

Fw: CITY OF SAN JOSE CHARTER REVIEW COMMISSION RECOMMEDATION - LAND ACKNOWLEDGMENT

Maciel, Zulma [REDACTED]

Tue 5/31/2022 10:53 AM

To: City Clerk <city.clerk@sanjoseca.gov>; Agendadesk <Agendadesk@sanjoseca.gov>

 11 attachments (12 MB)

Muwekma Ohlone Tribe Letter to San Jose City Council 5-16-2022.pdf; Muvekma Greeting SJCC 2021.pdf; City & County of San Francisco Human Rights Commission Resolution for Muvekma Ohlone Tribe Sept 10 1992.pdf; International Indian Treaty.pdf; Resolution Honoring Muvekma Ohlone Tribe.pdf; Muvekma Ohlone Tribe Letter to SJ Commission Point by Point Response to Ms Luna 12-1-2021.pdf; State of CA Senate Certificate of Recognition for Muvekma Ohlone Tribe fr Senator Jim Beall 11-19-2020.pdf; MOIT-AssmbyLeeProclamation.doc.pdf; MOIT.OppositionLtr.doc.pdf; Certificate of Honor for Muvekma fr City of SF City and County Board of Supervisors A.jpg; March Fong Eu Resolution Rec'd Feb 14 1994.jpg;

Please include the documents from Chairperson Charlene Nijmeh related to June 7th Agenda item 3.5.
Regards,

Zulma Maciel (she/her/ella) | Director
Office of Racial Equity
Desk: 408.535.8146 | zulma.maciel@sanjoseca.gov

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From: Charlene Nijmeh [REDACTED]

Sent: Tuesday, May 17, 2022 12:27 AM

To: Maciel, Zulma [REDACTED]

Cc: Monica Arellano (via Google Sheets) [REDACTED]; Alan Leventhal [REDACTED]

Subject: RE: CITY OF SAN JOSE CHARTER REVIEW COMMISSION RECOMMEDATION - LAND ACKNOWLEDGMENT

[External Email]

Good evening Zulma

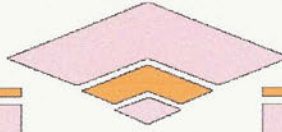
I am attaching a letter opposing the inclusion of the Tamien Nation into the Land Acknowledgment that was voted on unanimously by the City of San Jose Charter Review Commission. Please forward this official letter with the attached documents to City Council, City Manager, and City Attorney.

Thank you again,

Charlene Nijmeh
Chairwoman

Muwekma Ohlone Tribe of the San Francisco Bay Area

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MUWEKMA OHLONE INDIAN TRIBE

OF THE SAN FRANCISCO BAY AREA REGION

'Innu Huššištak Makiš Mak-Muwekma "The Road To The Future For Our People"

May 16, 2022



Dear San Jose City Council Members

I do want to address the concerns our Tribal Council have over changes in the language of the City Charter land acknowledgement.

Although, Muwekma does understand that there is concern amongst certain San Jose City Council members regarding the inclusive language, I want to reassure the City of San Jose that Muwekma's history and actions throughout have been nothing but supportive and inclusive of all indigenous voices. The language as it stands recognizes all descendant groups, organizations, entities; however, the distinction between those entities and legitimate Tribes (who have been identified by the federal government as self-governing sovereign nations before the arrival of the Spanish, as well as after the American conquest of California and creation of federal recognition of historic tribes) must be made otherwise the City encourages the continued "political erasure" of historical previously federally recognized tribes such as the Muwekma Ohlone Tribe, the Amah-Mutsun Tribal Band, and Ohlone/Costaonan-Esselen Nation. Those three are the only Bay Area tribes that not only predated first contact, but have been documented by various authorities of their continuous existence throughout the late 19th and 20th Centuries.

Many of you on today's City Council will not remember in the 1970's, 1980's, and 1990's when Muwekma supported and funded research for our documentation, we also identified and supported funding for other federally unrecognized tribes. Muwekma has been at the forefront of inclusivity and solidarity before any of these other Native organizations in the Bay Area were even a thought.

We have spoken on this issue many times and have supplied documentation on our own history as well as the history of other groups and organizations. We feel that it is vitally important to be accurate in our assessments of tribal identity. This is the only way to have legitimate government to government relationships with the cities in our Aboriginal homeland. This is the only way to stop the continued attempts to assimilate our tribes into a broader community of native organizations.

