



Kawaibatunya (*Ka-wái-ba-tuñ-a*). Given as the Watermelon clan of the Paiute (Cloud) phratry [of the Hopi.—Stephens in 8th Rep. B. A. E., 39, 1891.

Kawaiisu. The most westerly subdivision of the Ute-Chemehuevi linguistic division of the Shoshonean family. They occupy an isolated area on both sides of the Tehachapi mts., Cal., but particularly the w. side around Paiute mts., and the valleys of Walker basin and Caliente and Kelso crs. as far s. as Tehachapi.

Cobajais.—Garcés (1776), Diary, 489, 1900. **Cobajai**.—Ibid., 304, 445. **Covaji**.—Keane in Stanford Compend., 510, 1878. **Kah-wis'-sah**.—Merriam, Science, XIX, 916, June 15, 1904. **Kawaiisu**.—Kroeber, inf'n, 1905 (Yokuts name). **Kâ-wi'-a-sah**.—Powers in Cont. N. A. Ethnol., III, 393, 1877 (Yokuts name). **Kawishm**.—Kroeber, inf'n, 1905 (Yokuts batulabal name). **Kow-ā'-sah**.—Merriam, op. cit. **Kubakhye**.—Kroeber, inf'n, 1905 (Mohave name). **Newoo'-ah**.—Merriam, op. cit. (= 'people'). **Nuwah**.—Colteches. —Garcés, op. cit., 295, 304 (so called by Mariposa people). **Ta-hi-cha-pa-han-na**.—Kroeber, in Cont. N. A. Ethnol., III, 393, 1877 (divided around mtns. of same name). **Ta-hichp'**.—Kroeber (so called by Kern r. people).

Kawaika. A ruined pueblo, attributed by the Hopi to the Kawaika people. The name also applied by them to the pueblo of Towa...

Local news

Tribe elder challenges Tejon project

BY JAMES BURGER

Californian staff writer
jburger@bakersfield.com

David Laughing Horse Robinson, an elder of the Kawaiisu tribe of Native Americans, has launched a unique challenge to the controversial Tejon Mountain Village project on the eve of a critical hearing before the Kern County Board of Supervisors.

Robinson, who works as an instructional technician in the art department at Cal State Bakersfield, claims Tejon Ranch does not own the land on the east side of Interstate 5 near Frazier Park where the company and its partner are proposing to build Tejon Mountain Village.

It is owned, he states in a YouTube video challenging the project, by the Kawaiisu tribe and was stolen from it in the early years of California's life as a state.

"The Kawaiisu Tribe has clear ownership of the Tejon-Sebastian reservation," Robinson states in the video.

Since there has been no action by Congress to terminate the reservation or de-list the tribe, the land is owned by the Native Americans, he says.

Lorelei Oviatt, special projects chief for the Kern County Planning Department, said the land was never a formal reservation for the Kawaiisu tribe but only a shared habitation area for several tribes of native people.

Tejon's ownership of the property has not been challenged by native groups previously, she said, and county research with the Native American Heritage Commission in Sacramento did not reveal evidence supporting Robinson.

"Mr. Laughing Horse has never brought this to our attention at any (previous) time," Oviatt said. "We have no evidence that his claims are correct."

But those claims, she said, will be given due consideration as the Board of Supervisors meets Monday to debate a possible approval for Tejon Mountain Village, a 5,082-acre gated, private development on 26,417 acres in the mountains between Bakersfield and Los Angeles.

"We will respectfully take Mr. Laughing Horse Robinson's comments to the board," Oviatt said.

HOW TO GO

The Board of Supervisors will meet on the Tejon project 9 a.m. Monday at the County Administrative Center, 1115 Truxtun Ave. in Bakersfield.

HANDBOOK
OF
AMERICAN INDIANS
NORTH OF MEXICO

EDITED BY
FREDERICK WEBB HODGE

IN TWO PARTS
PART 1



LETTER OF TRANSMITTAL

SMITHSONIAN INSTITUTION,
BUREAU OF AMERICAN ETHNOLOGY,
Washington, D. C., July 1, 1905.

