoken impacts of colonization.

There will never be Truth and Healing until the unique and accurate history of California, built on slavery, rape and forced religious conversion is acknowledged and those responsible for the enslavement, land theft and ultimate genocide of our Ancestors are recognized by the Church, State of California and U.S. government.

The brutal mission system of enslavement, land theft and oppression leading to genocide is the root cause of our colonization and trauma that still exists today.

Respectfully submitted,

*Norma Louise Flores*

Great granddaughter of Eufricina Lujan, a Rincon woman born in 1892 and died in 1925  
and Granddaughter of Joseph Ernest Lujan

*Seeking Justice and Healing for my Ancestors*

Statement by

*Laura Galvan*

Chair Nisenan Miwok Collective, Lineal Descendant of the Hill Nisenan of El Dorado and Amador County, Native American Activist, Founder Divest Silicon Valley, MSTCM and Doctoral Candidate Acupuncture and Herbal Pharmacology

12 September 2023

*for the* Submission by the International Indigenous Truthing Working Group (California)  
to the UN Human Rights Committee (ICCPR) review of the USA 2023

## **Historical Human Rights Violations Against the Hill Nisenan People of California and the Enduring Impact**

### **Introduction**

This telling serves to shed light on the historical human rights violations perpetrated against our ancestors and relatives, the Hill Nisenan of El Dorado and Amador County, which began during the 19th century and continues to this day. The Unratified Treaty, the California Gold Rush, and the subsequent massacres known as the Indian Wars are all early examples of the infringements, entanglements, trauma and ultimately the near extinction of our people - yet we are still here. Finally, we need to and must bring to light the continual attempt at erasure and paper genocide at the hands of the Federal Government, the Bureau of Indian Affairs, the County of El Dorado, and the State of California.

We call upon the UN to offer formal and structural support and oversight regarding the continual human rights violations being committed on our *Indigenous People*; you will find that the case of Tribal Identity Theft perpetrated upon our tribe has been ignored on the part of the USA Government's Bureau of Indian Affairs (BIA) and citing Sovereignty. The BIA, for far too long, along with administrators, policy makers, and Government officials, have been manipulating concepts of Sovereignty as an excuse and alongside the perpetrators, in collusion in violating our rights, true history, traditional territories, and Self-Determination.

### **The Gold Rush and Forced Displacement**

For millennia our Ancestors thrived on the bounty provided to them through our Ancestral Territories. Our people had all that they needed - food, dance, ceremony, ancestral village sites, clean safe water and fishing, and most importantly we had honorable leadership. This life of health and sustenance changed when, on January 24, 1848, James Marshall discovered gold while building a lumber mill for John Sutter. This mill was known as Sutter's Mill, which lies along the American River on one of the Hill Nisenan Ancestral Village sites named Koloma, now referred to as the town of Coloma, California; what followed was a massive influx of colonizers searching for gold and riches.

What followed then, also, is what equates to the US Government's Genocide of the First Peoples of California. From here on, a dark age of "widespread sexual assault and mass murder" against the natives occurred (NAHC). This genocide affected all tribes of California, each with their own horrifying story. For our purposes, we will focus on the Government Sanctioned Murder and Scalping of the Hill Nisenan People, whose ancestral territories lie dead center Gold Country. We will then explain in closing that these horrible acts are still taking place by the Theft of our Tribal Identity.

Between 1846 and 1873, California's Indian population plunged from perhaps 150,000 to 30,000 through acts of slaughter, at the hands of state and federal officials, financed through taxpayer dollars that supported the violence through a state-sanctioned and political support for genocide. Ultimately, the state and federal governments spent at least \$1,700,000 on campaigns against California Indians. \$5 a head was paid for the brutal killing of the native people of California.

Over 4,000 Indigenous children were sold with prices ranging from \$60 for a boy to \$200 for a girl. In the 19th and 20th centuries Indigenous children were also forcibly removed to government and church-run boarding schools where they were forbidden to speak their languages. Many were forcibly placed in “work training programs” where they were used as slave labor in homes, farms, timber operations and other enterprises.  
[\(https://www.iitc.org/gold-greed-genocide/\)](https://www.iitc.org/gold-greed-genocide/)

### **The Unratified Treaty of 1851**

The 1851 Treaty J was signed at the forks of the Cosumnes River by the Chiefs and Headsman of the Hill Nisenan. Our people understood this to be a legal agreement and trusted the United States would honor the treaties they signed. What we now know is that the US Government had no intentions of ever keeping their agreement, and instead began to put bounties on scalps of our people, whose land centered on Koloma, where gold was first struck just 3 and ½ years prior to the treaty signing. The US kept these treaties in secrecy, never to be ratified, yet they also kept our lands... It is time we settle up on this issue.

