

III. SUMMARY OF TULE RIVER TRIBE'S HISTORIC AND FUTURE MONEY DAMAGES CLAIMS AGAINST THE UNITED STATES

In 1856 the California Superintendent of Indian Affairs established a Reservation for the Tule River Indians on approximately 2,240 acres of prime San Joaquin Valley farmland located in Tulare County, California, which bisected the main stem of the Tule River. It included part of what is today the eastern portion of the City of Porterville. The location of this original Reservation was purposefully selected by the federal government to provide the Tule River Tribe with the land and water resources necessary for the Tribe to establish a self-sufficient homeland for its people.

Through fraudulent means illegal under federal law, three local Indian agents secured title to most of the original Tule River Reservation lands, and at least one of them leased these same lands back to the United States for continued use by the Tribe for several years. The Tribe and local Indian agents protested but nothing was done to correct the fraud. Gradually, hostility increased over the use of this land between tribal farmers and the settlers in the area. The one agent, Thomas Madden, also significantly increased the rental rate on the land. Rather than simply enforcing the Tribe's rights to the land, to alleviate the hostility and avoid the high rental charges, the United States forcibly moved the Tribe to a new reservation, created by the issuance of an Executive Order by President Grant in January 1873. The new reservation, located about fifteen miles to the east of the original Reservation, was comprised of mostly mountainous lands. The Tribe and, indeed, one local Indian agent protested the removal. The new reservation lands were not adequate to meet the original intentions of agricultural self-sufficiency, a fact which soon became apparent to the Tribe and the local federal agents.

In response, President Grant – just 9 months after the initial Executive Order – signed another Executive Order almost doubling the Reservation's size to 91,837 acres. While only a small portion of this additional acreage was deemed by the federal agents at the time to be suitable for agriculture, this arable land was coveted by settlers, and the history of dispossessing the Tribe to satisfy the interests of non-Indian settlers repeated itself. In August 1878, President Hays issued an Executive Order reducing the reservation back approximately to the January 1873 size.

Through this era of malfeasance, then, the federal government knowingly and deliberately failed to: (1) protect the Tribe's possession and use of its original 1856 Reservation land in the San Joaquin Valley; (2) provide an adequate reservation when the Tribe was forced from its 1856 Reservation; (3) protect the Tribe's possession and use of the expanded reservation established by President Grant's second Executive Order in 1873; and (4) appropriately assist with the beneficial development of the Tribe's resources, most notably the failure to construct adequate water storage and delivery systems for irrigation on the Tribe's current Reservation established in 1873.

As a result, during the almost 150 years since the establishment of the original Tule River Reservation, the Tule River people have been plagued with unemployment

and mortality rates substantially higher and standards of living substantially lower than those experienced by surrounding non-Indian communities. While the on-Reservation socio-economic conditions for the Tribe have improved over time, as recently as 1999 the estimated poverty rate on the Reservation was still almost 50% higher than for Tulare County as a whole (U.S. Census 2000). To this day the Reservation's residents suffer from a relatively low standard of living in part due to the absence of an adequate and reliable potable water supply and system. [Can we get pictures of people hauling water or something? There is a powerful picture I remember from Navajo – kids drawing where water came from and they drew a picture of a truck. Not a faucet, or a river, or a lake, but a truck with a big tank on the back.]

These damages are the result of the United States' failure to fulfill its trust responsibility to the Tribe to provide an adequate homeland, to protect land and water resources for tribal purposes and to meet its commitment to assist with the maximum beneficial use by the Tribe of those resources. As a result, the Tribe has suffered serious economic injury.

The estimated damages associated with each of these claims outlined above for damages against the United States, in historic and future damages, is \$512 million. This includes foregoing water claims and saved litigation costs to the United States.



Damages Claim

Claim	Total Historical Damages (Millions of 2007 Dollars)	Total Future Damages (Millions of 2007 Dollars)
1. 1873 Removal	\$286.0	\$15.1
2. 1878 Reduction	\$41.9	\$52.2
3. Irrigation System	\$25.6	\$6.5
4. Foregone Water Claims		\$70.0
5. Avoided Litigation Costs		\$15
Total	\$353.50	\$158.80
Total Historical and Future		\$512.30

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