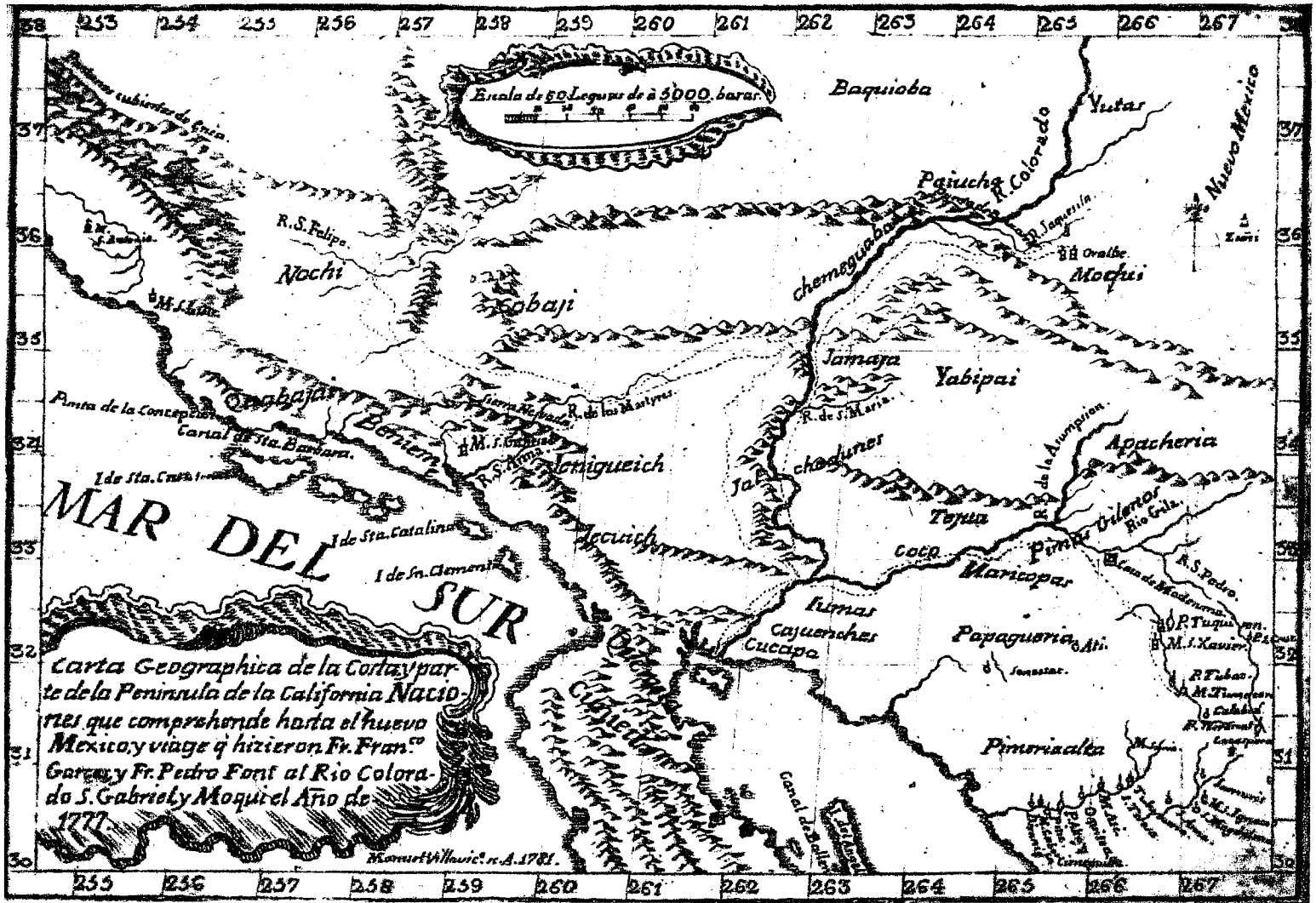
SIR: I have the honor to submit herewith the manuscript of Bulletin 30 of the Bureau of American Ethnology, entitled "Handbook of American Indians," which has been in preparation for a number of years and has been completed for publication under the editorship of Mr F. W. Hodge. The Handbook contains a descriptive list of the stocks, confederacies, tribes, tribal divisions, and settlements north of Mexico, accompanied with the various names by which these have been known, together with biographies of Indians of note, sketches of their history, archeology, manners, arts, customs, and institutions, and the aboriginal words incorporated into the English language.

Respectfully,

W. H. HOLMES, *Chief.*

The SECRETARY OF THE SMITHSONIAN INSTITUTION,
Washington, D. C.

III





California State Military Department

The California State Military Museum



Preserving California's Military Heritage

Historic California Posts, Stations and Airfields Camp Persifer F. Smith

A temporary camp established on 10 June 1851 for the purpose of signing a treaty (shown below) with several Native American tribes in the area of what is the southern San Joaquin Valley.

TREATY MADE AND CONCLUDED AT CAMP PERSIFER F. SMITH, AT THE TEXAN PASS, STATE OF CALIFORNIA, JUNE 10, 1851, BETWEEN GEORGE W. BARBOUR UNITED STATES COMMISSIONER, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE "CASTAKE," "TEXON," &C., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Persifer F. Smith at the Texon pass, in the State of California, on the tenth day of June, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to act, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit: Castake, Texon, San Imirio, Uvas, Carises, Buena Vista, Sena-hu-ow, Holo-cla-me, Soho-nuts, To-ci-a, and Hol-mi-uh, of the second part.

ARTICLE 1.

The said tribes of Indians jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control, and management of the government of the United States, and undertake and promise on their part, to live on terms of peace and friendship with the government of the United States and the citizens thereof, with each other, and with all Indian tribes at peace with the United States.

ART. 2.

It is agreed between the contracting parties, that for any wrong or injury done individuals of either party, to the person or property of those of the other, no personal or individual retaliation shall be attempted, but in all such cases the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury; and to enable the civil authorities more effectively to suppress crime and punish guilty offenders, the said Indian tribes jointly and severally promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

ART. 3.

It is agreed between the parties that the following district of country be set apart and forever held for the sole use and occupancy of said tribes of Indians, to wit: beginning at the first forks of Kern

river, above the Tar springs, near which the road travelled by the military escort, accompanying said commissioner to this camp crosses said river, thence down the middle of said river to the Carises lake, thence to Buena Vista lake, thence a straight line from the most westerly point of said Buena Vista lake to the nearest point of the Coast range of mountains, thence along the base of said range to the mouth or westerly terminus of the Texon pass or Canon, and from thence a straight line to the beginning; reserving to the government of the United States and to the State of California, the right of way over said territory, and the right to erect any military post or posts, houses for agents, officers and others in the service or employment of the government of said territory. In consideration of the foregoing, the said tribes of Indians, jointly and severally, forever quit claim to the government of the United States to any and all other lands to which they or either of them now have or may ever had any claim or title whatsoever.

ART. 4.

In further consideration of the premises and for the purpose of aiding in the subsistence of said tribes of Indians for the period of two years from this date, it is agreed by the party of the first part to furnish said tribes jointly, (to be distributed in proper proportions among them,) with one hundred and fifty beef cattle, to average five hundred pounds each, for each year. It is further agreed that as soon after the ratification of this treaty by the President and Senate of the United States, as may be practicable and convenient, the said tribes shall be furnished jointly (to be distributed as aforesaid) and free of charge, with the following articles of property, to wit: six large and six small ploughs, twelve sets of harness complete, twelve work mules or horses, twelve yoke of California oxen, fifty axes, one hundred hoes, fifty spades or shovels, fifty mattocks or picks, all necessary seeds for sowing and planting for one year, one thousand pounds of iron, two hundred pounds of steel, five hundred blankets, two pairs of coarse pantaloons and two flannel shirts for each man and boy over fifteen years old, one thousand yards of linsey cloth, same of cotton cloth, and the same of coarse calico, for clothing for the women and children, twenty-five pounds of thread, three thousand needles, two hundred thimbles, six dozen pairs of scissors, and six grindstones.

