

## Kumeyaay Tribes Endure Loss of Ancient Religious Sites During Border Wall Construction

Kumeyaay tribes continue to implore U.S. Customs and Border Protection, the Department of Homeland Security, and the U.S. Army Corps of Engineers to delay border wall construction as they attempt to safeguard ancient religious and cultural sites normally protected by federal laws.

Kumeyaay tribes were told by Customs and Border Protection in a letter last week that it is urging the Army Corps of Engineers to temporarily delay ground disturbing activities to ensure tribal monitors are present and to allow a re-surveying of areas of concerns to tribes. However, destruction of sacred Kumeyaay cultural sites along the U.S. border with Mexico continues unimpeded, including the disturbance of ancient human remains.

“The Kumeyaay are asking for nothing more than to protect the remains of our departed family members, and the places where they gathered, prayed and were buried. We feel all people and all faiths deserve such dignity. We simply can’t understand why Indigenous Peoples don’t enjoy the same unalienable rights described by the U.S. Constitution that these federal agencies are sworn to protect,” said Angela Elliott-Santos, Chairwoman of the Manzanita Band of the Kumeyaay Nation, and the Kumeyaay Heritage Preservation Council (KHPC).

The Manzanita Band of the Kumeyaay Nation, the Campo Kumeyaay Nation, the Ewiiapaayp Band of Kumeyaay Indians, the Iipay Nation of Santa Ysabel, the San Pasqual Band of Mission Indians, the Jamul Indian Village, and KHPC wrote the agencies on August 14, 2020 asking for a response to previous requests to delay border wall construction until measures are in place to protect culturally-significant sites. Manzanita emphasized that because construction is proceeding, this matter is urgent as the risk to tribal religious and cultural resources and the burdens on tribal religious practices is high. Yet, construction of the border wall, and destruction of Kumeyaay sites, continues without pause to implement conservation procedures.

The aboriginal territory of the Kumeyaay Nation includes much of San Diego and Imperial counties and extends into northern Baja California. It was partitioned by the U.S.-Mexico border. Despite the border wall, cultural gatherings and ceremonies continue between communities on both sides of the 30 ft. tall barrier.

Each Kumeyaay Tribe is a federally-recognized tribe with ancestral and reservation lands in Southern California.

The Kumeyaay Heritage Preservation Council represents nine federally-recognized tribes of the Kumeyaay Nation and is charged with protecting Kumeyaay spirituality, cultural resources, and heritage within the aboriginal territory of the Kumeyaay people.

## Organized Village of Kake Seeks to Join Federal Suit Over Subsistence Rights

The Organized Village of Kake, a federally recognized tribal government, recently filed to intervene in the federal court case brought by the State of Alaska challenging critical subsistence hunting rights for Alaska Natives, *State of Alaska v. Federal Subsistence Board*.

The state’s lawsuit seeks to strip the Federal Subsistence Board (FSB) of the ability to work with rural communities like Kake to ensure that local people have continued access to vital traditional foods. The case is especially critical as the hunt the state is challenging was one requested by the Organized Village of Kake to ensure residents of the community were able to harvest wild game during the height of the disruption caused by the global COVID-19 pandemic.

The state’s suit poses a grave threat to Alaska’s dual system of fish and game management. The authority of the FSB to provide for the taking of subsistence fish and game outside of the state’s regulatory system is the cornerstone of Alaska’s subsistence harvest. Hundreds of communities, who do not benefit from the state’s short and constrictive hunting and fishing seasons, are able to utilize FSB-authorized hunts on federal lands to provide for their citizens. If the FSB does not have the authority to authorize or expand federal hunts, as the state claims, then that system upon which so many tribal citizens depends will be upended.

Joel Jackson, President of the Organized Village of Kake Tribal Council, released the following statement:

*“The Organized Village of Kake, as a federally recognized tribe, exerts its sovereignty over all aspects of our tribal territory and governance, which includes the responsibility to provide for food security and to address public health crises that threaten the community, including the COVID-19 pandemic. As Alaska Native people, we are only too familiar with the devastation that disease and epidemics can cause to our communities. The state of Alaska’s lawsuit is an attack on the right of our people to continue our traditional way of life. Our tribe is determined to join this lawsuit to defend ourselves and our subsistence way of life.”*

The Native American Rights Fund is working with the Organized Village of Kake on this case. ♣