

# **Viejas Band of Kumeyaay Indians**

## ***A Brief History***

**O, our Father, the Sky,  
Hear us and make us strong.**

**O, our Mother, the Earth,  
Hear us and give us support.**

**O, Spirit of the East,  
Send us your wisdom.**

**O, Spirit of the South,  
May we tread your path of life.**

**O, Spirit of the West,  
May we always be ready for the long journey.**

**O, Spirit of the North,  
Purify us with your cleansing winds.**

-Sioux Prayer

Special thanks to the late anthropologist and friend of many decades to the Kumeyaay people, Florence Connolly Shipek, PhD, who supplied many of the facts and much additional information contained in this historical account. While her dedicated research gave us back history and legal rights, her great love of the people and our past helped find the words for our songs.

## The Viejas Band of Kumeyaay Indians

**F**or 10 millennia before the Spaniards and other European settlers arrived in California, an Indian Nation lived in the areas now known as San Diego and Imperial counties and Baja California. Although this nation of Original Americans has been called Southern Diegueno, Diegueno-Kamia, Ipai-Tipai, or the San Diego Mission Indians, the people prefer to be known by their own name: Kumeyaay.

Yuman-speaking people of Hokan stock, Kumeyaay territory extended from the Pacific Ocean; south to Ensenada in Baja Norte, Mexico; east to the sand dunes of the Colorado River, in Imperial Valley; and north to Warner Springs Valley. North to northeast, their territory was bounded by other Indian Nations—the San Luiseno, Cupeño, and Cahuilla. While southern California Indian Nations shared many characteristics, they were not uniform in language, customs, political and social organization, or economic development.

The Kumeyaay people planted trees and fields of grain, grew squash, beans and corn, gathered medicinal herbs, dined on fresh berries and pine nuts, fished and hunted deer, and were famous for their basket work. They instituted sophisticated practices of agriculture and plant husbandry, maintained wild animal stocks, controlled erosion and overgrowth, built dams, created watersheds and stored groundwater.

### **Kumeyaay Nation**

The Kumeyaay Nation was a federation of autonomous, self-governing bands with clearly defined territories that included individual and collective properties of families. The Kumeyaay united in defense of their territory and had a courier system of runners for communicating information throughout their lands. Today a section of



Interstate 8 from the ocean to east San Diego County has been designated by the California Legislature as the Kumeyaay Highway in recognition of one of the earlier courier routes.

A band's territory extended anywhere from 10 to 30 miles along a stream and tributaries. It included trails for all members, general hunting, religious, ceremonial and common gathering areas.

Specific land tenured by families and individuals provided the economic foundation of the Kumeyaay existence. Each family independently maintained and created its fields of grain-grass and other annuals, shrubs and tree groves, cornfields, quarries, hot and cold springs, clay bed and basket-grass clumps. This property was generally passed from father to son. The Kumeyaay owned several fields of different types of crops, both domesticated (husbanded) or wild, adjoining each other, and, in different localities.

Territory belonging to a band often included mountain, river and coastal holdings. This allowed the Kumeyaay to survive fluctuations in the climate, rotate crops, and take advantage of the variety of weather zones and alternative resources. Sacred lands were shared. Creation myths and other religious rituals were tied to specific locations, or Holy Lands, just as with Hebrews, Christians and Muslims. One such place is Kuuchamaa, or Tecate Peak. Another is Weeshpa, or Signal Mountain. Each band also had a worship area restricted to religious and tribal leaders, as well as sacred burial grounds.

The bands were composed of the shiimull, or ancestral descent groups. The shiimull often had family loyalties that extended beyond the band. In 1769, when the Spanish arrived, between 50-75 shiimull existed, with 5-15 such family groups in each band.

### **Ancient Government**

The Kumeyaay were governed by a social, political, economic and religious hierarchy led by the Kwaaypaay. A Kwaaypaay was usually the male head of a shiimull. He inherited the position from his fa-



ther, but was not necessarily from the band he led. Kwaaypaay succession and leadership drew from among the sons of all Kwaaypaay, with the final choice requiring band approval.

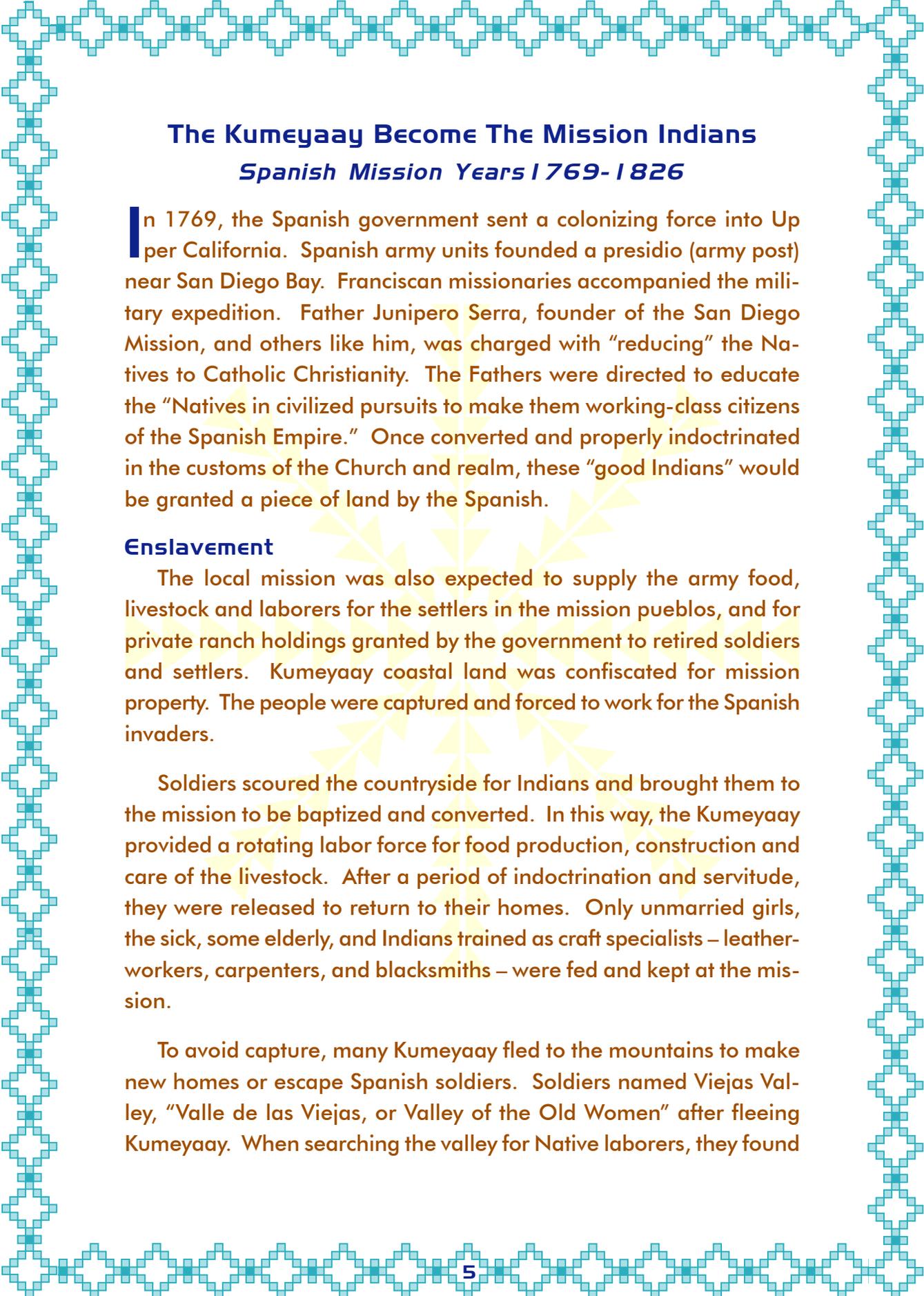
Since a primary duty was to maintain harmony and arbitrate disputes within the band, a Kwaaypaay without relatives to prejudice decisions was more impartial and fair. Each Kwaaypaay (captain or chief) had an assistant (speaker) and council of Kuseyaay (male and female priests, doctors and scientists) who were specialists in specific areas of the environment, resource management and spiritual and ritual practices of the tribe. The kwaaypaay called upon these specialists to provide counsel on decisions regarding the group. Each family was, however, free to follow and participate in a decision, or break-off from the band and pursue its own course of action without punishment or retribution.