ART. 5.

The United States agree further to furnish a man skilled in the business of farming, to instruct said tribes and such others as may be placed under him, in the business of farming; one blacksmith, and one man skilled in working wood, (wagon maker or rough carpenter;) one superior and such assistant school-teachers as may be necessary; all to live among, work for, and teach said tribes and such others as they may be required to work for and teach. Said farmer, blacksmith, worker in wood and teachers to be supplied to said tribes, and continued only so long as the President of the United States shall deem advisable; a school house and other buildings necessary for the persons mentioned in this article, to be erected at the cost of the government of the United States.

This treaty to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the parties have hereto signed their names, and affixed their seals, this the day and year first written.

G. W. BARBOUR. [SEAL.]

Texon:

VINCENTE, his x mark, chief. [SEAL.]
CHICO, his x mark, chief. [SEAL.]
PABLO, his x mark. [SEAL.]
JOSE ANTONIO, his x mark. [SEAL.]
MARTIN, his x mark. [SEAL.]
FRANCISCO, his x mark. [SEAL.]

Castake:

RAFAEL, his x mark, chief. [SEAL.]
FRANCISCO, his x mark. [SEAL.]
MANUEL, his x mark. [SEAL.]

San Imirio:

JOSE MARIA, his x mark, chief. [SEAL.]
FRANCISCO, his x mark. [SEAL.]

Uvas:

ANTONIO, his x mark. [SEAL.]

Carises:

RAYMUNDO, his x mark, chief. [SEAL.]
JUAN, his x mark. [SEAL.]
JUAN DE DIOS, his x mark. [SEAL.]

Buena Vista:

APOLONIO, his x mark, chief. [SEAL.]

Sena-hu-ow:

JOAQUIN, his x mark, chief. [SEAL.]
EMITERIO, his x mark, chief. [SEAL.]
NICOLAS, his x mark. [SEAL.]
BENANCIO, his x mark. [SEAL.]

Holo-cla-me:

URBANO, his x mark, chief. [SEAL.]
OLORICO, his x mark. [SEAL.]

Soho-nuts:

JOSE, his x mark, chief. [SEAL.]
MARIANO, his x mark. [SEAL.]

To-ci-a:

FELIPPE, his x mark, chief. [SEAL.]
PEDRO, his x mark. [SEAL.]
URBANO, his x mark. [SEAL.]

Hol-mi-uh:

FRANCISCO, his x mark, chief. [SEAL.]
TOMAS, his x mark. [SEAL.]

Signed and sealed in duplicate, after having been read and fully explained in the presence of—

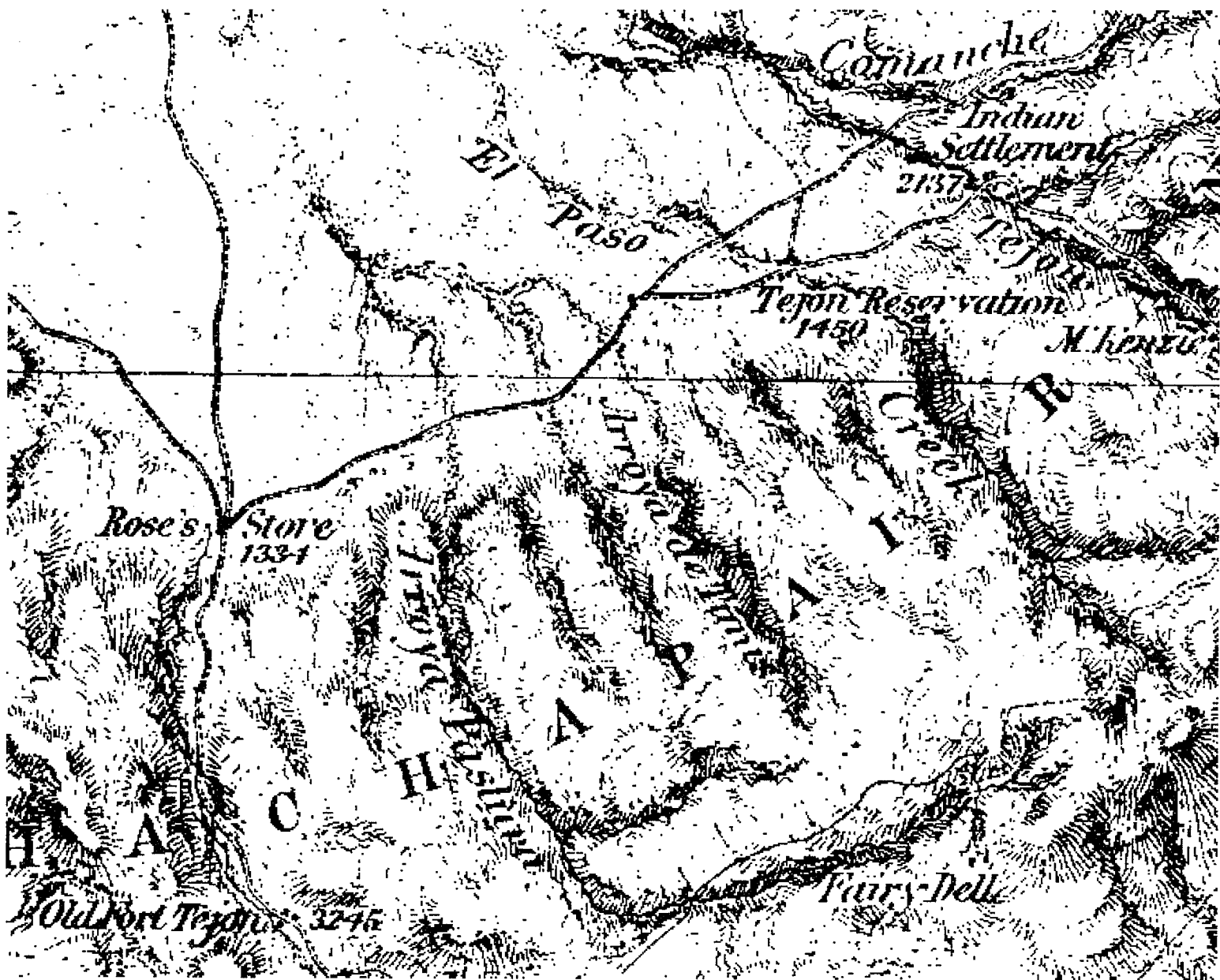
H. S. BURTON, Interpreter.
KIT BARBOUR, Secretary.
W. S. KING, Assistant Surgeon, United States Army.
J. H. LENDRUM, Brevet Captain, Third Artillery.
J. HAMILTON, Lieutenant, Third Artillery.
H. G. J. GIBSON, Second Lieutenant, Third Artillery.
WALTER M. BOOTH.

