

California Treaties Made, Yet Never Ratified

<http://www.pechanga-nsn.gov/page?pageId=164>

The Treaty at the Village of Temecula was made by on behalf of the United States with the Pechanga tribe on September 18, 1851. Commissioner O.M. Wozencraft signed the Treaty of Temecula as one of three commissioners appointed under the California Land Claims Act by the President Fillmore of the United States, and authorized and funded by the United States Senate to negotiate treaties on September 50, 1850. The Treaty of Temecula was one of eighteen treaties presented to the U.S. Senate for ratification on July 8, 1852.

After being held in secrecy for over fifty years on the orders of the United States Senate the treaties became available to the public domain in 1905. During the same time period hundreds of thousands of Native American lives in California were lost.

Without the protections provided by ratified treaties, California's Indian Tribes and their peoples were in a legal 'no-man's land.' The federal acknowledgement of a Tribe's legal 'right to exist' was hidden at the instruction of the Senate by ordering the Treaty Made and Concluded at the Village of Temecula, along with 17 others, to be held in secret for 50 years. In the meanwhile, state laws made it possible for all California native people to be legally exterminated, and/or enslaved. The application of state laws regarding land claims, without the clear legal claims to Native homelands that were ordered hidden in the "18 Lost Treaties," made it possible for individuals and businesses to apply for and gain title to Native American lands without having to address issues of Tribal sovereignty and claim. A process such as this resulted in our people, *Payomkawichum* , Western People, being evicted from our homelands in the 1870's. While our Tribal homelands were restored by Presidential Executive Order in 1882, in California many millions of acres of lands were gained by the state and by individuals and corporations gaining title from the state during the 1850's - 1900's.

"Taken all together, one cannot imagine a more poorly conceived, more inaccurate, less informed: and less democratic process than the making of the 18 treaties in 1851-52 with the California Indians. It was a farce from beginning to end: though apparently the Commissioners: President Fillmore and the members of the United States Senate were quite unaware of that. The alternative is that all of these were simply going through motions in a matter which did not in the slightest degree really concern them. What better evidence of the latter possibility do we require than the fact that the Senate rejected on July 8,1852 the very treaties it had itself authorized and appropriated funds for their negotiation on September 29, 1850 ." -- **Robert F. Heizer, Center for Advanced Study in the Behavioral Sciences, Stanford**

It may be coincidental that in 1850:

- California gained statehood into the Union in September
- The US Senate appropriated funds for the negotiations of treaties with the California Tribes in September
- The President of the United States authorized treaty negotiations with California Tribes
- The President of the United States authorized the creation of the San Francisco Mint to mint coins for the federal government

- It may be coincidental that in the ensuing two years 1850-1852:
- The state of California created laws to authorize and pay for the extermination of California Indians or to provide for their enslavement
- The federal government continued to pay for the negotiation of treaties with California Indians that were not yet exterminated or enslaved
- California land claims laws were created that provided barriers to Native people to file
- The US Senate refused to ratify treaties affirming the legal standing of California Tribes and ordered the treaties hidden
- It may be coincidental that by 1853 and for decades afterward:
- California Indians had no protections from the federal government resulting from legitimate treaty negotiations
- The law left to 'protect' California Indians was California state law and California state law provided for their legal extermination, enslavement and/or the 'legal' dispossession of their lands
- Millions upon millions of dollars of gold was exported from California for ultimate use in federal Mints in Philadelphia and San Francisco
- Fifteen of these treaties made were:
 - Treaty at Camp Belt, Signed May 13, 1851, Commissioner George W. Barbour
 - Treaty at Camp Keyes, Signed May 30, 1851, Commissioner George W. Barbour
 - Treaty at Camp Buron, Signed June 3, 1851, Commissioner George W. Barbour
 - Treaty at Camp Persifer F. Smith, Signed June 10, 1851, Commissioner George W. Barbour
 - Treaty at Dent's and Vantine's Crossings, Signed May 28, 1851, Commissioner O.M. Wozencraft
 - Treaty at Camp Union, Signed July 18, 1851, Commissioner O.M. Wozencraft
 - Treaty at Bidwell's Ranch, Signed August 1, 1851, Commissioner O.M. Wozencraft
 - Treaty at Camp Colus, Signed September 8, 1851, Commissioner O.M. Wozencraft
 - treaty at the Village of Temecula, Signed January 5, 1852, Commissioner O.M. Wozencraft
 - Treaty at the Village of Santa Isabel, Signed January 7, 1852, Commissioner O.M. Wozencraft
 - Treaty at Camp Fremont, Signed March 19, 1851, Commissioners Redick McKee, George W. Barbor and O.M. Wozencraft
 - Treaty at Camp Barbour, Signed April 29, 1851, Commissioners Redick McKee, George W. Barbour and O.M. Wozencraft
 - Treaty at Camp Lu-pi-yu-ma, Signed August 20, 1851, Commissioner Redick McKee
 - Treaty at Camp Klamath (Lower Klamath), Signed October 6, 1851, Commissioner Redick McKee
 - Treaty at Camp in Scott's Valley (Upper Klamath), Signed November 4, 1851, Redick McKee