Generally peaceful by nature, the Kumeyaay customs of tolerance and individual freedom spawned a fiercely independent people.

### **The Kumeyaay lived life as a song**

They danced and sang to celebrate, mourn, and teach. They passed along culture, traditions, history and social values through songs. Songs contained the collective wisdom and memories of the people. There was no need for a written language. Families had songs. Individuals had songs. The Kumeyaay sang about practical matters like salt, and animals in their environment like wildcats. Spiritual and creation songs taught moral lessons, connected the people with the ancestors and the meaning of life and death.

Singing served both the people and the land well. Strangers who later came upon the land exclaimed about how rich and bountiful it was, saying, "Surely God saved this place just for us." They did not know that it was the Kumeyaay who had planted, burned and kept the land beautiful, healthy, and thriving for thousands of years.



## The Kumeyaay Become The Mission Indians

### *Spanish Mission Years 1769-1826*

In 1769, the Spanish government sent a colonizing force into Upper California. Spanish army units founded a presidio (army post) near San Diego Bay. Franciscan missionaries accompanied the military expedition. Father Junipero Serra, founder of the San Diego Mission, and others like him, was charged with “reducing” the Natives to Catholic Christianity. The Fathers were directed to educate the “Natives in civilized pursuits to make them working-class citizens of the Spanish Empire.” Once converted and properly indoctrinated in the customs of the Church and realm, these “good Indians” would be granted a piece of land by the Spanish.

#### **Enslavement**

The local mission was also expected to supply the army food, livestock and laborers for the settlers in the mission pueblos, and for private ranch holdings granted by the government to retired soldiers and settlers. Kumeyaay coastal land was confiscated for mission property. The people were captured and forced to work for the Spanish invaders.

Soldiers scoured the countryside for Indians and brought them to the mission to be baptized and converted. In this way, the Kumeyaay provided a rotating labor force for food production, construction and care of the livestock. After a period of indoctrination and servitude, they were released to return to their homes. Only unmarried girls, the sick, some elderly, and Indians trained as craft specialists – leatherworkers, carpenters, and blacksmiths – were fed and kept at the mission.

To avoid capture, many Kumeyaay fled to the mountains to make new homes or escape Spanish soldiers. Soldiers named Viejas Valley, “Valle de las Viejas, or Valley of the Old Women” after fleeing Kumeyaay. When searching the valley for Native laborers, they found



only old women living in the caves. The men and their families had escaped, leaving behind only older women who couldn't keep up.

### **The people sang less.**

Sacred and tribal ritual practices were outlawed by the Spanish as pagan or witchcraft. Kumeyaay connection with the land, the ancestors, historic customs and traditions weakened. It was the beginning of the end for a culture that had lived in harmony with the land and the people for more than 10,000 years.

## **Different Government – Same Abuses** *The Mexican Period 1826-1848*

**F**ollowing the Mexican Revolution and founding of the Republic of Mexico, the official policy of the new government was to secularize the Spanish Missions. The missions would become parish churches, and mission land, rancharos. Indian pueblos would be created for baptized Indians, conferring citizenship and small plots of land to the Native population. The missions were placed under control of secular majordomos, who required salaries, servants and provisions for their large families and relatives. This came from the Indians, who had been freed from one policy of enslavement to another. Mexican Governors gave the best mission lands to Mexican individuals as rancharos. Many of these land grants enclosed Kumeyaay farms or Hispanized Indian lands within their boundaries.

### **Prisoners On Their Former Lands**

The Mexican government dismissed prior commitments made to Hispanized Indians by the Spanish. The people who lived on property turned over to Mexican Nationals, became peon labor.

Essentially prisoners on their former lands, the Indians were restricted to the rancharo, requiring a pass from the majordomo to leave. Various Southern California Indian Bands protested to the

Mexican Governor about abuses and violations of their land and water rights. Inland bands led numerous uprisings and revolts against the Mexicans during this time. In San Diego, Mexicans seldom left the presidio, or pueblos without military guard.

