
Karuk Community Health Clinic

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Karuk Tribe**Administrative Office**

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Karuk Dental Clinic

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February 23, 2018

Amy Gutmann, Ph.D
President
University of Pennsylvania
1 College Hall, Room 100
Philadelphia, PA 19104

Richard M. Levanthal, Ph.D
Executive Director
Penn Cultural Heritage Center
3260 South Street
Philadelphia, PA 19104

Re: Defamatory and Harassing Statements by Penn Cultural Center's Director Brian Daniels Against the Karuk Tribe and its Employee

Ayukii (hello) President Gutmann and Director Levanthal:

The Karuk Tribe is writing to you as representatives of the University of Pennsylvania (UPenn) and the Penn Cultural Center (PCC), to request action to prevent your institutions from being used by Mr. Brian I. Daniels to aid his defamatory and harassing conduct against the Karuk Tribe, its community, and employees. As documented below, on February 14-16, 2018, Mr. Daniels shockingly stated on social media that the Karuk Tribe had destroyed a spiritual site of another indigenous people and seized their religious artifacts. The Karuk Tribe has sent him a cease and desist letter.¹

These statements were unequivocally false and have harmfully stoked inter-ethnic and religious discord and inflamed public sentiment against our tribe, community, and employees in our remote location of Northern California.² That anyone would engage in such harmful conduct is reprehensible. That the proponent here is your "Director of Research and Programs" is outrageous. How can PCC—a center which advocates for the cultural property "rights and interests of indigenous peoples"—allow your Director to attack indigenous people? How can

¹ Attachment 1.

² Attachment 2.

UPenn, an institution which espouses diversity, employ an individual who uses the power and privilege that his position confers to incite ethnic and religious animosity between diverse peoples? The conduct of your agent requires action to protect our community.

Also, given his demonstrated animus to Karuk people, we request an accounting of whether he is using his position at UPenn and your resources to reinvent the historical record on a complex bill before the House Natural Resources Committee. As further explained below, the congressional record establishes that tribal commenters in Oregon and California have raised concerns about this bill since November 2017. Until today, these concerns and Director Daniels' involvement have largely been enclosed in inter-tribal communication to facilitate dialogue. Defamation, however, is incompatible with diplomacy. Now is the time for a public accounting. Critically, as explained below, Director Daniels uses his Upenn email for communication on this bill and so we have reasonable cause to believe your university is involved in this matter.

A. We Will Not Be Defined Nor Defamed By a Upenn Director: An Overview of the Karuk Tribe

As a preliminary matter, it is reprehensible that we—survivors of the California Genocide³ and 500 years of colonization with our language and culture still intact—have to proclaim who we are and oppose false narratives about our existence by an Ivy League director.

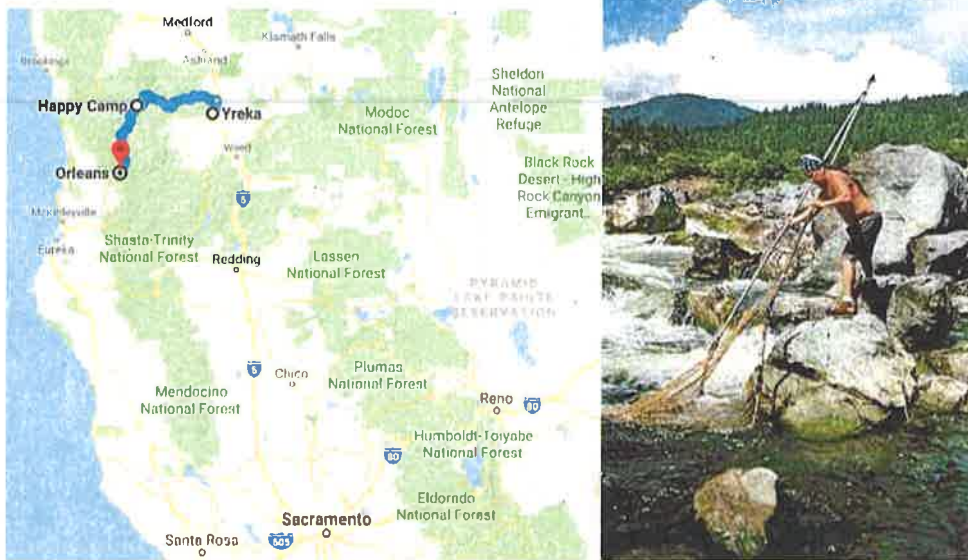
The Karuk Tribe is the second largest tribe in California and is comprised of Karuk people living in Northern California on the Oregon border in three tribal districts that span two counties and that traverse two national forests. We are practitioners of pikyav (a Karuk verb meaning “to fix”) and identify ourselves as “Fix the World People” due to our annual Piky'avish (World Renewal Ceremonies) which seeks to restore ecological and social balance. We are strong advocates for cultural protection and restoration of tribal cultural resources and implement this through a range of eco-cultural activities.