[\[WELCOME\]](#) [\[LOCATION AND HOURS\]](#) [\[CURRENT EXHIBITS\]](#) [\[MG WALTER P. STORY LIBRARY\]](#) [\[SATELLITE AND PARTNER MUSEUMS\]](#)
[\[HOW CAN I HELP?\]](#) [\[WHAT'S NEW?\]](#) [\[UPCOMING EVENTS\]](#) [\[CALIFORNIA MILITARY HISTORY\]](#) [\[ONLINE BOOKSTORE\]](#)
[\[CALIFORNIA CENTER FOR MILITARY HISTORY\]](#) [\[LINKS\]](#)



[FastCounter by LinkExchange](#)

Questions and comments concerning this site should be directed to the [Webmaster](#)



- For twenty-second of twenty-seven instalments, for six agriculturists, purchase of oxen, ploughs, and other implements, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, two thousand five hundred dollars;
- Vol. vii. p. 371. For twenty-second of twenty-seven instalments for pay of two physicians, stipulated in the treaty of the fifteenth of September, eighteen hundred and thirty-two, four hundred dollars;
- Vol. vii. p. 371. For interest on one million one hundred thousand dollars, at five per centum, stipulated in the fourth article of the treaty of the first of November, eighteen hundred and thirty-seven, fifty-five thousand dollars;
- Vol. vii. p. 545. For interest on eighty-five thousand dollars at five per centum, stipulated in the fourth article of the treaty of the thirteenth of October, eighteen hundred and forty-six, four thousand two hundred and fifty dollars.
- Vol. ix. p. 572. *Texas Indians.* — For compensation to three special Agents and four Agents, interpreters, and presents for the Indian tribes of Texas, and for the purchase of presents, thirty thousand dollars, of which the sum of fifteen thousand dollars may be used in such manner as the Secretary of the Interior may deem necessary for subsistence and preserving peace with said Indians.
- Miscellaneous.* — For payment of the third of ten instalments in provisions, merchandise, etc., and the transportation of the same to certain tribes of Indians, per seventh article of the treaty of Fort Laramie, of seventeenth of September, one thousand eight hundred and fifty-one, sixty thousand dollars: *Provided*, That the same shall not be paid until the said tribes of Indians shall have assented to the amendments of the Senate of the United States to the above recited treaty;
- Proviso.* For continuing the collection and for publishing the statistics and other information, authorized by the act of third March, eighteen hundred and forty-seven, and subsequent acts, seventeen thousand six hundred and twenty dollars and fifty cents;
- Statistics.* 1847, ch. 68.
1850, ch. 91.
1861, ch. 12.
1862, ch. 06.
- John P. Gaines and C. M. Walker.* For the payment of the accounts of Governor John P. Gaines and Courtney M. Walker, for expenses incurred by them in quelling the difficulties with the Rogue River Indians of Oregon, in the year eighteen hundred and fifty-one, four thousand nine hundred and seventy-nine dollars;
- Medals.* To enable the Department to procure the medals of the next President of the United States for presentation to Chiefs and Headmen of the Indian tribes, twenty-five hundred dollars;
- Military reservations in California, Utah, and New Mexico, for Indians authorized.* That the President of the United States, if upon examination he shall approve of the plan hereinafter provided for the protection of the Indians, he and he is hereby authorized to make five military reservations from the public domain in the State of California or the Territories of Utah and New Mexico bordering on said State, for Indian purposes: *Provided*, That such reservations shall not contain more than twenty-five thousand acres in each: *And provided further*, That said reservation shall not be made upon any lands inhabited by citizens of California, and the sum of two hundred and fifty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense of subsisting the Indians in California and removing them to said reservations for protection: *Provided, further*, if the foregoing plan shall be adopted by the President, the three Indian agencies in California shall be thereupon abolished.
- 1855, ch. 204. *Negotiations with Indians west of Missouri, and Iowa.* *Sec. 2.* *And be it further enacted*, That the President of the United States be, and he hereby is, authorized, immediately after the passage of this act, to enter into negotiation with the Indian tribes west of the States of Missouri and Iowa for the purpose of securing the assent of said tribes to the settlement of the citizens of the United States upon the lands claimed by said Indians, and for the purpose of extinguishing the title of said Indian tribes in whole or in part to said lands; and that, for the

Thirty-second Congress, Session II. Approved March 3, 1853.