Muwekma, Amah, and Esselen have suffered centuries of genocide, land displacement, slavery, poverty, and generational trauma that our communities still struggle with today. Attempts to recognize all native people as tribes, although well intentioned, does little to respect our history and our struggles. Please understand that these actions of acknowledging native groups as tribes may seem respectful and inclusive on the face but it is not factual or accurate and it undermines the history and legitimacy of historic tribes.


Muwekma would like to request from the City of San Jose a criteria (a standard) that it intends to use to determine what defines an American Indian Tribe. The federal government has their own criteria; however, the State of California has no such criteria at this time and therefore it is up to the City of San Jose to establish its own criteria until such a time when California establishes a uniform criteria. Otherwise, If the City intends to recognize any person of Native descent as a Tribe, then it would be appropriate to add and list all 600 tribal members of Muwekma Ohlone Tribe in the land acknowledgment as well.

Please review the history of interactions between Muwekma and the City of San Jose which includes various monuments (Park Avenue Bridge, Guadalupe River Walk, Tamien Station/Caltrain (1992) and historical markers (Holiday Inn Site/Village of Thamien (Tamien), as well as archaeological clearance of our ancestral remains at many of our heritage sites (the most recent at 200 Park Avenue and presently at the Walsh Data Center Site). Furthermore, since the 1980s we have been interacting with many of the institutions of higher learning such as SJSU, SJCC (see attached Muwekma Greeting), Evergreen and Mission Colleges, as well as other public agencies such as CalTrans, VTA, SJ Landmarks and Arts Commissions, and the City of San Jose Planning Department.

Thank you for your consideration of my concerns.

I look forward to discussing these in further detail with the City of San Jose and each individual council members.

'Uni Respectfully,


Charlene Nijmeh, Chairwoman
Muwekma Ohlone Tribe of the SF Bay Area

CC: Muwekma Ohlone Tribal Council

Assembly

CERTIFICATE OF RECOGNITION


On behalf of the California State Assembly,
I, Assemblymember Alex Lee,
on this 6th day of November 2021, do hereby recognize the

*Muwékma Ohlone Tribe of
the San Francisco Bay Area*

in celebration of Native American Heritage Month with sincere thanks for their
dedicated efforts to organize a Flag Raising with the City of Milpitas to celebrate
the heritage, language and culture of Native Americans.

Thank you for everything you do!




ALEX LEE
ASSEMBLYMEMBER, 25th DISTRICT



Mákkín Mak Muwekma, 'Akkoy Mak-Warep, Manne Mak Hiswi!
We Are Muwekma Ohlone, Welcome To Our Ancestral Homeland!

**Welcome San Jose City College in the City of San Jose to
Our Ancestral Muwekma Ohlone Homeland of *Thámien***

The present-day **Muwekma Ohlone Tribe** is comprised of all of the known surviving American Indian lineages aboriginal to the San Francisco Bay region who trace our ancestry through the **Missions Santa Clara, San Jose; and San Francisco**, and who were also members of the historic, **Federally Recognized Verona Band of Alameda County**. The aboriginal homeland of the Muwekma Ohlone Tribe includes the following counties: San Francisco, San Mateo, most of Santa Clara, Alameda, Contra Costa, and portions of Napa, Santa Cruz, Solano and San Joaquin. This large contiguous geographical area, which historically crosscuts several major linguistic and tribal boundaries, fell under the sphere of influence of the aforementioned three missions between 1776 and 1836. The *missionization* policies deployed by the Catholic Church and militarily supported by the Hispanic Empire, brought many distantly related, and in some cases, already inter-married tribal groups together at the missions.

Comprehensive genealogical analysis of the Mission Baptism, Death, and Marriage Records from the three Bay Area Missions traces the surviving Muwekma lineages of the late 19th century through today back to our aboriginal villages. The present-day tribally enrolled Muwekma lineages are represented by the: Armija/Thompson, the Santos-Piños/Juarez/Colos/Armija, the Guzman/Nonessa, and the Marine/Guzman/Peralta, Marine/Alvarez/Galvan, Marine/Sanchez, Marine/Munoz, Marine/Munoz/Guzman, Marine/Arellano, and Marine/Elston/Thompson/Ruano descended families.

