

Testimony of Chairwoman Erica M. Pinto, Jamul Indian Village of California
U.S. House of Representatives — Committee on Natural Resources
Subcommittee on Indian and Insular Affairs
H.R. 6443 — Jamul Indian Village Land Transfer Act

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Chairwoman Hageman and distinguished Members of the House Subcommittee on Indian and Insular Affairs, my name is Erica M. Pinto, and I have the honor to serve as Chairwoman of the Jamul Indian Village of California (the “Tribe or “JIV”). Thank you for the opportunity to provide testimony on H.R. 6443, the Jamul Indian Village Land Transfer Act, and thank you to Representative Issa for his dedication to represent the interests of the Native American tribes in his district, and in particular for his notable efforts on H.R. 6443.

History of the Jamul Indian Village

JIV’s 6-acre Reservation, one of the smallest in the United States, is located in a rural area east of downtown San Diego, California. The Tribe’s ancestors were a band of Kumeyaay (Mission-Diegueño) Indians known as the Jamul Band, who historically occupied their village territory in the Jamul Valley northwest of the San Ysidro Mountains. The Jamul Band were known as Mission Indians of California because at one point, they were under the jurisdiction of Spanish missionaries who established missions throughout Southern California for the purpose of converting and “reducing” the aboriginal population and using them as laborers to facilitate Spanish settlement of the area. Historically speaking, the Jamul Band is a part of the group of Indians who referred to themselves as Kumeyaay people, but were also known politically as the Diegueño people because they were under the jurisdiction of the San Diego Mission de Alcalá during Spanish control of the region. Spanish records as early as 1776 reference an Indian settlement at Jamul. Members of the Jamul Band have continuously resided on a portion of their aboriginal territory since before the arrival of the Spanish until present day, which included land within the Tribe’s present-day Reservation.

Despite the Jamul Band’s legal claim to occupy lands in the Jamul Valley, after the United States government acquired California under the Treaty of Guadalupe Hidalgo, the United States agreed to recognize land grants of Mexican citizens who decided to remain in California. One such land grant was the Jamul Rancho within the Jamul Valley, which was part of the Jamul Band’s ancestral lands. Thereafter, members of the Jamul Band occupying lands located within Jamul Rancho were considered by white settlers to be “squatters,” and were at risk of being displaced from their lands.

In 1891, Congress passed the Mission Indian Relief Act, creating a Commission that came to be known as the “Smiley Commission,” with the mandate to survey and select reservation lands for each band or village of Mission Indians residing within California. Two of the three commissioners were not present in California to fulfill the Act’s mandate, and thus did not

participate in the survey and selection process. A single commissioner oversaw the survey and selection of Indian reservations under the Act. Reports from this commissioner make clear that he did not visit any areas south of what is now Interstate 8, and the closest he came to Jamul Rancho was 22 miles east at Campo.

The Smiley Commission created under the Mission Indian Relief Act did not accomplish its legislative mandate to both select a reservation for each band or village, and to include the land and villages that had been in the actual occupation and possession of each band or village of Mission Indians. The Jamul Band was omitted from the Smiley Commission's work, and evidence shows that the commissioners intended for members of small bands of Indians to move onto other "catch-all" reservations that had been established with what was deemed sufficient capacity to accommodate additional Mission Indians. Although the Smiley Commission thought that the closest reservations would provide for small bands scattered throughout San Diego County, this assumption did not account for cultural norms among these bands to avoid entry onto another band's lands without a specific invitation from that band, or the Jamul Band's determination to protect its own culture and way of life.

Therefore, despite the commissioners' intent to provide the Jamul Band with a home at a nearby reservation, members of the Jamul Band did not move. Rather, the situation for the Jamul Band remained largely unchanged, with its members living in abject poverty on its ancestral lands but without an officially declared land base, until the Coronado Beach Company granted the land holding the Jamul Band's ancestral cemetery to the Catholic Diocese "for the purpose of an Indian graveyard and approach thereto." The cemetery is the resting place for nearly all of the Tribe's ancestors, dating back to the 1800s. The Jamul Band's ties to this ancestral cemetery and surrounding lands explains their resoluteness to remain there. The Diocese later built a small church for the Jamul Band in the early 1900s, and provided a modicum of legal protection for a portion of its Indian village. The cemetery and church remain a vital part of the Tribe's culture and traditions, and are part of the lands that are the subject of H.R. 6443.