Appropriations shall in every case be paid directly to the tribe to whom it shall be due...and...Indian tribes are denied representation by an attorney when pursuing claims against Departments of the Government (page 239 American Memory site)

THIRTY-SECOND CONGRESS. Sess. II. Ch. 139. 1853. 239

purpose of carrying into effect the provisions of this section, the sum of fifty thousand dollars is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

Sec. 3. And be it further enacted, That no part of the appropriations herein made, or that may hereafter be made, for the benefit of any Indian, or tribe, or part of a tribe of Indians, shall be paid to any attorney or agent of such Indian, or tribe, or part of a tribe, but shall in every case be paid directly to the Indian or Indians themselves to whom it shall be due, or to the tribe or part of a tribe per capita, unless the imperious interest of the Indian or Indians or some treaty stipulation shall require the payment to be made otherwise, under the special direction of the President; nor shall the Executive branch of the Government now or hereafter recognize any contract between any Indian, or tribe, or part of a tribe, and any attorney or agent for the prosecution of any claim against any of the Departments of the Government; and that the sum of six hundred and eighty-two dollars be appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Commissioner of Indian Affairs to pay the amount due the legal representatives of Arnee, a Cherokee, in accordance with the recommendation of the Secretary of the Interior and the Commissioner of Indian Affairs.

Payments to tribes how made. 1854, ch. 107, § 2.

Contracts with agents not recognized.

Sec. 4. And be it further enacted, That if any officer who is or may hereafter be charged with the payment of any of the appropriations made by this or any other act of Congress shall pay to any clerk, or other employe of the United States, a sum less than that provided by law, and require such employe to receipt or give voucher for an amount greater than that actually paid to and received by him, such officer thus acting shall be deemed guilty of embezzlement, shall be fined in a sum double the amount so withheld from any employe of Government, and shall be imprisoned for the term of two years, and may be prosecuted and punished in any court of the United States, having jurisdiction for the trial of such offences, in the district where such offence shall be committed.

Taking receipts for larger sums than are paid, to be deemed embezzlement.

Penalty.

APPROVED, March 3, 1853.

CHAP. CXXXIX. — An Act making Appropriations for the Transportation of the United States Mail by Ocean Steamers and otherwise, during the fiscal Year ending the thirtieth of June, one thousand eight hundred and fifty-four.

March 9, 1853.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be and the same are hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the thirtieth of June, one thousand eight hundred and fifty-four:

Appropriations.

For transportation of the mails from New York to Liverpool and back, eight hundred and fifty-eight thousand dollars;

Liverpool.

For transportation of the mails from New York to New Orleans, Charleston, Savannah, Havana, and Chagres, and back, two hundred and ninety thousand dollars;

Chagres, &c.

For transportation of the mails from Panama to California and Oregon, and back, three hundred and forty-eight thousand two hundred and fifty dollars;

California and Oregon.

For carrying out the contract entered into by the Post-Office Department under the law passed at the last session of Congress, establishing a tri-monthly mail by steam vessels between New Orleans and Vera Cruz, via Tampico, seventy thousand dollars.

Vera Cruz.

Sec. 2. And be it further enacted, That the following sums be and the same are hereby appropriated for the service of the Post-Office Department, for the year ending the thirtieth of June, one thousand eight hundred and fifty-four, out of any moneys in the Treasury arising from the

EX. 12-2

which every effort is being made to prevent.

Five reservations in all have been established, viz: Sebastion or Tejon, Klamath, Nome Lakee, Mendocino, and Fresno Farm, on which about eleven thousand two hundred and thirty-nine Indians have been colonized, and are in course of being successfully trained to habits of industry. From the representations of the superintendent, there must be a marked difference in the habits and condition of those who have settled on the reservations and those who have not yet submitted themselves to this beneficent plan for their preservation and improvement. A most reprehensible practice has prevailed to some extent in California of kidnapping Indian children and selling them for servants. This practice has been

To: Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, CA 93301

Attn: Craig M. Murphy, Supervising Planner

Re: Tejon Mountain Village, LLC (PP06201)
File number: GPA #1, Map #218 and 218R; GPA #7, Map #219; GPA #1, Map #235 and 236; GPA #10, Map # 237; GPA #2, Map #237-26; GPA #6, Map 237-34; GPA #9, Map #254 ZCC #1, Map #218 and 218R; ZCC #12, Map #219; ZCC #2, Map #235 and 236; ZCC #43, Map #237; ZCC #7, Map #237-26; ZCC #22, Map #237-34; ZCC #7, Map #254

Presented at the August 13, 2009, 7PM Kern County Planning Commission hearing at the Chambers of the Board of Supervisors, 1115 Truxtun Avenue, Bakersfield, CA.

I am David Laughing Horse Robinson, Chair of the Kawaiisu Tribe of Tejon Reservation, duly elected by members of the Kawaiisu Tribe.

As the Tribe's representative I am here to protest the continued neglect of the Tejon Ranch Corporation and the County of Kern with regards to International, U.S. and California State law as it pertains to the Kawaiisu Tribe.

The application by Tejon Mountain Village, LLC under review today, August 13, 2009 must be denied due to the fact that the Kawaiisu Tribe has not been legally noticed on this action. I am asking for a 90 Day extension on the comment period, before a decision is made, to submit and post documents on this matter.

The maps and documents in this book, being submitted for the record, are part of the Library of Congress Congressional record of the Kawaiisu Tribes jurisdiction on matters pertaining to actions taken within our Indian Country and more specifically the Tejon/Sebastian Reservation.

The Tejon/Sebastian Reservation was established in 1853 by Executive Order and money was appropriated by Congress to establish the Reservation for the Kawaiisu People.

That 1853 Reservation Order followed another Executive Order given to all Indians that different agencies would be set up for all tribes and all Indians were required to report to their agency or become an Enemy of the State and shot on site. Tejon Reservation was established as the agency for the Kawaiisu Tribe to report to and the U.S. Government put that land under trust for the tribe. That means that Tejon/Sebastian Reservation became Federal trust land.