San Jose City College is located on the ethnohistoric territory of the ancestral unceded tribal lands of the ***Thámien*** Muwekma Ohlone-speaking people whom were missionized in Missions Santa Clara, San Jose and San Francisco. The Muwekma Ohlone are the legal successors of the sovereign, federally recognized, **Verona Band of Alameda County**. This land was and continues to be of great importance to our Tribe and other familial descendants of the Verona Band

**Archaeological Evidence of Ancestral Muwekma Ohlone Settlements in the
San Francisco Bay Area**

Archaeological evidence spanning the past 12,520 years before present has been recorded at the Scott's Valley site CA-SCR-177 in the Santa Cruz mountains, and at the Metcalf Road Site CA-SCL-178 along Highway 101 in San Jose, which yielded dates ranging from 9,300 - 9,900 BP. These dates along with their associated archaeological assemblages provides evidence of our ancestral Muwekma Ohlone presence within this region over the past ten millennium. These ancestral sites were occupied even before there was a San Francisco Bay.

Our ancestral Muwekma societies gradually developed into complex, socially ranked chiefdoms, with sedentary villages, ceremonial cycles, organized religions, and a redistributive economy. Having knowledge about the relationship between planting seeds and harvesting plants, the only known cultigen planted by our ancestral people was tobacco, which was used by those practitioners of healing, divining and ceremonial leaders, and as part of the **Kúksu** religion. The presence of tobacco is evidenced through residues left within the beautifully lathe-shaped steatite stone pipes, and in features recovered associated with the **3rd Mission Santa Clara de Thámien**; at the Tribe's ancestral monumental bay shore mortuary mound sites such as at **CA-ALA-329 Mánni Muwékma Kúksú Hóowok Yatiš Túnnešte-tka** (which means **Place Where the People of the Kúksú (Bighead) Pendants are Buried Site**) located in the East Bay at **Máyyan Šáaťošikma (Coyote Hills)**; and at **Síi Túupentak (the Water Roundhouse Site) CA-ALA-565** located adjacent to the Sunol Water Temple near the Town of Sunol; also at several of our ancestral heritage sites located in the West Bay along San Francisquito Creek on Stanford Campus including **CA-SCL-623 Mánni Miččiyma Muwékma Yatiš Túnnešte-tka (Place Where the Ancient People are Buried Site)**; and more recently at **Thámien Rúmmeytak [Thámien (Guadalupe) River Site (CA-SCL-128** located in downtown San Jose..

As land managers, our ancestral Muwekma Ohlone societies altered the landscapes of the SF Bay Area through controlled burning, thus creating a parklike environment. Given this rich environment these societies hunted, fished, harvested marine resources as well and hundreds of plants. Although much knowledge has been lost since Spanish contact in 1769, we do know through the knowledge base from neighboring California Indian societies, which plants were harvested as food, medicine, and as raw material for the manufacture of various types of baskets, matting, nets, rope, thatching and etc.

The Founding of *La Misión Santa Clara de Thámien* in 1777

With the advent of the Hispanic Empire's expansion into Alta California, in 1769, the first mission established in the Santa Clara Valley, Mission Santa Clara de Thámien, was established at a site located along the Guadalupe River (**Thámien Rúmmeytak**) by Franciscan Padres Thomas de la Peña and Joseph Antonio Murguiá, on January 12, 1777. There, at the Indian village of **Soco-is-u-ka** (Place of the Laurel Trees), they erected a cross and shelter for worship to bring Christianity to our local **Thámien** Ohlone-speaking tribes. Although many authors have spelled **Tamien** without the letter "h," Santa Clara University archivist/historian Arthur D. Spearman, however in his earlier publication titled **The Five Franciscan Churches of Mission Santa Clara**, provided the following historic excerpt from a letter from Father Peña to Father Serra:

Letter to Padre Presidente Junipero Serra
From Padre Tomas de la Peña
Mission Santa Clara de Thámien
December 31, 1777

The site of the Mission, which in the language of the natives is call **Thámien**, is a plain stretching more than three leagues in every direction, pleasant to behold, with much land for irrigation of crops, and extensive areas for raising cattle. There is abundance of Ash, Alders. White Poplar, and Red, Willow, Laurel, black and live Oaks.