As a subsistence people, our community struggles to meet its basic needs like food security because of the ongoing decimation of the Klamath River's fisheries. Approximately 56% percent of our tribal population is unemployed. As stated in congressional testimony, “our members live in remote, rural regions where economic opportunity and jobs are very limited and unemployment is as extraordinarily high as the per capita income is low.”⁴

³ For our East Coast audience, it is well documented that the Golden State actually participated in the state-sponsored slaughter of its indigenous people. See <http://www.newsweek.com/2016/08/26/california-native-americans-genocide-490824.html> ([B]etween 9,000 and 16,000 Indians,... were killed by vigilantes, state militiamen and federal soldiers between 1846 and 1873, in what he calls an “organized destruction” of the state's largely peaceful indigenous peoples.”) (One of the killers sent a bill to California: \$11,143. The state paid it nearly in full. Madley notes that *of the \$1.5 million that California spent on 24 different Indian-killing militia campaigns* between 1850 and 1861, *Congress paid the state back all but \$200,000*”).

⁴ See Testimony of Sami Jo Difuntorum <https://archives-financialservices.house.gov/hearing110/htdifuntorum060607.pdf>. (Note: Ms. Difuntorum is the former executive director of our housing program and is one of the defamers. She was also in D.C. at the time of her published statements and also had no first-hand knowledge to support her claims).

To confront this economic marginalization, the Karuk Tribe has diligently worked for over a decade to meet the stringent federal and state standards to construct a gaming facility to provide employment opportunities and to fund critical government services for our community. We named this facility Rain Rock Casino (RRC) for the well-documented artifact symbolizing rain, and therefore prosperity, that existed at Karuk's sacred site of Katimiin.⁵ And this impending prosperity for our community is demonstrated by the 800 applicants who showed up for the over 200 jobs RRC will bring in Spring 2018.⁶



B. Director Daniels' Social Media Onslaught Against the Karuk Tribe & Employee

And it is against this background of economic hardship and promise, that Director Daniels on February 14-16 launched the following social media attack:

⁸On February 14, 2018, Director Daniels shared a Facebook post by an individual named Ms. Sami Jo Difuntorum, that stated that (1) the Karuk Tribe had discovered "three Shasta Rain Rocks" at a construction site located in Yreka, CA; (2) that the construction site destroyed a Shasta prayer site; and (3) that the Karuk Tribe intended to use the "Shasta Rain Rocks" at its casino entrance. The location tracker on both Ms. Difuntorum and Director Daniels' posts reflect that they were in Washington, D.C. at the time of these social media publications.

Director Daniels' stated this was "appalling news." He then proceeded to support the prayer site accusation; claim that it was "predictable" that Karuk would discover the

⁵ <https://cloudfront.escholarship.org/dist/prd/content/qt7fk1p7v0/qt7fk1p7v0.pdf>

⁶ <http://www.siskiyoudaily.com/news/20180111/over-800-turn-out-for-rain-rock-casino-job-fair>

⁷ The map shows the remote location of our three districts. The picture shows a Karuk fisherman engaging in traditional, subsistence, dip-net fishing.

⁸ See Attachment 3 for the social media posts.

rain rocks; and asserted that Karuk would use them in its casino. He ended his comment with a statement that described Karuk's alleged actions as "beyond the pale." A commenter replied "negligent...and sick."

Director Daniels has a Facebook audience list of 737 people. Commenters on Director's Daniels' page proceeded to discuss options to oppose the Karuk Tribe. *Director Daniels responded to them, stating that "something can be done" and that he "would hope that the Karuk Tribe would do the right thing on its own in this case."* Commenters then proceeded to respond that "they don't seem to have a conscience" and strategized on how to contact the local paper to air the accusations.

On February 16, 2018, the Karuk Tribe unequivocally stated that the social media accusations by Director Daniels were false. ***Director Daniels then*** shared the Karuk Tribe's statement and **proclaimed that that the "Shasta rain rock discovery" and its "proposed use" came from a Karuk representative.**

These new accusations against Karuk's employee are false and Director Daniels lacked any first person knowledge about this employee's statements as Director Daniels was located in Washington, D.C. as evidenced by the location stamp, instead of Yreka, CA which was the location of the accused employee.