## **Betrayal And Broken Promises**

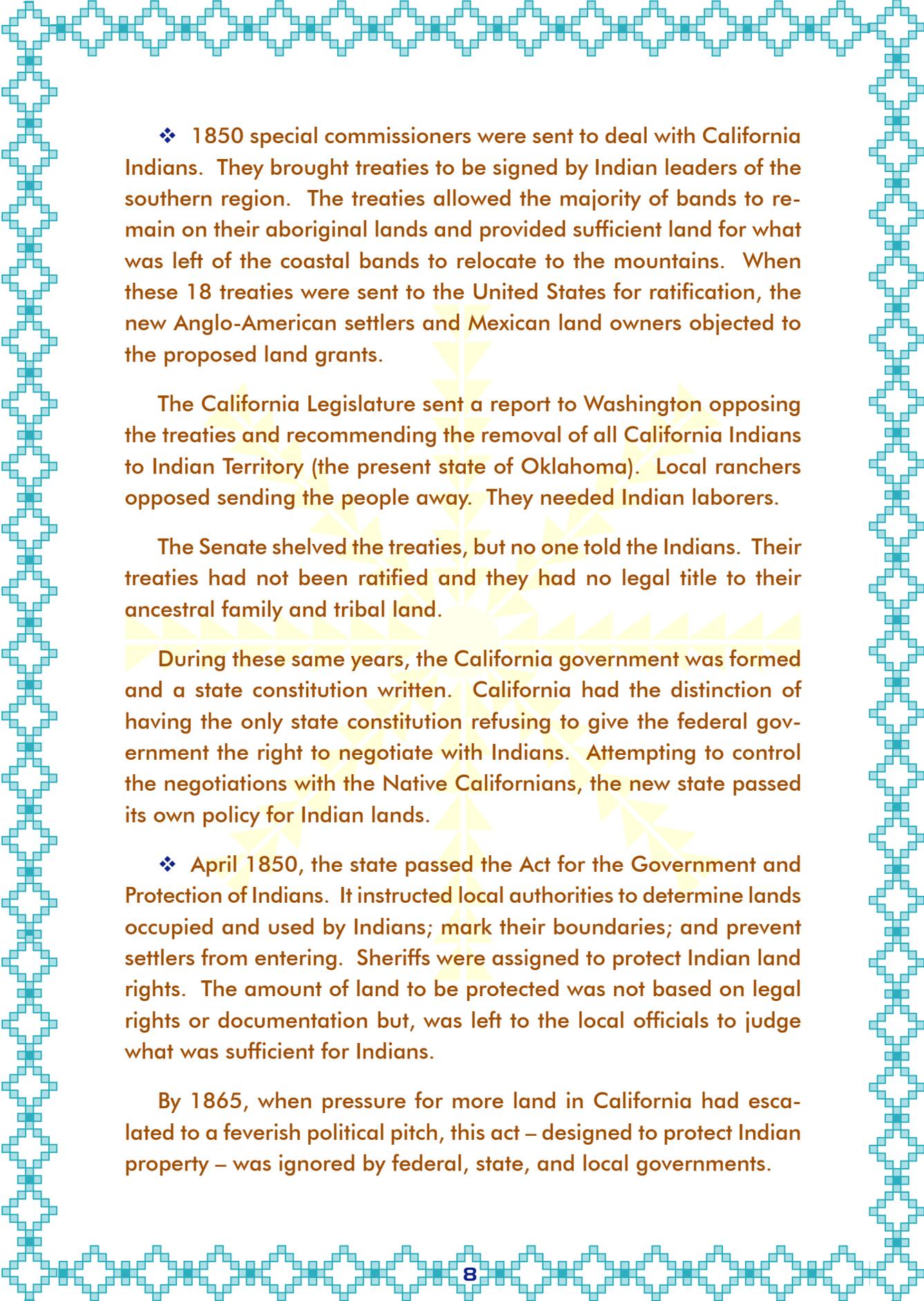
### *The Americans Take Control*

**U**nder the 1848 Treaty of Guadalupe Hidalgo, citizens of Mexico within the territory of California became citizens of the United States, with all rights and immunities. The treaty stipulated property and religious rights would be respected and affirmed by title under American law. As citizens under Mexican law, these rights applied to the Kumeyaay/Mission Indians.

The Kumeyaay and other Indians were friendly toward the Americans, hopeful that this new government would keep promises to settle the land disputes and treat the Natives fairly.

Prior to development of a state government, army officers were appointed as Indian subagents to see that peaceful Indians were not molested, and to prevent Indians from leading an "idle and thriftless life, and encroaching on the peaceable inhabitants of the land." Taking advantage of the confusion over the legal ownership of church and Indian property as a result of Spanish and Mexican invasions, some agents acquired title to land owned by Indians.

❖ 1849 the Department of Interior was created and given supervisory powers over Indian affairs previously handled by the War Department. A special agent was sent to untangle the land rights of the missions, Indians, Mexican settlers and rancho grantees. The special agent became rich. He speculated in mission land which included Indian-entitled pueblos.



❖ 1850 special commissioners were sent to deal with California Indians. They brought treaties to be signed by Indian leaders of the southern region. The treaties allowed the majority of bands to remain on their aboriginal lands and provided sufficient land for what was left of the coastal bands to relocate to the mountains. When these 18 treaties were sent to the United States for ratification, the new Anglo-American settlers and Mexican land owners objected to the proposed land grants.

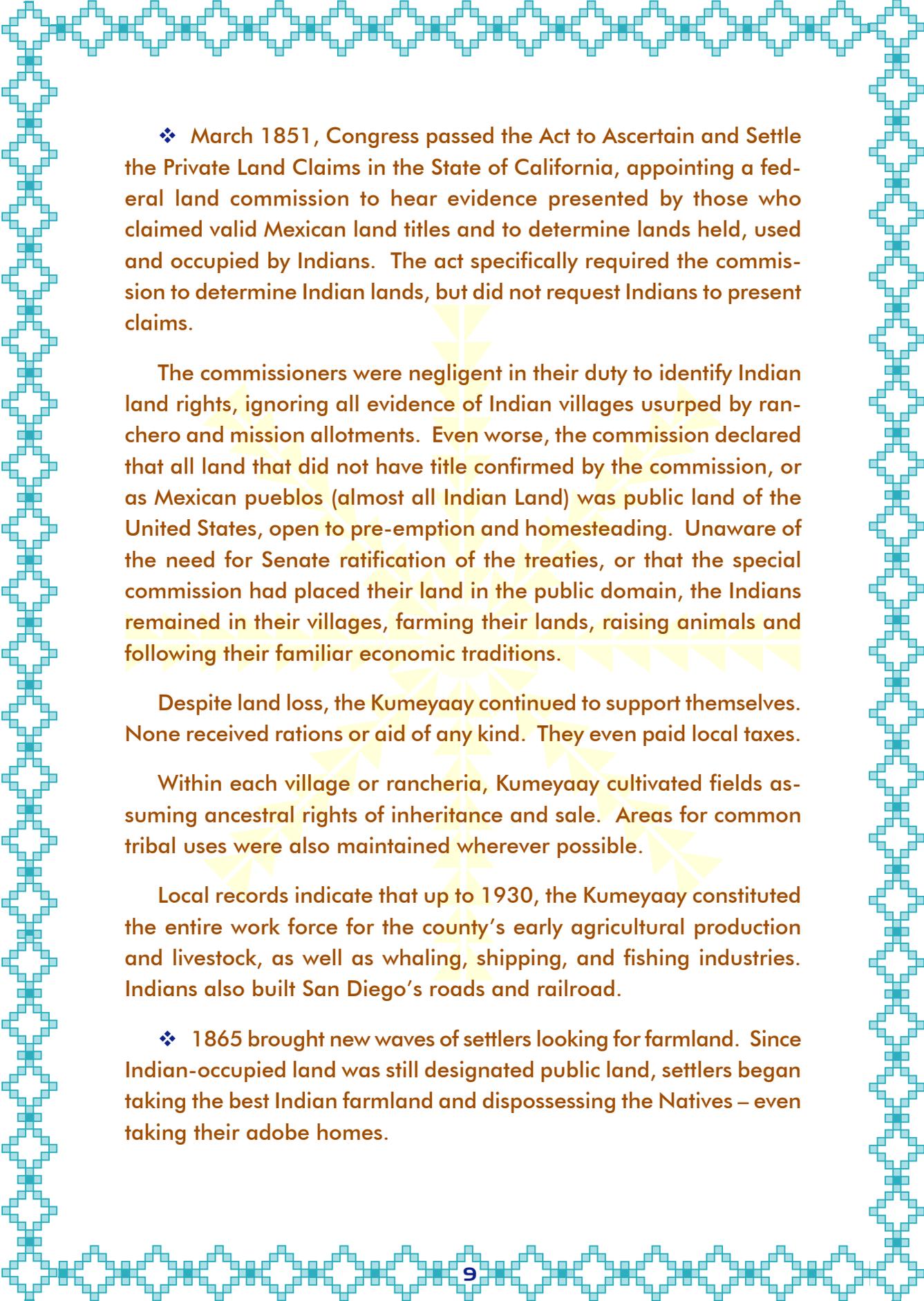
The California Legislature sent a report to Washington opposing the treaties and recommending the removal of all California Indians to Indian Territory (the present state of Oklahoma). Local ranchers opposed sending the people away. They needed Indian laborers.

The Senate shelved the treaties, but no one told the Indians. Their treaties had not been ratified and they had no legal title to their ancestral family and tribal land.

During these same years, the California government was formed and a state constitution written. California had the distinction of having the only state constitution refusing to give the federal government the right to negotiate with Indians. Attempting to control the negotiations with the Native Californians, the new state passed its own policy for Indian lands.

❖ April 1850, the state passed the Act for the Government and Protection of Indians. It instructed local authorities to determine lands occupied and used by Indians; mark their boundaries; and prevent settlers from entering. Sheriffs were assigned to protect Indian land rights. The amount of land to be protected was not based on legal rights or documentation but, was left to the local officials to judge what was sufficient for Indians.

By 1865, when pressure for more land in California had escalated to a feverish political pitch, this act – designed to protect Indian property – was ignored by federal, state, and local governments.



❖ March 1851, Congress passed the Act to Ascertain and Settle the Private Land Claims in the State of California, appointing a federal land commission to hear evidence presented by those who claimed valid Mexican land titles and to determine lands held, used and occupied by Indians. The act specifically required the commission to determine Indian lands, but did not request Indians to present claims.