At the distance of four leagues to the west is much redwood, so-called, from which we have already obtained some boards. A large population of Gentiles surrounds the site, such that we judge there are more than forty rancherias within a radius of five leagues, of a people that we may call Tares, since this is the name they give to the men (1963:15) [Cited in Hylkema 2007:iii].

Furthermore, Milliken noted the following observation by the Spanish priests whom had established the First Mission San Clara to the northwest of the infamous **Holiday Inn Site CA-SCL-128** (which the Tribe had recently had oversight on and named **Thámien Rúmmeytak**):

Mission Santa Clara in Thámien Lands ... The Santa Clara Mission settlement lay at the northeastern edge of the Thámien tribal district, very near to lands of three other tribes. Three large villages of over 120 inhabitants each lay within four mile radius of the Santa Clara Mission site. The native names of those villages are not known. The missionaries at Mission Santa Clara gave each of them a Spanish designation; San Francisco Solano village of the Alson tribe a mile or two downstream at the mouth of the Guadalupe River, Santa Ysabel village of a different, unnamed tribe east of San Francisco Solano on the lower Coyote River, and San Joseph Cupertino village of the Thámien tribe in the oak grove about three miles to the southwest of the mission site. Still nearer to the site were two tiny hamlets, Our Mother Santa Clara within a few hundred yards of the first mission site, and Our Patron San Francisco perhaps another mile upstream on the Guadalupe River" (Milliken 1991:116-117).

Prior to the American conquest of California (1846-1850), there were several Muwekma Ohlone rancherias established on rancho lands in the East Bay. At least six Muwekma Indian rancheria communities emerged and maintained themselves during the 19th and early 20th centuries in the East Bay. These rancherias were located at **San Leandro/San Lorenzo** ("The Springs Rancheria"), **Alisal Rancheria** near **Pleasanton**, **Sunol**, **Del Mocho Rancheria** in **Livermore**, **El Molino Rancheria** ("The Mill") in **Niles**, and later a settlement in Newark in Alameda County where some of our enrolled families still live.

Secularization and the Mexican Land Grants Issued to Emancipated Mission Santa Clara (Clareño) Indians (1840 – 1845)

Rancho Ulistac

Around the area of **Mission Santa Clara**, however, several (**Clareño – Mission Santa Clara Indians**) Ohlone families were fortunate to be granted land grants by the Mexican government. In 1845, Governor Pio Pico granted the **Rancho Ulistac** land grant near Alviso in Santa Clara to **Marcello** (SCL-B #1360; baptized June 15, 1789 at age 4).

The Ulistac land grant was also issued to two other Mission Santa Clara Indian men named **Pio Guatus** (SCL-B # 4805; baptized June 21, 1805 at age 12 and died November 21, 1846) and **Cristobal** (SCL-B # 6157; baptized November 7, 1813 at age 3 days) were from the **Tayssen** Ohlone-speaking tribal group.

Rancho **Ulistac** measured half a league (2270 acres) and included the bay shore of the present-day cities of Santa Clara and Alviso (Brown 1994).

Rancho Posolmi y Pozitas de las Animas (Little Wells of Souls).

Earlier, on February 15, 1844, another Clareño Ohlone Indian named **Lope Yñigo**, was issued title to 1695.9 acres (2.64 square miles) around present-day Moffett Field near Mountain View by Governor Micheltorena (Brown 1994). This land grant was called **Rancho Posolmi y Pozitas de las Animas (Little Wells of Souls)**. Apparently, Yñigo was recognized as a chief or **capitan** of the "San Bernardino" Ohlone-speaking people who originally occupied this region. He was baptized at Mission Santa Clara in 1789 (SCL-B # 1501; the Posolmi land grant was also referred to as **Yñigo's grant**, **Yñigo Reservation** (Thompson and West 1876 Historical Atlas Map of Santa Clara County) and **Pozitas de las Animas**, or **Little Wells of the Souls**.



Clareño Ohlone Indian Lopé Yñigo

Rancho de los Coches

Also in 1844, Governor Manuel Micheltorena formally granted **Rancho de los Coches (the Pigs)**, totaling 2219.4 acres, to a Mission Santa Clara (Clareño Ohlone) Indian named **Roberto Antonio Balermينو**¹. Since 1836 Roberto had occupied this land west/southwest of the confluence point where the Guadalupe River and Los Gatos Creek meet in downtown San Jose.