Federal Trust Lands means the land can only be terminated through an Act of Congress. Congress has not terminated the Trust responsibility of the Tejon/Sebastian Reservation.

The Tejon Ranch Corporation does not hold title to the land they seek to develop. This Trust land, surveyed by Surveyor General Beale comprised several Kawaiisu Ranchos

EX.14-1

with rights conveyed by the Spanish, Mexican and U.S. Governments. Tejon Ranch lands have been acquired unlawfully due to false evidence presented to the Supreme Court. Additionally, The Supreme Court does not have the Constitutional authority to transfer Trust lands, only Congress has the sole power to do that.

There are many laws that affect this hearing today. A Federal law called NAGPRA is the Native American Graves Protection and Repatriation Act. Under NAGPRA the Kawaiisu Tribe is to be notified, immediately when actions such as these are being proposed where burials and Sacred Sites are going to be disturbed. That law requires a minimum of 90 days written notice and personal contact. To this date, that has not happened.

This is the official notice to the County of Kern, Tejon Ranch Corporation and Tejon Mountain Village, LLC on behalf of the Kawaiisu Tribe of Tejon that none of the International, Federal and State Laws have been complied with.

It is the responsibility of the County of Kern, Tejon Ranch Corporation and Tejon Mountain Village, LLC to officially notify the Kawaiisu Tribe, both in writing and in person at this address: PO Box 1547, Kernville, California 93238. (661) 378-1085. Email: horse.robinson@gmail.com.

Laws pertaining to this action are included in my full letter included in this book I am submitting for the record.

The legal violations fall under the following laws and other laws:

Governor Pete Wilson 1992 Executive Order W-26-92

CA Penal Code §622 , §623 (Archaeological Sites)
CA PRC Sections: 5020-5029.5, 5097 – 5097.993, 7050.5, 21000 et seq.
CA HEALTH AND SAFETY CODE 7050, 7052, 8100 ,18950 et seq.
CA Government Code §12600 - §12612
CA Code of Regulations Title 14, Chapter 3 CEQA and Title 24, Part 8

2007 UN Declaration on the Rights of Indigenous Peoples
1998 California Health and Safety Code 7050, 7052, 8100 (cemetery)
1992 Executive Order W-26-92 (CA Stewardship of Historical Properties)
1990 Native American Graves Protection and Repatriation Act (NAGPRA)
1982 California PRC 5097 – 5097.993, 7050.5
1979 Archeological Resources Protection Act
1978 American Indian Religious Freedom Act
1976 California Native American Historical, Cultural and Sacred Sites Act
1974 Archeological and Historic Preservation Act
1970 California Environmental Quality Act (CEQA)
1969 National Environmental Policy Act
1968 Indian Bill of Rights
1966 National Historic Preservation Act
1906 American Antiquities Act
1854 California Cemetery Act (Section 4)
1851 Treaty of Camp Persifer F. Smith
1848 Treaty of Guadalupe Hidalgo

1824 Constitution of Mexico
1821 Treaty of Córdoba

Sincerely,

David Laughing Horse Robinson
Chair, Kawaiisu Tribe of Tejon Reservation

Date: September 28, 2009

To: Kern County Board of Supervisors
1115 Truxtun Avenue, Bakersfield
State of California

Re: Tejon Mountain Village, LLC (PP06201)
Specific and Community Plan and Special Plan,
Development Agreement and Land Use Amendments
File number: GPA #1, Map #218 and 218R; GPA #7,
Map #219; GPA #1, Map #235 and 236; GPA #10, Map
237; GPA #2, Map #237-26; GPA #6,
Map 237-34; GPA #9, Map #254 ZCC #1, Map #218
and 218R; ZCC #12, Map #219; ZCC #2, Map #235
and 236; ZCC #43, Map #237; ZCC #7, Map #237-26;
ZCC #22, Map #237-34; ZCC #7, Map #254

From: Kawaiisu Tribe of Tejon Reservation, California
Chair David Laughing Horse Robinson

Reason: Notice of ownership of the Tejon/Sebastian
Reservation

This is a notice to inform the Kern County Board of Supervisors that the proposed location of the Tejon Mountain Village Development is an encroachment of the U. S. Patented property of the Kawaiisu Tribe of Tejon Reservation known under many Congressional Acts and Executive Orders as Tejon and/or Sebastian Indian Reservation. These Acts and Orders have been publicly noticed to Kern County, Mariposa County and the State of California and acknowledged through many official publications and postings such as the Historical Marker at

EX 157-1

Grapevine, CA. The Kern County Superintendent of Schools was also funded by the Bureau of Indian Affairs to build, administer and operate an Indian school on the Tejon/Sebastian Reservation. In accordance with the United States Constitution an Indian Reservation can only be Established or Terminated by an Act of Congress. For Example: Kern County can approve medical marijuana for growth on private property but the County cannot approve it to be grown on Federal Lands due to the fact that States and Counties have limited powers. The same is true for Federal Lands held in Trust such as is the case of the Tejon/Sebastian Indian Reservation. The Applicants for the Tejon Mountain Village Development need to present at the hearing on October 5, 2009, the Congressional Act terminating the Tejon/Sebastian Indian Reservation; the Kawaiisu Tribe is not aware of that Congressional Act ever taking place.

In Article I, the United States Constitution clearly provides that Congress was granted the exclusive right and power over Indian Tribes. The following are several authorities of law that show how the Kawaiisu Tribe of Tejon has had and still has Title to the Tejon/Sebastian Reservation.

First, in 1775, Pedro Fages came through Kawaiisu Lands and relayed his findings to Father Francisco Graces and Father Pedro Font who traveled through Mojave toward and into the southern San Joaquin Valley in 1776. In these travels they noted in their maps and diaries the different Kawaiisu Indian Villages. The Maps they produced represent under Spanish Law, a Diseno (Spanish Land Grant), or Indian Title to the land. This Land Title was also

acknowledged by Mexico under the Treaty of Cordova, August 24, 1821.