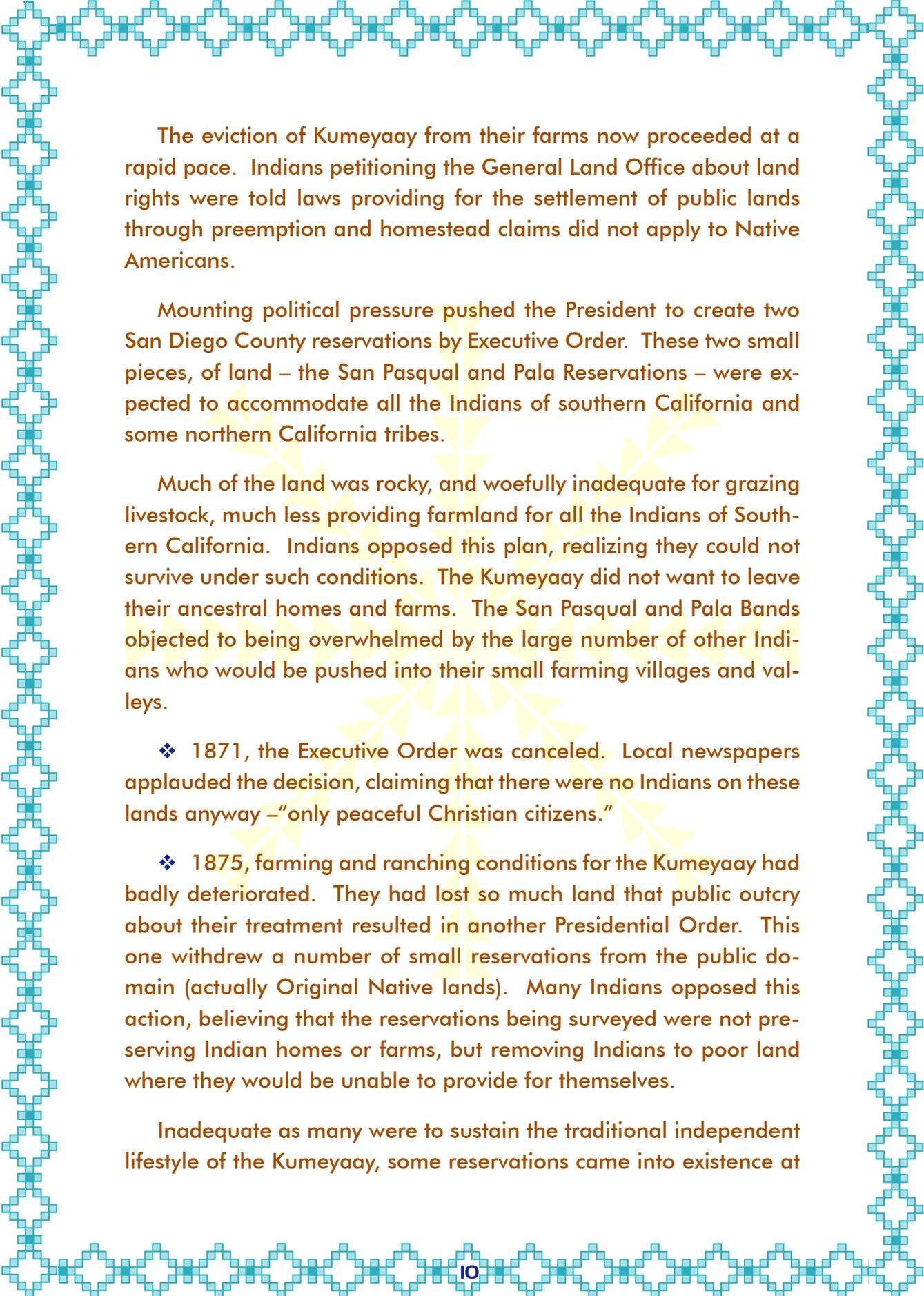
The commissioners were negligent in their duty to identify Indian land rights, ignoring all evidence of Indian villages usurped by rancho and mission allotments. Even worse, the commission declared that all land that did not have title confirmed by the commission, or as Mexican pueblos (almost all Indian Land) was public land of the United States, open to pre-emption and homesteading. Unaware of the need for Senate ratification of the treaties, or that the special commission had placed their land in the public domain, the Indians remained in their villages, farming their lands, raising animals and following their familiar economic traditions.

Despite land loss, the Kumeyaay continued to support themselves. None received rations or aid of any kind. They even paid local taxes.

Within each village or rancheria, Kumeyaay cultivated fields assuming ancestral rights of inheritance and sale. Areas for common tribal uses were also maintained wherever possible.

Local records indicate that up to 1930, the Kumeyaay constituted the entire work force for the county's early agricultural production and livestock, as well as whaling, shipping, and fishing industries. Indians also built San Diego's roads and railroad.

❖ 1865 brought new waves of settlers looking for farmland. Since Indian-occupied land was still designated public land, settlers began taking the best Indian farmland and dispossessing the Natives – even taking their adobe homes.



The eviction of Kumeyaay from their farms now proceeded at a rapid pace. Indians petitioning the General Land Office about land rights were told laws providing for the settlement of public lands through preemption and homestead claims did not apply to Native Americans.

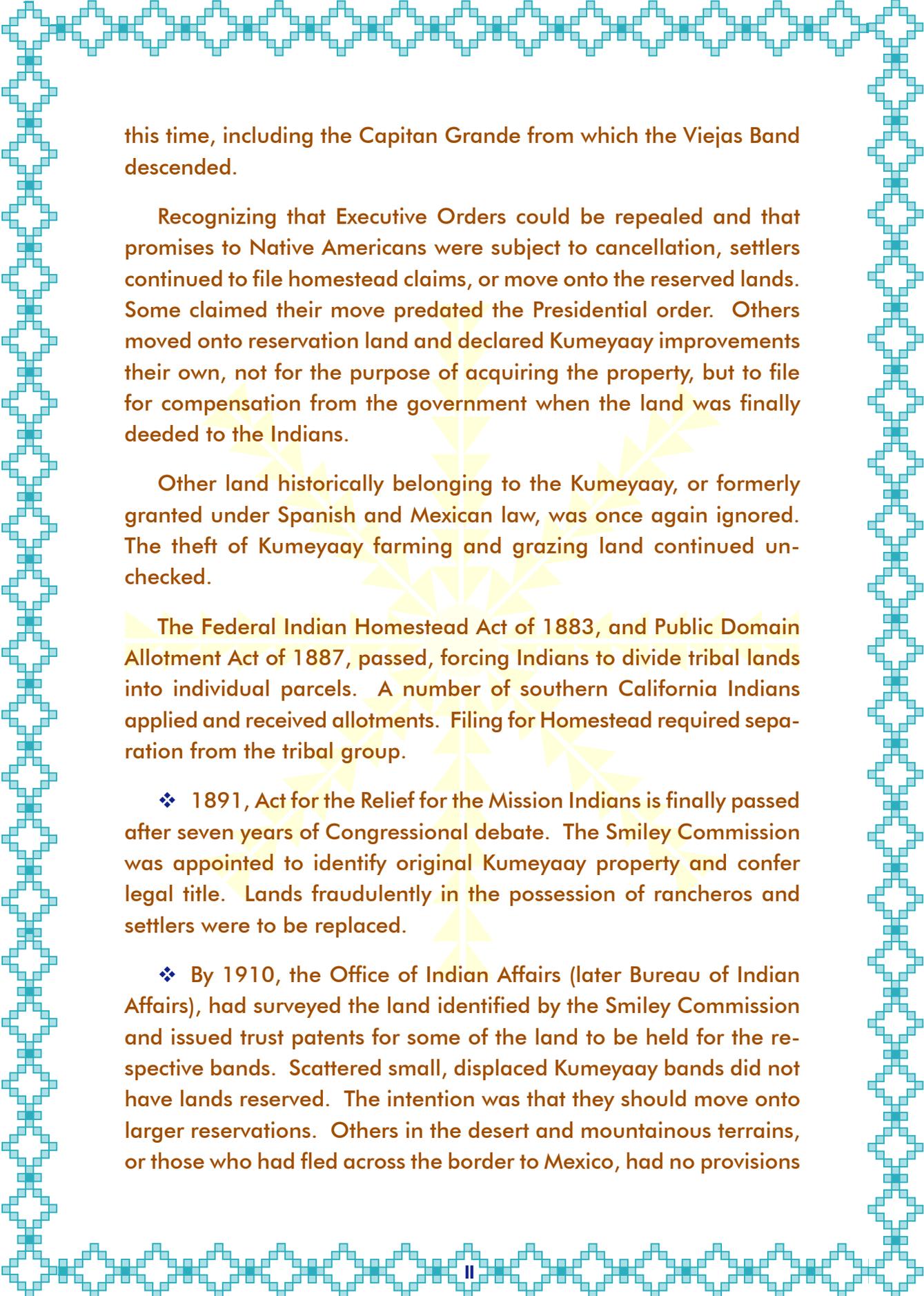
Mounting political pressure pushed the President to create two San Diego County reservations by Executive Order. These two small pieces, of land – the San Pasqual and Pala Reservations – were expected to accommodate all the Indians of southern California and some northern California tribes.