It is disgraceful that an UPenn Director would accuse our tribe of destroying another people's spiritual site and seizing their cultural artifacts on our own property. He had no first-hand knowledge of anything he published on. The enclosures document that Director Daniels adopted and actively furthered the false accusations. He fomented anger against us by using charged language that did, in fact, produce incendiary comments from people located as far away as Hawaii.

When confronted with the truth, instead of apologizing or recognizing his error, he proceeded to launch an implausibly false claim that our employee had made the announcement that we had discovered and were going to use the artifacts of another people. That is just bizarre, especially since our facility is already built and we ceased excavation activities months ago.

That an UPenn Director sitting in D.C. would publicly attack us—a tribe literally headquartered in a national forest—is an egregious abuse of the power and privilege conferred by his position. His association with UPenn legitimizes his conduct because it gave him the veneer of respectability as he fueled inter-ethnic and religious conflict. It is extremely disconcerting that our isolated community could be subjected to such cross-country furor generated by an UPenn Director.

The impact of Director Daniels' defamation has been corrosive. Our tribal community is diverse and ranges from full-blooded Karuk to those of mixed Shasta-Karuk ancestry. We also employ, are neighbors, and have inter-tribal agreements with those of Shasta ancestry. Accusing us of destroying/seizing their religious artifacts has caused division in our families, harassment of our children, sowed acrimony between recognized and unrecognized tribal people, and will entail us having to clear our name with neighboring tribes. His statements also weaken the

protection of cultural resources because crying wolf is a disservice to the national effort by indigenous people to strengthen cultural resource protections.

For your “Director of Research” to so thoroughly fail to do his research and demonstrate a severe lack of judgement and decency requires action to prevent the continuation and re-occurrence of such harmful conduct. Inciting minorities against each other on religious grounds is frightening. We ask that PCC/UPenn remove Director Daniels from his position for the protection of our community and to preserve the integrity and mission of your center and institution. We also ask that PCC/UPenn institute safeguards to govern the advocacy of its directors to ensure that their actions are culturally competent, safe, and lawful. We welcome the opportunity to constructively consult with your institution and we invite you to visit us and learn that we are not “beyond the pale,” but instead are a people who since time immemorial have practiced *pikyav* and sought to restore social/ecological balance to our world.

C. Is PCC and UPenn Engaged on a Bill Which Materially Affects the Rights of Numerous Indigenous People and Tribes?

As noted above, Director Daniels’ demonstrated animus to Karuk is troublesome because he is involved in a congressional bill that directly impacts Karuk people. Further, what makes the defamation so strange, is that we have actually been in contact with him and the other accuser, Ms. Difuntorum, since December 2017 on this bill and his UPenn email (sas.upenn.edu) is utilized. Given that he uses his university email, we have reason to believe that PCC and Upenn are involved in this matter.

Below is a summary of the matter and the peculiar questions concerning whether Director Daniels has used his PCC/UPenn position to engage in work that potentially excludes and materially impairs indigenous people in Oregon and California.

On 7/28/17 the Ruffey Rancheria Restoration Act of 2017 (HR 3535) was introduced. The bill purports to restore a Northern California Rancheria. The namesake of the Rancheria—Old Man Ruffey—was Karuk as were the final four members of the tribe when it was terminated in 1958.⁹ At this time, Karuk as a people, were distributed amongst different tribes (the Karuk Tribe as an aboriginal tribe; the Quartz Valley Indian Reservation; the historic Ruffey Rancheria; and other tribes on the basis of their mixed ancestry).

Prior to the bill being introduced, no neighboring federally recognized tribe was ever contacted. We all learned about it through the local news after the sub-committee held a hearing—also without notice to any neighboring federally recognized tribe—on 9/26/17.

Upon learning about the bill, the Karuk Tribe expressed interest directly to the Ruffey Rancheria on behalf of its eligible descendants to ensure they had the ability to be enrolled in a Rancheria that had been created expressly for them. Because Karuk could not obtain a meeting with the Rancheria, Karuk prepared an extensive comment letter to the Department of Interior and its

⁹ Rancherias in California were created for landless natives within a certain locality in the early 1900s because unratified treaties left many indigenous people homeless. They were not historic/aboriginal tribes and were organized as communities of natives with different ancestries (ex: Karuk and Shasta) who resided on the reservation. When these Rancherias were terminated, only those living on the reservation were considered members and they received distributions of the reservation’s assets.

congressional representative in 11/2017. *In that letter, we expressly raised the question of whether Karuk were being ethnically excluded with a reinvented history of this Rancheria.* Our letter is included in the publically available congressional record.