Second, The conditions of the Guadalupe Hidalgo Treaty between the United States of America and the United Mexican States in 1848 acknowledged and extended the original 20 million acre Spanish Title to the Kawaiisu. Just like in Spanish Law when a Mexican Rancho was issued the previous rights to Native Americans occupation was guaranteed.

Third, On June 10, 1851 at Camp Persifer Smith the Kawaiisu awarded a Treaty to the United States Government for the purpose of peace and respect. In this treaty we ceded our 20 million acre Spanish Land Grant in exchange for 1.2 million acres.

Fourth, in September 1853 it was reduced by Congressional Act to 75 thousand acres and called the Tejon/Sebastian Reservation; it was surveyed and funded for that purpose and became the first California Reservation held in trust by the United States Congress.

Fifth, On March 3, 1855, Congress passed another Indian bill that reduced each California Reservation to only 25 thousand acres. Tejon/Sebastian Reservation was funded again but it was not re-surveyed to reflect the reduced size, even though that order was made on November 25, 1856.

Sixth, when Judge Pacificus Ord ratified in 1858 the Rancho El Tejon claim of the original 1843 grantee Jose Aguirre, who by that time was already acting for Beale, the legal brief for the case stated, "The grantor shall not disturb

the Tejon Indians in the cultivation of the land and the employment of the other privileges that they are used to. ... This condition of the favor of the Indians extends to the whole land granted, and gives them the exclusive right of habitation, cultivation, grazing, hunting anywhere within its boundaries." Judge Pacificus Ord was the presiding Judge for the Lands Commission ordered by Congress to settle Spanish and Mexican Land Grants following the Guadalupe Hidalgo Treaty of July 4, 1848. By this order Judge Ord fully acknowledges that the Kawaiisu had met the requirements of the 1850's Commission authorized by the California Land Act of 1851.

Seventh, the official United States publication of the "Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1896-97." Is one of many primary documents acknowledging the ownership of Tejon/Sebastian Reservation by the Kawaiisu People as Lineal Descendants and as having Inherent Legal Rights.

Eighth, the 1924 U. S. Supreme Court case under which the Tejon Ranch claims title only addresses the California Land Act of 1851. But the Congressional Act that created the Tejon/Sebastian Reservation is never addressed. Essentially the 1924 case was talking about a Rancho Property but not the Reservation Property. We have to assume that the U.S. Supreme Court was not fully informed that Judge Ord for the Commission had ruled that the Kawaiisu have met the Commission's requirements. The United States Supreme Court did not make a ruling on the Tejon/Sebastian Reservation because it was not their jurisdiction.

Ninth, under United States Federal codes and California Public Laws one cannot gain title to land through an act or acts of duress. This is and has been the means that the Tejon Ranch has practiced and is practicing in order to prove their ownership of the Tejon/Sebastian Reservation. Over 40,000 Kawaiisu People have been killed through the years at the hands of the different Tejon holders, all in the name of ownership. To this day if a Kawaiisu person tries to enter our Reservation we are met with armed guards and told to leave. We can't even visit our family graves or collect medicines and food.

Tenth, Federal Lands cannot be sold, transferred, or removed from Federal status without a specific Congressional Act that makes provisions for it to be done. Indian lands are protected in this way in order to stop things like what the Tejon Ranch is attempting to do. In fact, there are specific Acts stating that the Federal government is the only entity that can buy Indian Lands. So even if the Kawaiisu Tribe of Tejon wanted to sell the Tejon/Sebastian Reservation to the Tejon Mountain Village Developers there is no legal means to accomplish it.

In conclusion, the Tejon Mountain Village Development application should be denied if they do not show at the hearing on October 5, 2009, a copy of the Congressional Act that terminates the Tejon/Sebastian Reservation. If they do not present that document of the Act that terminates the Tejon/Sebastian Reservation then they must abandon any further plans to develop it and peaceably surrender the Tejon/Sebastian Reservation jurisdiction back to the Kawaiisu Tribe of Tejon.

In addition, The Tejon Mountain Village Developers did not give legal notice as required under NAGPRA and CEQA. Without adequate time to present a viable response I hereby reserve the right to extend and revise my remarks through verbal or written standards to the Kern County Board of Supervisors. I also request an unimpaired physical visit to the proposed impacted areas to be developed as required by law.

The legal violations fall under the following laws and other laws:

Governor Pete Wilson 1992 Executive Order W-26-92

CA Penal Code §622 , §623 (Archaeological Sites)

CA PRC Sections: 5020-5029.5, 5097 – 5097.993, 7050.5, 21000 et seq.

CA HEALTH AND SAFETY CODE 7050, 7052, 8100 ,18950 et seq.

CA Government Code §12600 - §12612

CA Code of Regulations Title 14, Chapter 3 CEQA and Title 24, Part 8

2007UN Declaration on the Rights of Indigenous Peoples

1998California Health and Safety Code 7050, 7052, 8100 (cemetery)

1992Executive Order W-26-92 (CA Stewardship of Historical Properties)

1990Native American Graves Protection and Repatriation Act (NAGPRA)

1982California PRC 5097 – 5097.993, 7050.5

1979Archeological Resources Protection Act

1978American Indian Religious Freedom Act

1976California Native American Historical, Cultural and Sacred Sites Act

1974Archeological and Historic Preservation Act

1970 California Environmental Quality Act (CEQA)
1969 National Environmental Policy Act
1968 Indian Bill of Rights
1966 National Historic Preservation Act
1906 American Antiquities Act
1854 California Cemetery Act (Section 4)
1851 Treaty of Camp Persifer F. Smith
1848 Treaty of Guadalupe Hidalgo
1824 Constitution of Mexico
1821 Treaty of Córdoba

Sincerely,

Kawaiisu Tribe of Tejon,
Chair, David Laughing Horse Robinson

October 5, 2009

To: Kern County Board of Supervisors
Re: Tejon Mountain Village, LLC

My name is David Laughing Horse Robinson of the Kawaiisu Tribe.