Much of the land was rocky, and woefully inadequate for grazing livestock, much less providing farmland for all the Indians of Southern California. Indians opposed this plan, realizing they could not survive under such conditions. The Kumeyaay did not want to leave their ancestral homes and farms. The San Pasqual and Pala Bands objected to being overwhelmed by the large number of other Indians who would be pushed into their small farming villages and valleys.

- ❖ 1871, the Executive Order was canceled. Local newspapers applauded the decision, claiming that there were no Indians on these lands anyway –“only peaceful Christian citizens.”

- ❖ 1875, farming and ranching conditions for the Kumeyaay had badly deteriorated. They had lost so much land that public outcry about their treatment resulted in another Presidential Order. This one withdrew a number of small reservations from the public domain (actually Original Native lands). Many Indians opposed this action, believing that the reservations being surveyed were not preserving Indian homes or farms, but removing Indians to poor land where they would be unable to provide for themselves.

Inadequate as many were to sustain the traditional independent lifestyle of the Kumeyaay, some reservations came into existence at



this time, including the Capitan Grande from which the Viejas Band descended.

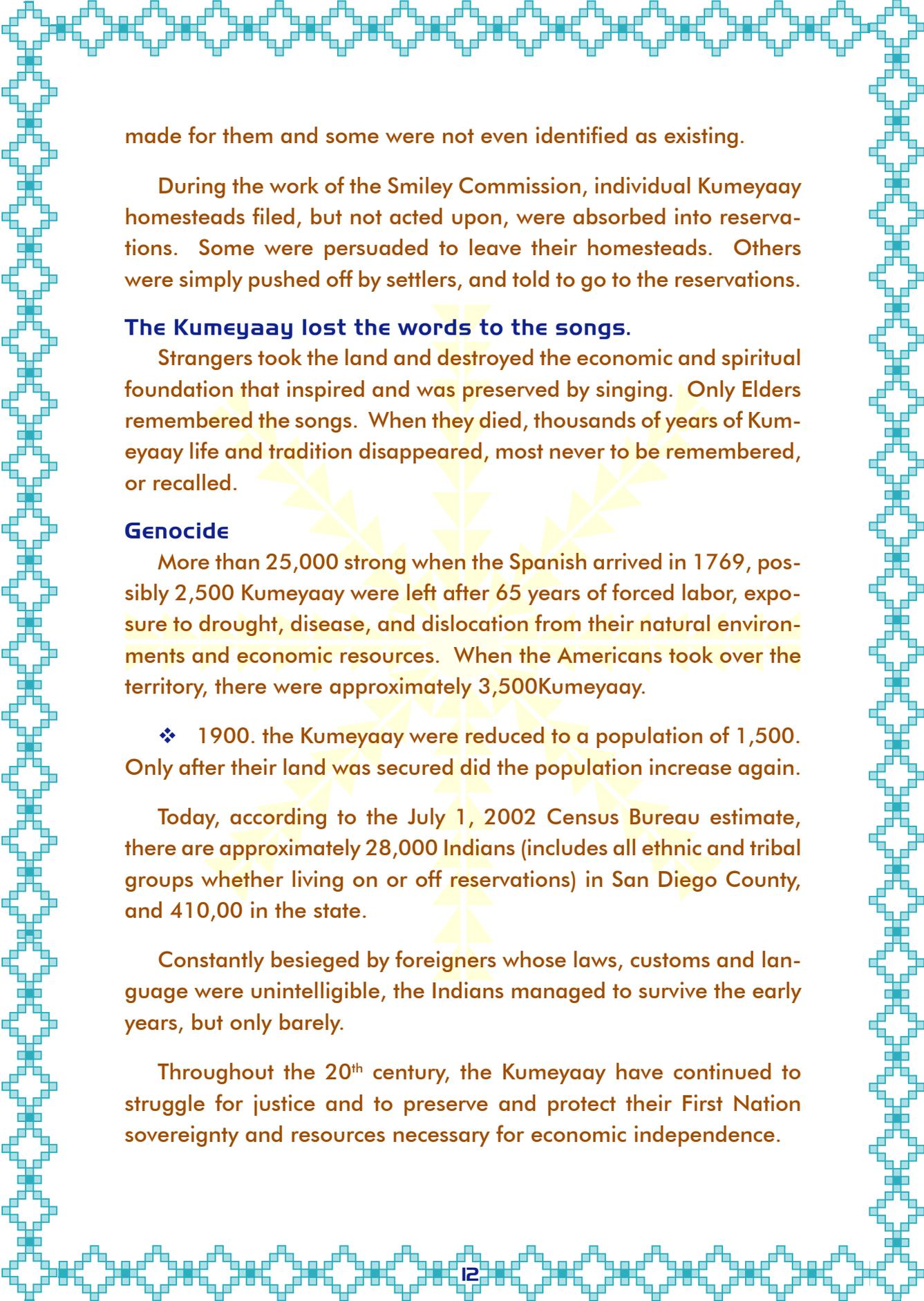
Recognizing that Executive Orders could be repealed and that promises to Native Americans were subject to cancellation, settlers continued to file homestead claims, or move onto the reserved lands. Some claimed their move predated the Presidential order. Others moved onto reservation land and declared Kumeyaay improvements their own, not for the purpose of acquiring the property, but to file for compensation from the government when the land was finally deeded to the Indians.

Other land historically belonging to the Kumeyaay, or formerly granted under Spanish and Mexican law, was once again ignored. The theft of Kumeyaay farming and grazing land continued unchecked.

The Federal Indian Homestead Act of 1883, and Public Domain Allotment Act of 1887, passed, forcing Indians to divide tribal lands into individual parcels. A number of southern California Indians applied and received allotments. Filing for Homestead required separation from the tribal group.

- ❖ 1891, Act for the Relief for the Mission Indians is finally passed after seven years of Congressional debate. The Smiley Commission was appointed to identify original Kumeyaay property and confer legal title. Lands fraudulently in the possession of rancheros and settlers were to be replaced.