“TREATY WITH THE CU-LU, YAS-SI, ETC., 1851 4 KAPP 1115 September 18, 1851 LENGTH: 1069 words TEXT: TREATY MADE AND CONCLUDED AT THE FORK OF THE COSUMNES RIVER, SEPTEMBER 18, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE CU-LU, YAS-SI, ETC., TRIBES OF INDIANS. A treaty of peace and friendship made and concluded at the fork of Cosumnes river, between the United States Indian Agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes, viz: Cu-lu, Yas-si, Loc-lum-ne, and Wopum-nes.

The several tribes or bands above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace between them and the republic of Mexico. ART. 2. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may come under the protection of the United States; and furthermore bind themselves to conform to, and be governed by the laws and regulations of the Indian Bureau, made and provided therefor by the Congress of the United States. ART. 3. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following district of country in the State of California shall be and is hereby set apart forever for the sole use and occupancy of the aforesaid tribe of Indians, to wit: commencing at a point on the Cosumnes river, on the western line of the county, running south on and by said line to its terminus, running east on said line twenty-five miles, thence north to the middle fork of the Cosumnes river, down said stream to the place of beginning; to have and to hold the said district of country for the sole use and occupancy of said Indian tribes forever. Provided, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public buildings, school-houses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof. ART. 4. To aid the said tribes or bands in their subsistence, while removing to and making their settlement upon the said reservation, the United States, in addition to the few presents made them at this council, will furnish them, free of charge, with five hundred (500) head of beef cattle, to average in weight five hundred (500) pounds, two hundred (200) sacks of flour, one hundred (100) pounds each, within the term of two years from the date of this treaty. ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent, according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz: one pair of strong

pantaloons and one red flannel shirt for each man and boy, one linsey gown for each woman and girl, four thousand yards of calico and one thousand yards brown sheeting, forty pounds Scotch thread, two dozen pairs of scissors, eight dozen thimbles, three thousand needles, one two and a half point Mackinaw blanket for each man and woman over fifteen (15) years of age, four thousand pounds of iron and four hundred pounds of steel, and in like manner in the first year, for the permanent use of the said tribes, and as their joint property, viz: seventy-five brood mares and three stallions, three hundred milch cows and eighteen bulls, twelve yoke of work cattle with yokes and chains, twelve work mules or horses, twenty-five ploughs, assorted sizes, two hundred garden or corn hoes, eighty spades, twelve grindstones. Of the stock enumerated above, and the product thereof, no part or portion shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent. ART. 6. The United States will also employ and settle among said tribes, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits, one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said tribes in reading, writing, &c., and in the domestic arts, upon the manual labor system; all the above-named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable school-houses, shops and dwellings, for the accommodation of the school teachers and mechanics above specified, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this eighteenth day of September, in the year of our Lord one thousand eight hundred and fifty-one. O. M. WOZENCRAFT, United States Indian Agent. Page 16 4 KAPP 1115 For and in behalf of the Cu-lu: MI-ON-QUISH, his x mark. For and in behalf of the Yas-si: SAN-TEA-GO, his x mark. For and in behalf of the Loc-lum-ne: POL-TUCK, his x mark. For and in behalf of the Wo-pum-nes: HIN-COY-E, his x mark. MAT-TAS, his x mark. HOL-LOH, his x mark. BOY-ER, his x mark. Signed, sealed and delivered, after being fully explained, in presence of - - FLAVEL BELCHER. J. B. MCKINNIE. WILLIAM RHOAD”.

In the absence of ratified treaties and unfulfilled promises, the U.S. government employed local militia groups, effectively sanctioning the killing of native inhabitants. Expeditions were conducted in Nisenan territories, claiming many lives for the reimbursement of \$301,645 by both state and federal governments. That same year Governor Peter Hardeman Burnett stated, “That a war of extermination will continue to be waged between races, until the Indian race becomes extinct”. This statement was followed by a decrease in the Indigenous population of California by nearly 90% over the following 50 years.

### **The furthering of “Paper Genocide” and Attempt at Erasure Towards the Hill Nissenan-Miwok People**

#### *History of Paper Genocide*

During sometime around the late 1970’s our people had their Tribal Identity, Tribal Lands, Culture, Language, and Federal Recognition stolen by a group of individuals that do not have ties to our Ancestral Territory - Tribal and Cultural Identity Theft that continues today.

The BIA has done nothing to correct this Historical Paper Genocide; the Genocidal issues continue.

At root of all of this, and many of the human rights violations Native Americans experience today, it ultimately comes down to casino profits and power, which needs to be addressed.

At this point, and again and still, the Hill Nisenan Indigenous People of the Sierra Nevada are in deep need of a real and accessible mechanism of remedy to be put into place, and that has oversight by the United Nations and International Law, for Historical Justice and Decolonization of the territories, places, resources, identities, and peoples, in the regions of our homelands and what is currently called the United States.