It is interesting to note that Rancho San Juan Bautista borders on the southeastern side of Rancho de los Coches and the **Clareño Muwékma Ya Túnnešte Nómmo Site (CA-SCL-30/H, includes the Third Mission Santa Clara Indian Neophyte Cemetery)** is located approximately three miles to the northwest of Roberto's adobe/homestead.

Roberto was baptized **Roberto Antonio** on September 26, 1785 at the age of 3 years old (SCL-B # 0791). He was identified as being from the **San Juan Bautista (district) Thámien** Ohlone-speaking tribal group. Rancho de los Coches was adjacent to the aboriginal territory of Roberto's tribal homeland that included the district that the Spanish Priest called **San Juan Bautista** (not to be confused with Mission San Juan Bautista located south near Hollister).

Recently the **Roberto Antonio Balermينو Park** located at 1527 Almaden Expressway, San Jose was named by the Muwekma Ohlone Tribal leadership and Language Committee in honor of this ancestral Clareño Muwekma Ohlone Indian.

Rancho La Purisima Concepcion

On the West Bay, a land grant was issued to another Clareño Ohlone Indian man named Jose Gorgonio and his family. Jose Gorgonio and his son, Jose Ramon, were granted **Rancho La Purisima Concepcion** by Governor Juan B. Alvarado on June 30, 1840. This rancho comprised 4,440 acres or 1 square league around the present day Palo Alto/Los Altos Hills area (Brown 1994). Jose Gorgonio was probably baptized as Gorgonio (SCL-B # 1721; baptized July 15, 1790 at age 1. years). His father's Indian name was Lulquecse and his mother's name was Seguem. Lulquecse was identified as Chrisostomo Lulquesi (SCL-B # 2672; baptized November 27, 1794 at age 42 and had died November 5, 1801). He was listed as being from the San Bernardino district located to the west of Mission Santa Clara. Gorgonio was also identified as being from the San Bernardino tribal district.

During the post-secularization period (after 1834-1836), there were at least six Muwekma Ohlone Indian rancheria settlements established areas surrounding Pueblo de San Jose. One major rancheria was located on the **Santa Teresa Rancho** (Bernal's property) south of the Pueblo San Jose near the Santa Teresa Hills where Muwekma Elder **Maria de los Angeles Colos** was born in 1839.

¹ **Note:** on March 7, 2015, the Muwekma Ohlone Tribal leadership participated in a ribbon cutting ceremony for the newly named **Roberto Antonio Balermينو Park** on Almaden Road in San Jose. The Tribal Leadership wanted to honor Roberto by naming the park after him.

Another rancheria was located in the valley east of San Jose called the **Pala Rancho**, while a third was established along the Guadalupe River above Agnews on the **Rinca de los Esteros Rancho** (City of Santa Clara). In the present-day City of Cupertino was the Quito Rancho. In Pueblo de San Jose, there was a settlement of "**free Indians**" on the east side of Market Street, and the sixth community was located further west along the banks of the Guadalupe River near Santa Clara Street (King 1978; Winter 1978).

West Bay Ohlone Tribal Groups and the Last of the Doloreño and Puichon Descended Indians - The Evencio Family of San Mateo County

Randall Milliken, Lawrence Shoup and Bev Ortiz (2009) had conducted a comprehensive ethnohistoric study for the Golden Gate National Park Service on the Indians of the San Francisco Bay Area based upon the recommendation from former Muwekma Chairwoman in back at the Summary of Meeting between the Muwekma Indian Tribe and the National Park Service (Golden Gate National Recreation Area) on May 5, 1998 those authors wrote an ethnohistoric account about the Evencio family. Descended from the Lamchin/Puichon Ohlone-speaking tribal groups of the West Bay around San Francisquito Creek area, and the Saclan Bay Miwok speaking tribal group of the East Bay, Pedro Evencio and his children were the last of the Doloreño Indians who had documented aboriginal descent from the West Bay. Milliken wrote:

A four year old boy named Yaculo, who was to found the only San Mateo county Indian extended family documented into the twentieth century, was baptized at Mission Dolores on October 31, 1790. He was brought to the mission by his father Gesmon ("The Sun" [also spelled Exmon]) and his mother Ssapiem, San Francisco Bay Costanoan speakers from either the Lamchin or Puichon local tribe, and he was christened Evencio. Four years later, Evencio's future parents-in-law were baptized. They were Sacalinci and his wife Uimusmaen, who led the first group of adult Saclan Bay Miwoks [from the East Bay] through the baptismal ceremony at the mission in December of 1794; after fleeing in 1795 they returned with a son who was christened Juan Diego in 1798. Their mission-born daughter Geronima, Evencio's future wife, was baptized in June of 1800. Geronima and Evencio were married in about 1826 and had at least eight children between that year and 1844. Their oldest son, Pedro Evencio, was the man whose testimony in federal court in 1869 about the eviction of the Indians from Rancho San Mateo

... Pedro Evencio's paternal grandparents, Rosendo Exmon and Osana Ssapiem, were baptized at Mission Dolores in 1793 (SFR-B 1231, 1248), three years later than their son Evencio Yaculo. Evencio Yaculo grew up in the Mission Dolores community and married Salaverba, a Huchiun San Francisco Bay Costanoan, in 1804 (SFR-M 953, SFR-B 2747). Evencio and Salaverba had five children before she died in 1820 Evencio Yaculo then married Geronima sometime during the mid-1820s, although no record of the wedding has been found. The seven children of Evencio and Geronima

who appear in the Mission Dolores baptismal record were baptized between 1828 and 1844. Since none of them was named Pedro, we presume that he was born in 1826 and that Evencio Yaculo and Geronima were also married that year.

Evencio Yaculo and Geronima raised their children during the Rancho Era at the mission outstation of Rancho San Mateo. Pedro Evencio stated in 1869 court testimony that his father had been the leader of the San Mateo Indian community when Pedro was young. ...

Pedro Evencio married Pastora at Mission Dolores in December of 1846. She was a Churuptoy Patwin from the present Woodland, Yolo county area by way of Mission San Francisco Solano (SFS-B 1166). The marriage entry lists Pedro as 20 years old and the bride as 18 (SFR-M 2162). Pedro Evencio and Pastora had four children who were baptized at Mission Dolores between 1852 and 1862. Those children were typical mixed-ancestry Doloreños, having as they did a Puichon San Francisco Bay Costanoan/Saclan Bay Miwok father and a Churuptoy Patwin mother.

... John Diego, the 68-year-old man living with Pedro Evencio and Pastora in 1870, has an interesting story of his own. In the 1869 Rancho San Mateo court case Pedro Evencio had stated that "John Diego" was his uncle and that the two of them were the only original San Mateo County Indians still alive (Land Case 178 ND). Mission register evidence shows that Juan Diego was the brother of Pedro Evencio's mother Geronima; he was the child that Sacalinchi and Uimusmaen had brought for baptism when they returned to Mission Dolores in 1798 after the Saclan flight of 1795 (Milliken 2008).

Pedro Evencio and his family were also listed on the 1880 Census for San Mateo County Township 1. He was identified as Pedro Abencio, age 58, (b. ca. 1822), Indian, Farm Laborer; Mary, wife, age 58, Indian; Mary, daughter, age 25, Indian; Refuga, daughter, age 16, Indian; Paul Jose (Joseph), son, age 22, Indian is crossed out [he was residing elsewhere]; Thomas, son, age 5, Indian. All were born in California.

In 1894, Mary Sheldon Barnes a faculty member at Stanford University interviewed Pedro Evencio, and she published a portion of that interview in the **The Sequoia** magazine. Barnes wrote:

There lives in San Mateo, an old Indian, Pedro Evencio by name, the last of all the... Indians born and bred at the Mission Dolores. Don Pablo Vasquez of Spanish town put us on his track one day when we were asking if there were still any living descendants of the old inhabitants of the valley. "His father was my father's man," he said. "When my father was vaquero of the Mission Dolores, just before the Americans came in."

When we went to see Pedro, we found him in a little white-washed house, neat within and without, the garden full of pinks and stocks, and all sweet, bright flowers, with a dog haunting about it. His wife, a dark Spanish woman, showed us into a neat living room; in one corner of it stood the bed; various ornaments adorned the walls, and on the table stood a great bunch of flowers.

"Could we see Mr. Pedro Evencio?" "Si, si," and there appeared in the kitchendoor Pedro Evencio; a well-built, well-proportioned man, dignified though shy, with a dark beard, an observant eye, dressed in workman's clothes.