Following failures of the Superintendents of the Office of Indian Affairs in Southern California to effectively engage with scattered Indians beyond reservations that had been created for larger Mission Indian bands prior to and in conjunction with the Mission Indian Relief Act, the federal government appointed a special agent in 1908 whose jurisdiction was over the landless Indians of Southern California, in order to investigate conditions and "secure title" for "landless Indians" like members of the Jamul Band, who did not then reside on a federal reservation, and whose land tenure was uncertain and at risk of encroachment by settlers.

The need for action by the federal government was summarized by Special Agent C.E. Kelsey in a letter to the Commissioner of Indian Affairs, stating, "There are no necessities in California equal to those of the robbed, starving, helpless people for whom [monies for support and civilization of California Indians] are appropriated."

Although the federal government was charged with securing title for landless Indians who had not been afforded their rightful lands under the Mission Indian Relief Act, the federal government's de facto policy eventually became to prioritize those Indians and Indian bands who were homeless, aggressive with respect to their land rights, or in significant conflict with non-Indians who claimed a right to Indian-occupied land. As the Jamul Band was a relatively small band living on aboriginal lands located within the boundaries of privately held land at that time, the Jamul Band was largely ignored. This constituted yet another failure on the part of the federal government to provide land for the Jamul Indians who had steadfastly remained on their ancestral land.

Establishment of the JIV Reservation

As a testament to the Tribe's determination, the Jamul Band's Indian Village was the only non-reservation village that survived up through the 1970s when the Secretary of the Interior took into trust the initial 4.66 acres of the Tribe's Reservation—land that had been occupied by members of the Jamul Band since before the Spanish Mission era, from time immemorial. Until the early 1980s, the Tribe's lands lacked basic utilities like running water and electricity. One shallow well at the low point of the cemetery property supplied drinking water of dubious quality for Tribal members. Members of the Jamul Band did without these modern amenities in order to remain on their lands, near their ancestral cemetery, as a way to protect their culture and way of life. Although their culture survived, living conditions for the Jamul Band were dire, and they severely lacked economic resources to improve their standard of living.

Present-day members of the Tribe are descended from the Jamul Band, and the Tribe's lands have been diminished over time from more than 640 acres to a small 6-acre sliver of land alongside the ancestral cemetery and church. The Tribe was formally organized under the Indian Reorganization Act ("IRA") in 1981, when the Jamul Indians determined that they would pursue organization as a half-blood community under Section 19 of the IRA. Having established its 4.66-acre Reservation, the Jamul Indians held an election in May of 1981, and ratified a Constitution that formally established the Jamul Indian Village. The Department of the Interior ("Department") approved the Tribe's Constitution two months later, and the Secretary of the Interior then included the Tribe in the next list of federally recognized tribes published in the Federal Register. The Department last exercised its authority to accept land into trust for the Tribe in 1982, when it approved a 1.372-acre fee-to-trust transfer under a grant deed naming the Jamul Indian Village as beneficiary.

Therefore, two parcels—collectively 6.032 acres—comprise the Tribe's entire trust land base, one of the smallest in the United States. We are thankful that the federal government recognizes that helping tribes to reacquire lands—and the placement of those lands into trust—is key to

tribes' future prosperity and is essential to maintain culturally significant areas that are central to tribal identity, religion, and beliefs.

H.R. 6443 and the Tribe's Needs for Additional Trust Lands

As mentioned above, Tribal members endured dire economic conditions for over a century, in order to stay near their ancestors' resting place and to keep their culture strong. Since the Tribe's lands were accepted into trust, the Tribe has done its very best to maximize use of its limited trust acreage. It eventually became clear to Tribal members that, in order to improve living conditions for future generations, sacrifices would need to be made. Beginning in 2005, the Tribe's members voluntarily moved off of the Tribe's 6-acre Reservation, as a sacrifice to ensure that the Tribe would become self-sufficient and less reliant on the federal government. Since this time, the Tribe's small Reservation has been fully and completely developed by the Tribe's economic endeavors, which include a gaming facility. This has helped the Tribe to realize its goals of self-sufficiency and limited reliance on federal resources.