In late 12/17, we finally obtained a meeting with the Ruffey Chairman and he had Ms. Difuntorum in attendance as his Government Liaison and Director Daniels as the consultant who was involved in the restoration of Ruffey. *We met with them for 3 hours, and they never raised any concern about a Shasta prayer site or any other cultural concern regarding our gaming facility.*

Subsequent to our December meeting with Director Daniels, we have been in communication with Ruffey and *have submitted questions reiterating our concerns & evaluating Ruffey materials developed by Director Daniels to document that Karuk appear to be excluded from the reinvented Rancheria in contravention of the historical record.* These communications have also been submitted into the congressional record.

Since November 2017, a total of five tribes in Oregon and California have submitted their concerns to Congress and the Department of Interior that highlights a range of concerns including that there is historical confusion in the legislative testimony that harms their rights, erodes protection of their cultural resources because Northern California historically contained many tribal groups, and that the bill impairs the rights of Shasta people enrolled in other tribes who have not been consulted. One of the tribal commenters, actually caught that the congressional testimony shows that the membership criteria was created in part through discussion with the local county which raises constitutional equal protection concerns. It also raises the issue of whether California open records laws are being complied with.

We don't know when Director Daniel's engagement on this bill began, but a local news article ties this bill to the creation of a Shasta Homeland Map for the entire "Shasta People" in 2016. Interestingly, the now Ruffey Chairman was at that time a representative for a different tribe who has an affiliation with Director Daniels and the county adopted a resolution that thanked Director Daniels on behalf of the entire "Shasta People." For the non-tribal audience, shifting tribal affiliations are uncommon especially when a tribe seeks restoration and/or recognition. Likewise, an individual has no authority to speak for an entire people that are within different tribes and who were not consulted about a map that affects them.

The above shows that Director Daniels is involved in a complex matter that involves tribal restoration—not federal recognition—that (1) potentially excludes eligible indigenous people; (2) impairs the rights, such as cultural resource protection, of other indigenous people; and (3) critically impacts tribal relations within Oregon and California. As a result, we request that PCC and UPenn explain whether, and the extent to which, their institutions are involved in these matters and whether their resources have been used.

It is important to understand that all the tribes that have attempted to engage on this matter that involves Director Daniels, have all been terminated and restored and none have opposed tribal restoration. Instead we have only sought to address the implications of this bill and its impacts on our communities. If your institutions purport to aid indigenous people, we ask that you act with transparency and not allow your names and resources to be used to pit us against one another through historical confusion which glosses over the complex tribal histories of our region. We again welcome the opportunity for consultation with PCC and UPenn to offer

input on how academic institutions should develop consistent standards for engaging with tribal people.

Yootva (thank you),



Russell 'Buster' Attebery
Karuk Chairman

Attachment 1

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February 22, 2018

Brian I. Daniels
Director of Research and Programs
Penn Cultural Heritage Center
3260 South Street
Philadelphia, PA 19104

Re: Notice to Cease and Desist Social Media Defamation and Harassment

Ayukii (hello) Director Daniels:

On behalf of the Karuk Tribe, its community, and employees, I am writing to request that you cease and desist your defamatory statements on social media alleging that we have destroyed the prayer site of another indigenous people and seized their cultural resources. On February 16, 2018, we publically stated that these statements were unequivocally false. Instead of showing remorse for your erroneous announcements, you furthered the defamation by making a false statement against our employee. Your conduct is egregious and harmful.

As documented by the date, time, and location-stamp of your publications, you had no personal knowledge to support your statements. Your shocking conduct is a violation of law as they were: (1) false; (2) published; (3) done with negligence and reckless disregard for the truth; and (4) harmed the Karuk tribe, its community, and employees.

Please be advised that we will consider appropriate legal recourse to cease this reprehensible conduct. As a University of Pennsylvania, Director of Research, you should have the judgement, respect, and common decency to not attack an indigenous community, incite inter-ethnic and religious conflict, and attack our employee from your location in Washington, D.C.

Further, your accusations are especially strange considering that we met with you for three hours on 12/17/17 about HR 3535 via phone conference. At no time did you mention that you had concerns about a Shasta prayer site. Similarly, we have been on an email communication in which you have been cc'd into 2018. Your attack on us is especially disconcerting given that the Karuk Tribal Council has communicated our concerns that your work on HR 3535 potentially excludes eligible Karuk from enrollment in the reinvented Ruffey Rancheria whose namesake—Old Man Ruffey—was Karuk and whose final four distributees were Karuk. We have respectfully raised our concerns on behalf of our eligible descendants, as documented within the public House Natural Resources record, for the past four months. Your recent demonstration of

animus against us, confirms that we have rightfully advocated on behalf of all Karuk people to ensure a neutral review of the reconstructed historic record.

