Some Indian tribes still fighting for government recognition
By ANGIE WAGNER, Associated Press - (Published May 22, 2004)

REDDING, Calif. (AP) - The fog dips low into the snowcapped mountains as the emerald McCloud River meanders through the valley, a silent guardian over the graves and culture of the Winnemem Wintu tribe.

The tribe's spiritual leader, her face etched, walks to its bank and looks at the rock where children have received wisdom over the centuries, the grave sites only they know of and the land that sustained her ancestors.

Once, there were 14,000 Wintu. By the 1900s, massacres, disease and starvation wiped out all but 395. Today, just 125 remain.

The Wintu are a tribe in every sense of the word: They eat meals together, pray together, gather for ceremonies and business.

Their ancestors lived along the McCloud River in Northern California, and the river is still where the Wintu gather. They bring their children, swim in the still water, pray and visit their sacred sites. It is their purpose, they believe, to protect the McCloud.

But despite their history and traditions, the federal government says the Wintu tribe does not exist.

They are not a federally recognized tribe, and thus aren't entitled to land, grants, subsidized housing, sovereignty, or the benefit they want most - validation.

"We're a traditional, historic tribe. We still live and follow our traditions and culture that has been handed down generation by generation," said Caleen Sisk-Franco, the tribe's spiritual leader. "We're put here to protect the sacred places, for there to be snow on the mountain, fish in the river."

But they have no protection for their sacred land, no way of ensuring their survival.

"They still can't see us," she said.

And now, they face the greatest threat to their history, a threat that springs from the McCloud River itself and could erase the Wintu forever.

A few miles from the McCloud, 23 Wintu live in a collection of rundown trailer homes on 42 acres of land. The Village of Kerekmet, they call it. They congregate in the main kitchen inside an aging house with a slumping roof. This day, the greasy flavor of bacon

beckons them. It's breakfast burritos, and Mark Franco, tribal headman and today's chef, serves up his creation as members line up for the communal meal.

Neighbors complain there are too many dogs and too many people living here; the county has issued citations.

But the Wintu have no reservation, no other place to go.

The Wintu have never gone through the process of applying for federal recognition because they claim it doesn't apply to them. They say they have always been a recognized tribe.

Across the country, there are 562 federally recognized Indian tribes. Most were recognized through 19th century treaties, ratified by the Senate. But in 1978 the Department of the Interior established what is called the acknowledgment process to decide whether any more tribes, those without treaties, should have a government-to-government relationship.

Since then, 294 groups have sought federal recognition. Just 16 have been acknowledged; Congress gave recognition to another nine. Nineteen were refused.

Some recognition problems date back to the treaty days. In California, 18 treaties were never ratified by the Senate, leaving more than 100 tribes without the structure of a reservation. They were homeless, landless Indians.

Today, California has 57 groups seeking federal recognition - the most of any state.

To be declared an Indian tribe, groups must meet seven conditions, including proof it has been a tribe continuously since 1900, existed as a distinct community and maintained political influence and authority over its members.

It's up to nine people - anthropologists, genealogists and historians - in the Interior Department's Office of Federal Acknowledgment to decide who is a tribe and who isn't.

The process has been criticized as cumbersome, political and inefficient. The government says it takes a minimum of more than two years to reach a decision. But it took 25 years for the Cowlitz Tribe in Washington to gain recognition. Some tribes claim the office is reluctant to grant federal status because federal money for Indian programs would be diluted; more tribes means a smaller piece of the pie for everyone.

"The whole process is totally corrupt. It's an abomination," said Alan Leventhal, an archaeologist and anthropologist at San Jose State University who works with tribes seeking federal recognition. "These Indians are constantly being defrauded and nobody sees it."

Lee Fleming, director of the acknowledgment office, said some delays are the fault of tribes and not the government.

Several representatives and senators have said the process is flawed, underfunded and in need of stricter deadlines. Interior Secretary Gale Norton called for an internal review after a Bureau of Indian Affairs staff memo was released detailing how the Schaghticoke Tribal Nation in Connecticut could be recognized even though it did not meet criteria. The tribe was given federal status in January.

House Resources Committee Chairman Richard Pombo, R-Calif., suggested Congress deal with the issue, saying "no one should wait three decades to process an application for anything."

"We can only do so much with what resources we do have," Fleming replies.

The Wintu believe one reason the process is so slow is because the government assumes tribes just want to open casinos. They have no plans for a casino, but say recognition isn't about that anyway.

"I want just to be able to protect the bones of my ancestors," Sisk-Franco said.

Fleming, a Cherokee Indian, would not discuss specific tribes' claims, but said he can sympathize with tribes seeking recognition. He called the process "necessarily thorough," but said it can always be improved.

The Winnemem Wintu say they have always been recognized by the government, and their lack of that status now is simply because they were left off a list by mistake.

"It was a clerical error," said Franco, Sisk-Franco's husband.

Over the years, the government has certainly had a relationship with the Wintu. The government holds a cemetery in trust for them. They have a permit from the U.S. Fish and Wildlife Service to use eagle feathers in their ceremonies, a right granted only to Indians, and another permit from the Department of Agriculture to practice religious ceremonies on federal land. A few members have land held in trust by the government and receive payments for grazing rights. The Wintu even receive limited health care from the Indian Health Service.

But, legally, they are not a tribe.

"How can you be Indian if you don't have a tribe?" said Sisk-Franco, 51. "It is the wackiest thing I've ever heard."

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In a dim, wooden prayer house, smoke wafts from the top as the Winnemem Wintu fall silent, their leader speaking in a hush. Four sets of human remains stuffed in pillow cases sit at the edge of the fire. They have gathered to pray for these ancestors who were rousted from their graves by loggers and looters.

Then, they return to the river. As an early evening chill settles in and the sun slips between the mountains, Franco and four other Indians trudge up a steep mountainside to rebury the remains.

They wonder how much longer their sacred sites will be here, how many more ancestors they will have to rebury, how many indignities their tribal spirits must endure.

A toilet was erected on top of one of their graves. Every August, they go to a sacred spring for spiritual renewal, but now it is crowded with New Agers who dip their babies and sprinkle cremated remains in the water.

The future may be worse.

Shasta Dam, to the southwest, already forced the Wintu to abandon their historic community once. When the dam was completed in 1945, the rising reservoir flooded their homes.

Now, the Bureau of Reclamation is considering raising the dam another 18 feet to help solve California's water woes. That would add 600,000 acre-feet of storage to the Shasta Lake reservoir. And the McCloud River would back up more, swallowing what remains of their traditional homeland.

"There won't be a whole lot left," Sisk-Franco said. "When does it stop? When we're gone? When we have nothing left?"

Federal recognition, they say, would help them fight the dam expansion.

They have been to Washington, D.C., seven times, met with congressional staff members and fasted for their cause. They have no money to file a lawsuit. They can only hope Congress will grant them tribal recognition and that the dam project is never approved.

"We're nonpeople," said Wintu member Mark Miyoshi, 53.

Federal acknowledgment, said Les Field, anthropology professor at the University of New Mexico, is an affirmation of tribal identity.

"They endured a terrible genocidal history. To get that kind of formal acknowledgment is to really begin the work of healing for these terrible, historical wrongs," said Field, who also works with unrecognized tribes.

It's simpler to the Wintu.

"If you don't have your culture, there's no sense in even being an Indian," Sisk-Franco said.