- ❖ By 1910, the Office of Indian Affairs (later Bureau of Indian Affairs), had surveyed the land identified by the Smiley Commission and issued trust patents for some of the land to be held for the respective bands. Scattered small, displaced Kumeyaay bands did not have lands reserved. The intention was that they should move onto larger reservations. Others in the desert and mountainous terrains, or those who had fled across the border to Mexico, had no provisions



made for them and some were not even identified as existing.

During the work of the Smiley Commission, individual Kumeyaay homesteads filed, but not acted upon, were absorbed into reservations. Some were persuaded to leave their homesteads. Others were simply pushed off by settlers, and told to go to the reservations.

### **The Kumeyaay lost the words to the songs.**

Strangers took the land and destroyed the economic and spiritual foundation that inspired and was preserved by singing. Only Elders remembered the songs. When they died, thousands of years of Kumeyaay life and tradition disappeared, most never to be remembered, or recalled.

### **Genocide**

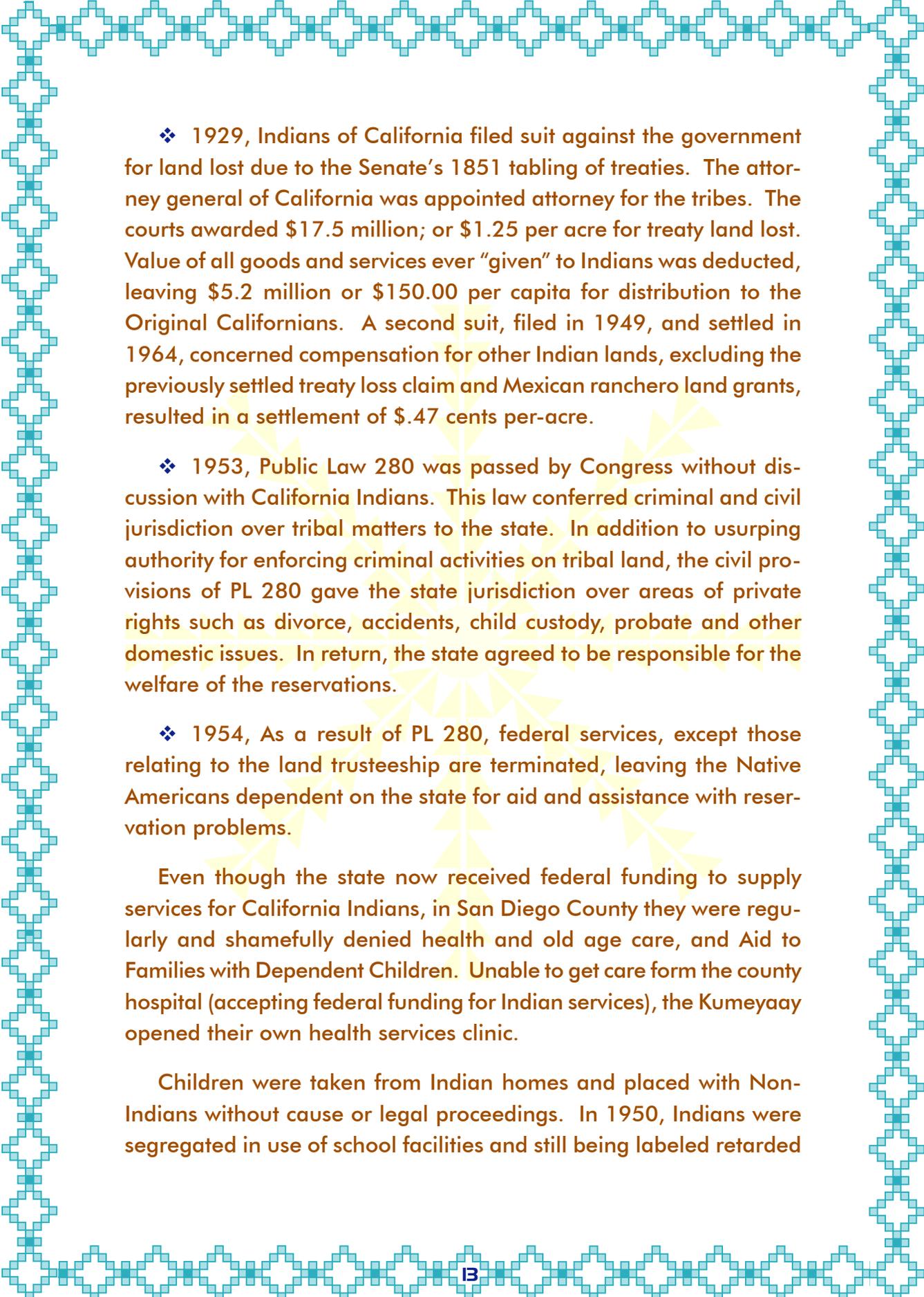
More than 25,000 strong when the Spanish arrived in 1769, possibly 2,500 Kumeyaay were left after 65 years of forced labor, exposure to drought, disease, and dislocation from their natural environments and economic resources. When the Americans took over the territory, there were approximately 3,500 Kumeyaay.

❖ 1900. the Kumeyaay were reduced to a population of 1,500. Only after their land was secured did the population increase again.

Today, according to the July 1, 2002 Census Bureau estimate, there are approximately 28,000 Indians (includes all ethnic and tribal groups whether living on or off reservations) in San Diego County, and 410,00 in the state.

Constantly besieged by foreigners whose laws, customs and language were unintelligible, the Indians managed to survive the early years, but only barely.

Throughout the 20<sup>th</sup> century, the Kumeyaay have continued to struggle for justice and to preserve and protect their First Nation sovereignty and resources necessary for economic independence.