I am here to ask you not to approve the Tejon Mountain Village Development.

First the NAGPRA AND CEQA Notice requirements for lineal Native American descendants has not been met. That means I was not given notice early on about any aspect of the project and many tribal people who were removed to the Tejon Indian Reservation were also not given notice. Our ancestors are buried on that property and our religious sites are extensive.

Second, the ownership of the property is in question.

The disenos and surveys put forth by representatives of the Tejon Ranch do not match. The record shows that the Alamos y Agua Caliente Rancho was rejected by the Commission. The Federal Washburn survey in your records has Edward Beales stamp and it shows a clear discrepancy with what the Tejon Mountain Village developers have presented. These irregularities put all of Tejon Ranch holdings in question.

Third, Tejon Ranch has mounted a MEDIA CAMPAIGN of ethnocide and injustice with this project. The CEO of Tejon is on the Board of Directors of the Bakersfield Californian.

Just before the Planning Commission hearing last month, Tejon Ranch created a Media event with the Bakersfield Californian covering Governor Schwarzenagers visit to the Tejon Mountain Village project site. The Planning Commission was so distracted by that display they neglected to absorb the importance of the 52 page document I had submitted about the Sebastian Indian Reservation on the property.

A few days ago, just before this hearing, Tejon Ranch and the Bakersfield Californian did a big Media Blitz with the Governor, having him give the Tejon Mountain Village project a Conservation award.

Also last week, your own Planning Department personnel was recruited to speak in the Bakersfield Californian claiming that there was never a formal Indian Reservation there and that Native American people had never challenged Tejon Ranch's ownership of the property. Several hundred Civil War Military records and Congressional Records from the 1800's talk about the Sebastian Tejon Indian Reservation and the genocide that happened to my ancestors there.

It is ethnocide to have a County Official make such a denial about the Reservation in the only newspaper that most people in Kern County read and it is continuing ethnocide until that statement is retracted.

This process is clearly unlawful and unjust. How are we, the Native People of this county supposed to let you know what is going on when you do not notify the Native descendants about projects that have such a clear and tragic history? I found out about this project by accident, when I attended a hearing to

advocate for more County funds to keep our Libraries and Senior Center open in the Lake Isabella Valley.

That kind of ethnocide makes my own tribal people afraid. The Genocide that has occurred on the Tejon Ranch property makes them afraid to even stand up for their rights so much so that they will even try to shoot down one of their own in the newspaper or someone else that speaks up for the people. Their comments are hearsay presented without any evidence to back them up. I am making my claim with facts backed up with primary documents from the US Government.

Tejon Ranch Corporation is not a California Company; it is a State of Delaware Company. Most of their revenue goes out of state and does not help Kern County taxpayers or benefit the State of California. Their actions show that they do not care one bit about the people who live in this County or the true history of our area.

For example, throughout the history of this county Tejon Ranch has fabricated a fuzzy 1864 connection between the Fort of Tejon that existed way at the top of Grapevine canyon on the Castaic Rancho and the Indian Reservation that was 14 miles away on the Rancho El Tejon. Even the Secretary of War at the time complained about the fact that Beale had placed the Military Fort so far away from the Reservation. In 1864 the US Government was worried about the Civil War supporters in our state. They repeatedly moved a handful of military troops from Camp Independence to Fort Tejon to Lake Isabella to Visalia and back to Fort Tejon. Even Tejon Ranch CEO has talked about the Dragoons coming in in 1864. That was military activity; it had nothing to do with the status of the Indian Reservation.

Kawaiisu property has been taken under duress in this county. Some people have brought up the 1924 case that Tejon Ranch filed to kick us off of our land. That case has no bearing on the Sebastian Tejon Indian Reservation land that is in the middle of Tejon Ranch. That is a separate issue.

First of all, we were not citizens at the time so we have had no way to tell the facts of the property in a court of law. Second, that case only talks about California Ranchos, not Federal Indian Reservation land. According to our Constitution, Indian Reservation lands are only created by an act of Congress. The Congressional Act creating the Reservation in 1853 was submitted for the record to the Kern County Planning Commission on August 13, 2009.

Just as our U.S. Constitution gives Congress the authority to create Indian Reservations, an Indian Reservation can only be terminated by an Act of Congress.

The Kawaiisu Tribe has never received notice from Congress of an Act of Congress that terminated our rights as a tribe. AND... the Kawaiisu Tribe has never received notice or a copy of an Act of Congress indicating that the Sebastian Tejon Indian Reservation has been terminated.

The law is clear on this issue, Congress must clearly express such an intent for repeal to exist. Our basic Human and Constitutional Rights are being violated.

The decision you have before you today is, will you as a County go forward with a decision to put housing on Federal land? Such an act will violate the laws agreed to when California became a

State in 1850. In the granting of the right to become a State it is required that officials will not interfere with, abolish or claim lands that are under federal jurisdiction and authority. We are talking about something that is outside of your authority and makes the taxpayers of Kern County liable for your actions.

I am asking you here and now, has the Tejon Ranch and Tejon Mountain Village presented you with the Act of Congress that clearly terminates the Tejon Sebastian Indian Reservation? If not, You do not have a clear way to approve this development as it has been presented.

As I stated early on, I was not given proper notice on this project and have only been able to provide you with a small sample of the documentation I have to make my claim.

I request that you keep the public hearing record open for an additional time for submission of further comments on the project.

If you want to understand how seriously our tribe takes document collecting and the recording of accurate data, our Pre-Columbian records go back 56,700 years, so when you start getting serious about Climate Change, I will bring those records forward also. For now I will probably only have a truck load of documents to file.

Thank you,

Kawaiisu Tribe of Tejon,
Chair, David Laughing Horse Robinson