I. SUPPLEMENTAL REPORT TO UN HUMAN RIGHTS COMMITTEE

II. Reporting Organization(s)

Meiklejohn Civil Liberties Institute (MCLI) uses international human rights and constitutional law to promote within the United States fundamental human rights including the right to jobs, food and housing. MCLI is submitting this Supplemental Report to the Human Rights Committee because a critical problem concerning the future of an Indigenous Peoples tribe in California has arisen since we filed our report with the U.S. Human Rights Network and actions by the Human Rights Committee now can make the difference in the outcome.

The Indigenous Peoples Validated Alternative report to the Committee, dated September 13, 2013, does not include the problem of the Juaneño Tribe because the application of St. Michael’s school to build on this land had not been sharply raised as that report was being prepared.

III. The Problem

St. Michael’s Nobertine Fathers of Orange County Project is in the final stages of federal permits to build a large high school/monastery and athletic fields on the Holtz Ranch site of the Juaneño Tribe (Orange County, EIR Project #PA120001). This land has both spiritual importance and is a high value cultural resource (Winn, 1989, Juaneno 2003, Mooney & Assoc, 2003, Deering 2010) within critical habitat for the Federally-endangered Southwestern Arroyo Toad (USFWS, 2011).

This well-documented Holtz Ranch site has some of the last natural Juaneño Cultural resources left in the County. If St. Michael’s project eviscerates the Juaneño Cultural resources at Holtz Ranch, combined with the Juaneños having their main San Juan Capistrano village buried in 2004 by Junipero Serra High School (Juaneno, 2002, Martz, 2003, LA Times 2003-2004) this would be a violation of the 2007 UN Declaration on the Rights of Indigenous Peoples as the Human Rights Committee pointed out in its 2013 report on the U.S. enforcement of the ICCPR.

There is no indication the U.S. Government has notified US Fish and Wildlife Service, the US Army Corps of Engineers, the government of the State of California, or the Orange County Board of Supervisors, of their duty to enforce UN treaties ratified by the U.S. and protect the rights of indigenous peoples under the ICCPR Articles 1.1-1.3, 2.1, 6.1, 17.1, 26, 27 and 47.

Juaneño Tribe not “federally recognized” by U.S.

The problem of the Juaneño Tribe is more difficult because the tribe is not “federally recognized” by the U.S. Government under government definitions of tribes as having a
certain number of members. Indigenous Peoples who are not “federally recognized” have no federally-recognized lands, nor ability to access even the limited protections provided by U.S. federal laws regarding their Sacred Areas of religious practices.

IV. Suggestions for Committee Action
MCLI suggests that it would be helpful for the UN Human Rights Committee to indicate to the U.S. Government in their discussions of the most recent U.S. Report and in its Concluding Observations:

1. That the U.S. Government has the duty to native and indigenous peoples to immediately notify the U.S. Fish and Wildlife Service and the U.S. Army Corp of Engineers of their duty under ICCPR Articles 1.1-1.3, 2.1, 6.1, 17.1, 26, 27 and 47:
   a. to deny any application by St. Michael’s to use sacred land of the Juaneño nation or to build thereon a school and athletic fields.
   b. to publicize texts of the ICCPR throughout County offices so this problem will not repeat itself;
   c. to be aware that all future applications to build on land should also include considerations of the effect of building on this land on endangered species.

2. That the U.S. Government can build on the 2010 action by the government of California, the largest state in the U.S., asking the State Attorney General to publicize the text of the ICCPR, ICERD, ICAT among all state, county and city officials. (California Assembly Concurrent Resolution ACR 129).