We advanced with ardor; but he met our advance with a grave and questioning reserve... Spanish was his native tongue, and our first interview consisted mostly of surprise, friendliness, and a little embarrassment. But in a later interview through his son, an intelligent young workman, we were able to carry on a secondhand conversation, and to obtain photographs of Pedro Evencio. He could not say to what tribe he belonged,—he knew himself only as a Mission Indian; but the old Indian trails, especially that trail by which the Mission Indians used to drag redwood to the Mission Dolores, were all fresh in his mind, and his son Joseph could make us a clear map of the whole Santa Clara Valley with all its old trails.

Pedro's general appearance, and especially his rather full beard, made us doubt the purity of his Indian descent. But in Palou's diary of 1774, full descriptions of our Santa Clara valley Indians are given; "well-formed and tall many of the bearded like a Spaniard..." (Barnes 1894:277)



Pedro Evencio (Photo taken by Mary S. Barnes from Stanford in 1894)

Pedro Evencio died on either January 19 or 20, 1896, and he was buried at St. John's Cemetery in San Mateo.

Establishment of the East Bay Rancherias

Prior to and after the American takeover of California (1846-1848), there were Muwekma Ohlone rancherias established on Californio rancho lands in the East Bay as refuges due to the hostility of Americans towards Indians. At least six Muwekma Indian rancheria communities emerged and were maintained as refuges during the 19th and early 20th centuries in the East Bay. These rancherias were located at **San Leandro/San Lorenzo** ("The Springs"), **Alisal** near **Pleasanton**, **Sunol**, **Del Mocho** in **Livermore**, **El Molino** in **Niles**, and later a settlement in **Newark**. These rancherias principally became the only safe-havens where ex-missionized Ohlone Indians could live.

During the 1880s, U.S. Senator George Hearst and his wife, Phoebe Apperson Hearst purchased part of the old (1839) Bernal/Sunol/Pico **Rancho Valle de San José y Corralitos** which includes the present-day towns of Pleasanton and Sunol, and also it included the Alisal Rancheria with approximately 125 Muwekma Indians residing there on the land. There the Hearst's built their mansion Hacienda del Pozo de Verona mansion, from which the Muwekma Tribe was named by Special Indian Agent Charles E. Kelsey the Verona Band after the railroad station built by Western Pacific Railroad near the Hearst property. It was Phoebe Hearst who funded the anthropology department at Berkeley, and she invited several anthropologist/linguists such as Alfred L. Kroeber, C. Hart Meriam, and E. W. Gifford to come down to interview our Elders in order to record our Indian languages spoken at our Tribe's Alisal and Niles Rancherias

Federal Recognition

In 1905, as a result of the discovery of the **18 unratified California Indian Treaties** (negotiated between 1851-1852), Mr. **Charles E. Kelsey** of San Jose, (originally affiliated with the Northern Association for California Indians) was appointed Special Indian Agent to California by the Commissioner of Indian Affairs in Washington, D.C. In 1905, Agent Kelsey was charged by the Bureau to conduct a Special Indian Census, and identify all of the landless and homeless tribes and bands residing from Los Angeles County throughout Northern California to the Oregon border and all of these documented tribes were placed under federal jurisdiction by Agent Kelsey.

Based upon the results of Kelsey's Special Indian Census, in conjunction with the discovery of the 18 unratified treaties, Congress passed multiple Appropriation Acts beginning in 1906 on through 1937, for the purpose of purchasing "home sites" for the many intact, but landless, California Indian tribes and bands. One of the bands specifically identified by Agent Kelsey was the **Verona Band of Alameda County** residing near Pleasanton, Sunol and Niles (surrounding Mission San Jose).

The direct ancestors of the present-day Muwekma Tribe who comprised the Verona Band became Federally Acknowledged by the U.S. Government through the Appropriation Acts of Congress of 1906 and later years, as well as other federal actions.

Between the years 1906 and 1927, the Verona Band fell under the direct jurisdiction of the Indian Service Bureau in Washington, D.C., and later, the Reno and Sacramento Agencies.

Although the Tribe was left completely landless, and in some instances completely homeless, between 1929 and 1932 all of the surviving Verona Band (Muwekma) lineages enrolled with the BIA under the 1928 California Indian Jurisdictional Act whose applications were approved by the Secretary of Interior relative to the pending California claims settlement.