Despite this improvement in the Tribe's economic conditions, Tribal members' sacrifice to move off-Reservation has resulted in the adverse consequence of significant loss of the Tribe's culture, language, and community, since its members have not been able to reside together on Tribal lands.

In short, the Tribe desperately needs additional trust lands so that it may preserve and protect its cultural sites, and develop housing for its members, a health clinic, a grocery store, Tribal administrative offices, law enforcement, educational services, and other community resources in service of the Tribe's members.

Additional trust lands are essential to the Tribe's efforts to restore its ancestral land base, to ensure that its most culturally sacred sites are safeguarded, to bring its members, who are now dispersed throughout San Diego County and beyond, home to reside on Tribal trust lands, and to provide essential services to its people. Development of trust lands is an important piece of the Tribe's overall plan for restoration and protection of its culture. The Tribe believes that bringing its members back together, and providing those members with access to their cultural sites and to improved services and resources, is vital to ensure the Tribe's continued exercise of self-determination.

H.R. 6443 therefore accepts four parcels of land, totaling approximately 172.1 acres located in rural San Diego County, California, into trust for the benefit of the Jamul Indian Village of California. The Tribe purchased and holds fee simple title to these lands.

Fee-to-Trust Parcels

The first of these four parcels totals 161.23 acres of land held in fee by the Tribe. This land is located proximate to the Tribe's Reservation, and is within the Tribe's ancestral territory. The

Tribe hopes to use this property to develop housing for Tribal members, and for Tribal administrative offices, a health clinic, child-care center, educational services to Tribal members, a community center, law enforcement offices and other community resources in service of Tribal members. Placement of this land into trust will support the Tribe's efforts in cultural and community restoration, and will bring Tribal members home to a place they can occupy together.

Parcel 2 totals approximately 6 acres, is owned in fee by the Tribe, and lies nearly 1,000 feet north of the Tribe's current Reservation within the Tribe's ancestral territory. Placement of this property into trust would help the Tribe to realize its goal to provide essential services and community resources to Tribal members, which also extends the Tribe's cultural preservation by ensuring the health and welfare of members of the Tribe for generations to come.

The third parcel is the 4.030-acre parcel referred to by the Tribe as the Daisy Drive property. This property is contiguous to the Tribe's Reservation. Daisy Drive runs through this property and provides the only physical access to the Tribe's Reservation, and to the Tribe's church and ancestral cemetery. Placement of this property into trust will preserve the Tribal community's ability to access the Tribe's Reservation, and will preserve Tribal members' ability to access cultural landmarks, all via Daisy Drive.

The fourth and final parcel listed in H.R. 6443 is the Tribe's historical church and ancestral cemetery property. This parcel totals 0.84 acres and is contiguous to the Tribe's Reservation. This parcel holds the Tribe's historical church and ancestral cemetery where the Tribe's ancestors are laid to rest, and is part of the ancestral lands that the Tribe has called home since prehistoric times. The Tribe continues to use this property for cultural ceremonies and it remains an essential part of the Tribe's history. Placement of the church and cemetery property into trust ensures the preservation and protection of this culturally significant property for future generations of Tribal members.

Lastly, it should be noted that the Tribe will not use any of these parcels for gaming purposes, as H.R. 6443 entirely prohibits gaming on these parcels once they are taken into trust. The Tribe will use this land solely for the purposes described above, in an effort to protect the cultural identity, resources and history of the Tribe.

Conclusion

JIV is excited by the opportunities that placement of these parcels into trust present, but restoration and protection of ancestral lands by trust status remains most important. The Tribe has immensely improved conditions for its people since its formal federal recognition in 1981. I have dedicated my life to service of the Jamul Indian Village, and I am exceedingly proud of how far we have come, but it remains the Tribe's primary goal to restore ancestral lands and secure protections for our culturally significant places. By passage of H.R. 6443, the federal government would be helping the Tribe to honor its ancestors and their sacrifices in order to remain and prosper in the place that we have always called home.

Thank you again to this Subcommittee for holding this hearing and for your consideration of H.R. 6443, and to Representative Issa for his tireless work on behalf of the Jamul Indian Village and all of Indian country. I am happy to answer any questions that you may have.