This is 2018, not 1818, our communities are diverse. Like most tribes, we have mixed families and employ those with different backgrounds. As such, we will not silently watch someone inflame ethnic and religious division. We are aware that divide and conquer is an ancient *tactic* that has been used against indigenous peoples; here we see it being played with the new *tools* of social media. We will not fall victim to it.

Yootva (thank you),



Russell 'Buster' Attebery
Karuk Chairman

Attachment 2

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February 16, 2018


The Karuk Tribe is writing to its community to provide clarification on the malicious accusations that have been circulated on social media, by two individuals, that the Karuk Tribe has discovered and taken Shasta rain rocks and destroyed a Shasta prayer site at its gaming facility. These accusations were made on 2/14/18 by Ms. Sami Jo Difuntorum, an individual who purports to speak on behalf of the “Shasta tribe,” and Mr. Brian Daniels, a University of Pennsylvania professor who has no training in Karuk culture and who claims to have some affiliation with the entire “Shasta People.” To our knowledge, the diverse Shasta People in Oregon and California have never collectively given this individual the authority to represent themselves.

These accusations are false. First, there are no rain rocks at Karuk’s facility. Second, the construction site is not a “Shasta prayer site” as demonstrated by environmental reviews that have been done on this land parcel for the facility development and for housing. Indeed, this accusation is particularly bizarre as one of the accusers is a former Executive Director for Karuk’s tribal housing authority who oversaw some of these environmental reviews when they were being performed.

The Karuk Tribe strongly condemns this hateful attempt to incite fear and inter-ethnic conflict between indigenous people. Karuk’s gaming facility is named Rain Rock for the rain rock originally located at Katiimin and because rain signifies prosperity which is both individual and collective. And it’s this prosperity—for our community, county, and region—that we hope to bring in Spring 2018 when we open Rain Rock Casino.

Karuk Tribal Council

Attachment 3

**Sami Jo Difuntorum**7 hrs · Washington · 

I am told that three Shasta Rain Rocks were discovered during the recent construction of a casino in Yreka, California. The construction project destroyed a Shasta prayer site. Not one person contacted the Shasta tribe.

Now, there is a plan to take these three Sacred Rain Rocks and place them at the casino entrances so gamblers can "touch them for good luck".

This goes beyond Cultural Appropriation; this is spiritual sickness.

Prayers for all who are involved.



Like



Comment



Share



and 27 others

 sami jo difuntorum

1

Filters

Posts from Friends 

Posted

**Brian Daniels**5 hrs · Washington · 

From my friend **Sami Jo Difuntorum** this morning. Appalling news:

"I am told that three Shasta Rain Rocks were discovered during the recent construction of a casino in Yreka, California. The construction project destroyed a Shasta prayer site. Not one person contacted the Shasta tribe.

Now, there is a plan to take these three Sacred Rain Rocks and place them at the casino entrances so gamblers can... [See More](#)



26

16 Comments 3 Shares



Like



Comment



Share

**Sami Jo Difuntorum**6 hours ago · 



music



4G LTE



81% 10:28



Replies



Brian Daniels

The Karuk Tribe contracted with an external archaeologist, of whom I am aware, who did not conduct a survey as part of the EIS. The prayer site was known to Shasta people, but Karuk declined to do consultation as part of the construction processes. The "discovery" of the rain rocks was inadvertent to the Karuk, but predicable. Their use as a good luck charm in Karuk's new casino--which is not located in Karuk aboriginal territory--is beyond the pale.

7h

Like



2



[REDACTED]
negligent... and sick.

7h

Like



Friends · 737



See what you have in
common with Brian's friends

View

Like · 2d · Edited



Sami Jo Difuntorum replied · 3 Replies



Brian Daniels For everyone who asked, yes, something can be done. But I would hope that the Karuk Tribe would do the right thing on its own in this case.

Like · 1d



Is that likely? They don't seem to have a conscience.

Like · 1d



Is there a local paper than would run an article about this. I bet negative publicity is not what they want.

Like · 1d



Great idea



Like · 1d



Thanks....now if some locally there can call the paper....



Brian Daniels shared your post.

8 mins ·



My response to the below is that the information about the Shasta rain rock discovery and its proposed use at the Rain Rock Casino was given during a presentation by a Rain Rock Casino representative at a recent meeting of the Rotary Club of Yreka. I do not claim to represent the "diverse Shasta People in Oregon and California," who can and do represent themselves as their own sovereign tribes.

**Karuk Tribe**

Posted by

1 hr ·

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Comment as Karuk Tribe