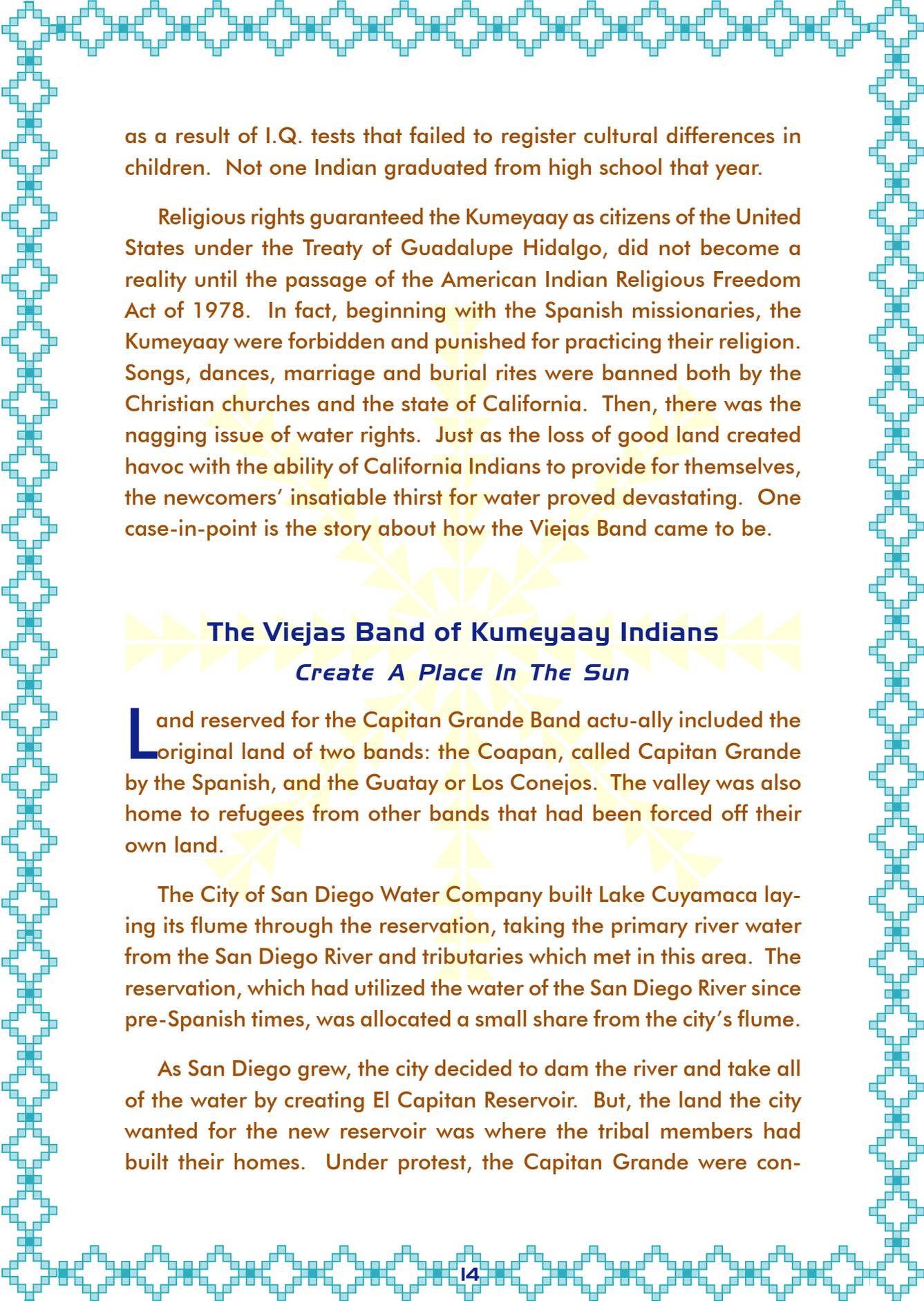
❖ 1929, Indians of California filed suit against the government for land lost due to the Senate's 1851 tabling of treaties. The attorney general of California was appointed attorney for the tribes. The courts awarded \$17.5 million; or \$1.25 per acre for treaty land lost. Value of all goods and services ever "given" to Indians was deducted, leaving \$5.2 million or \$150.00 per capita for distribution to the Original Californians. A second suit, filed in 1949, and settled in 1964, concerned compensation for other Indian lands, excluding the previously settled treaty loss claim and Mexican rancho land grants, resulted in a settlement of \$.47 cents per-acre.

❖ 1953, Public Law 280 was passed by Congress without discussion with California Indians. This law conferred criminal and civil jurisdiction over tribal matters to the state. In addition to usurping authority for enforcing criminal activities on tribal land, the civil provisions of PL 280 gave the state jurisdiction over areas of private rights such as divorce, accidents, child custody, probate and other domestic issues. In return, the state agreed to be responsible for the welfare of the reservations.

❖ 1954, As a result of PL 280, federal services, except those relating to the land trusteeship are terminated, leaving the Native Americans dependent on the state for aid and assistance with reservation problems.

Even though the state now received federal funding to supply services for California Indians, in San Diego County they were regularly and shamefully denied health and old age care, and Aid to Families with Dependent Children. Unable to get care from the county hospital (accepting federal funding for Indian services), the Kumeyaay opened their own health services clinic.

Children were taken from Indian homes and placed with Non-Indians without cause or legal proceedings. In 1950, Indians were segregated in use of school facilities and still being labeled retarded



as a result of I.Q. tests that failed to register cultural differences in children. Not one Indian graduated from high school that year.

Religious rights guaranteed the Kumeyaay as citizens of the United States under the Treaty of Guadalupe Hidalgo, did not become a reality until the passage of the American Indian Religious Freedom Act of 1978. In fact, beginning with the Spanish missionaries, the Kumeyaay were forbidden and punished for practicing their religion. Songs, dances, marriage and burial rites were banned both by the Christian churches and the state of California. Then, there was the nagging issue of water rights. Just as the loss of good land created havoc with the ability of California Indians to provide for themselves, the newcomers' insatiable thirst for water proved devastating. One case-in-point is the story about how the Viejas Band came to be.

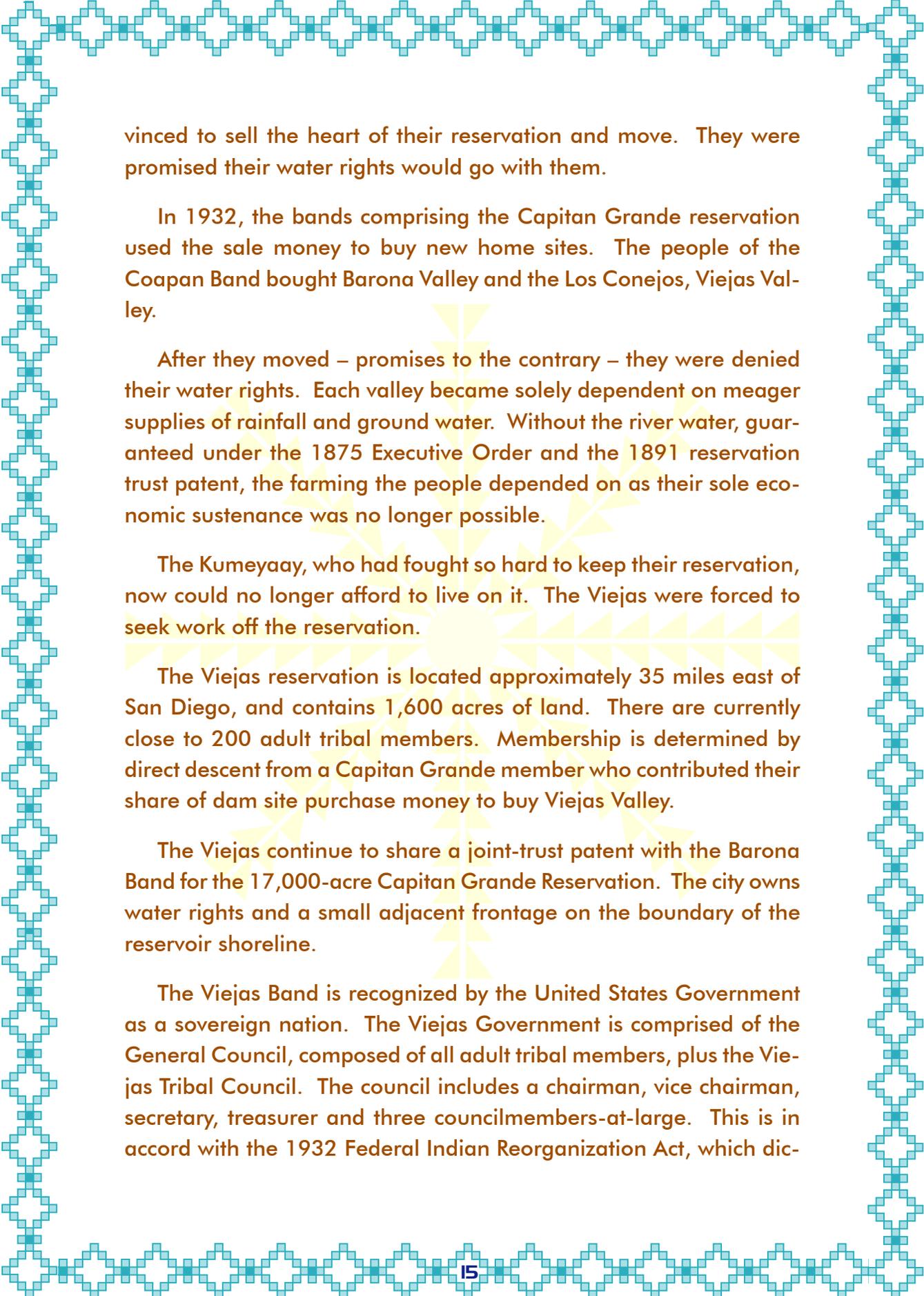
## The Viejas Band of Kumeyaay Indians

### *Create A Place In The Sun*

**L**and reserved for the Capitan Grande Band actually included the original land of two bands: the Coapan, called Capitan Grande by the Spanish, and the Guatay or Los Conejos. The valley was also home to refugees from other bands that had been forced off their own land.

The City of San Diego Water Company built Lake Cuyamaca laying its flume through the reservation, taking the primary river water from the San Diego River and tributaries which met in this area. The reservation, which had utilized the water of the San Diego River since pre-Spanish times, was allocated a small share from the city's flume.

As San Diego grew, the city decided to dam the river and take all of the water by creating El Capitan Reservoir. But, the land the city wanted for the new reservoir was where the tribal members had built their homes. Under protest, the Capitan Grande were con-



vinced to sell the heart of their reservation and move. They were promised their water rights would go with them.

In 1932, the bands comprising the Capitan Grande reservation used the sale money to buy new home sites. The people of the Coapan Band bought Barona Valley and the Los Conejos, Viejas Valley.

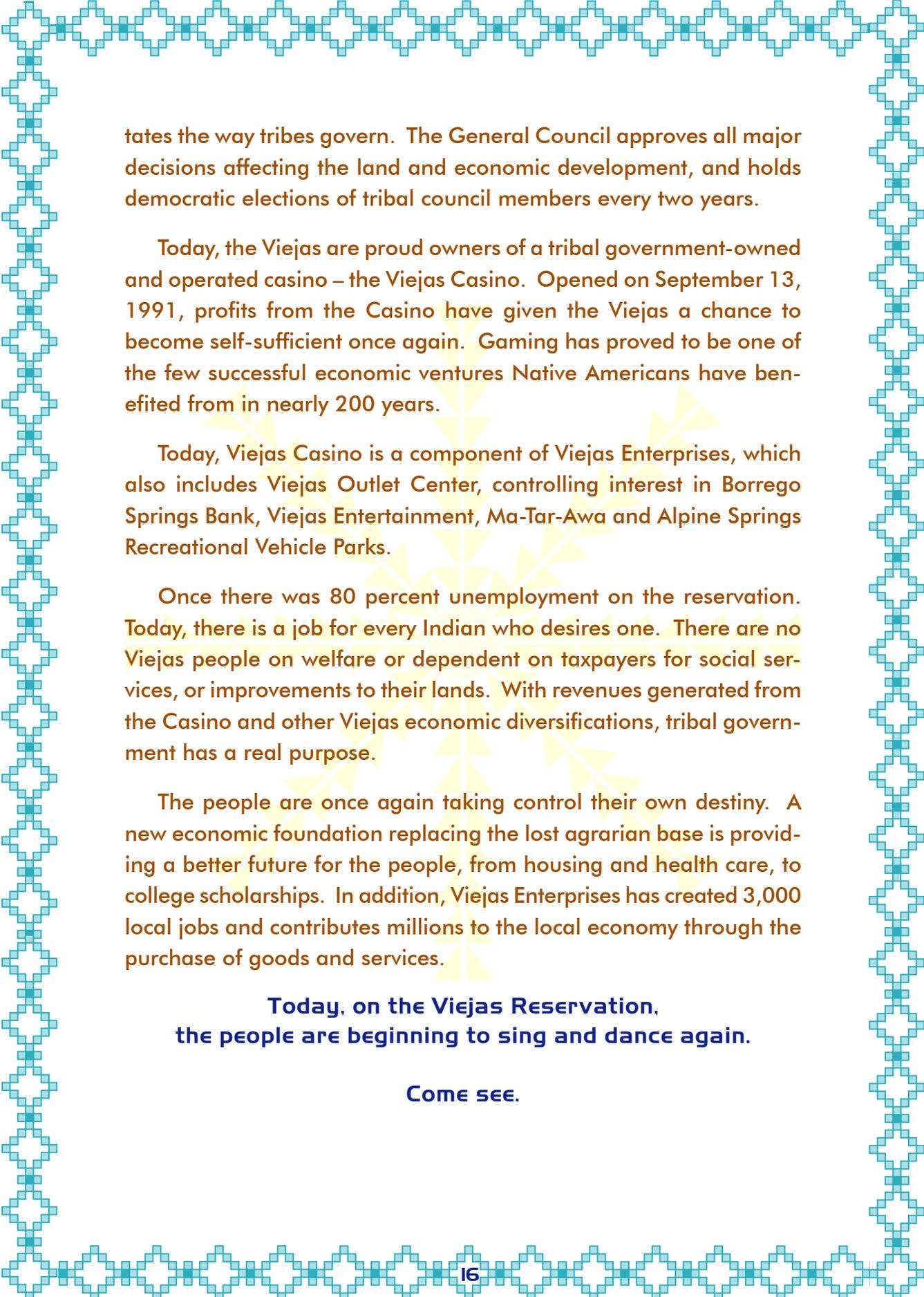
After they moved – promises to the contrary – they were denied their water rights. Each valley became solely dependent on meager supplies of rainfall and ground water. Without the river water, guaranteed under the 1875 Executive Order and the 1891 reservation trust patent, the farming the people depended on as their sole economic sustenance was no longer possible.

The Kumeyaay, who had fought so hard to keep their reservation, now could no longer afford to live on it. The Viejas were forced to seek work off the reservation.

The Viejas reservation is located approximately 35 miles east of San Diego, and contains 1,600 acres of land. There are currently close to 200 adult tribal members. Membership is determined by direct descent from a Capitan Grande member who contributed their share of dam site purchase money to buy Viejas Valley.

The Viejas continue to share a joint-trust patent with the Barona Band for the 17,000-acre Capitan Grande Reservation. The city owns water rights and a small adjacent frontage on the boundary of the reservoir shoreline.

The Viejas Band is recognized by the United States Government as a sovereign nation. The Viejas Government is comprised of the General Council, composed of all adult tribal members, plus the Viejas Tribal Council. The council includes a chairman, vice chairman, secretary, treasurer and three councilmembers-at-large. This is in accord with the 1932 Federal Indian Reorganization Act, which dic-



tates the way tribes govern. The General Council approves all major decisions affecting the land and economic development, and holds democratic elections of tribal council members every two years.

Today, the Viejas are proud owners of a tribal government-owned and operated casino – the Viejas Casino. Opened on September 13, 1991, profits from the Casino have given the Viejas a chance to become self-sufficient once again. Gaming has proved to be one of the few successful economic ventures Native Americans have benefited from in nearly 200 years.

Today, Viejas Casino is a component of Viejas Enterprises, which also includes Viejas Outlet Center, controlling interest in Borrego Springs Bank, Viejas Entertainment, Ma-Tar-Awa and Alpine Springs Recreational Vehicle Parks.

Once there was 80 percent unemployment on the reservation. Today, there is a job for every Indian who desires one. There are no Viejas people on welfare or dependent on taxpayers for social services, or improvements to their lands. With revenues generated from the Casino and other Viejas economic diversifications, tribal government has a real purpose.

The people are once again taking control their own destiny. A new economic foundation replacing the lost agrarian base is providing a better future for the people, from housing and health care, to college scholarships. In addition, Viejas Enterprises has created 3,000 local jobs and contributes millions to the local economy through the purchase of goods and services.

**Today, on the Viejas Reservation,  
the people are beginning to sing and dance again.**

**Come see.**