Concurrently, between 1884 and 1934, renowned anthropologists and linguists interviewed the last fluent speakers of the “Costanoan/Ohlone” language and recorded other Indian languages spoken at the East Bay rancherias. It was during this time period that Verona Band Elders still shared their linguistic term “**Muwekma**” which means “la Gente” or “the People” in Chochenyo and Thámien, the Ohlone (or Costanoan) language spoken in the East and South San Francisco Bay regions (now referred to as San Francisco Bay Costanoan which includes Ramaytush by renown linguists).

Even before California Indians legally became citizens in 1924, during World War I, Muwekma men enlisted through the San Francisco Presidio, and Mare Island. One was stationed at Fort Mason with the National Guard in 1917, and another was stationed at Fort Winfield Scott. After America’s entrance and six Muwekma men served overseas in the United States Armed Forces (Army, Navy and Marine Corps), and four of them are buried in the Golden Gate National Cemetery, and Franklin P. Guzman who served in the US Marine Corps is buried in the National Cemetery at Riverside, California.

(for more information see <http://www.militarymuseum.org/Muwekma.html> and, www.worldwar1centennial.org/index.php/articles-posts/4775-writing-the-wwi-story-of-california-s-muwekma-ohlone-indian-servicemen.html).

Six Muwekma Men Who Served During WW I



Fred Guzman Pvt. (France)
Co. C, 110 Inf., 28th Inf. Div.
(1918-1919)

Toney Guzman, Pvt. (France)
347th Field Artillery
91st Inf. Div. (1918-1919)

Henry A. L. Nichols, F1
US Navy, *USS Oklahoma*,
USS Arizona (1917-1919)

Joseph F. Aleas, Sgt. (France)
Co. D., 21st MG Bn.
7th Inf. Div. (1916-1920)

John M. Nichols (France)
59th Coast Artillery Corps
Tank Division (1914-1920)

Franklin Guzman, Sgt. (France)
Fourth Brigade of Marines,
2nd Div. USMC (1916-1919)



Some of the Muwekma Men who Served Overseas During World War I

Muwekma tribal members enrolled with the Bureau of Indian Affairs during the 1928-32, 1948-55 and 1968-71 enrollment periods (see some of the 1928-32 BIA Applications below).

During World War II almost all of the Muwekma men served overseas in the all of branches of the Armed Forces in the Pacific and European Theaters (including the 101st Airborne (D-Day), 82nd Airborne Divisions, 508th Parachute Infantry Regiment, (D-Day), 3rd Army Patton's Tank Division, 14th Mechanized Cavalry Group, 18th Cavalry Squadron, 1st Marine Division, 155th Engineers Combat Battalion, 41st Infantry Div., 226th Field Artillery Battalion, 58th Field Artillery Battalion, 76th Div., 345th Infantry Regiment, 87th Infantry Div., U.S. Navy – (USS Enterprise), 89th Infantry Division, 1st Battalion, 354th Infantry Regiment, 640th Tank Destroyer Battalion, and other divisions.

Muwekma men and women continued to serve in Korea, Vietnam, Desert Storm, recently, three tribal members had served in the US Marine Corps and Army in Iraq, and others are still serving today.

During the 1930s and 1940s some of the Muwekma children were considered too dark to go to Bay Area schools, so they were shipped off to Sherman Institute in Riverside County and to Chemawa, in Salem, Oregon. Still landless, and completely ignored by the BIA, but functioning as an unorganized tribal band, our Tribe maintained our distinctive social ties, traditions and culture.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number 10298

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

The Secretary of the Interior,
Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Relationship in Family	Ages in 1928	Sex	Dates of Birth Month Day Year	Degree of Indian Blood
Marine, Lucas	Head	38	M	10-18-1900	1/2
" , Ernest	Son	2	M	1-26-1926	3/4

Note:* See application of Katie Marine, wife, Centerville, Alameda County, California. App. No. 10675

2. Residence on May 18, 1928 Centerville, Alameda County, California.
Box 6,

3. Post Office Centerville Alameda California.
Town or City, Box Number or County State
Rural Route Number.

Note:* Does not live on Trust Lands.

4. Place of birth of yourself and each of your minor children
Near Sunol, Alameda County, California. My child was born
in Alameda County, California.

Application Number 10298
Name Marine, Lucas

Action taken

Approved, FAB

Muwekma Ohlone BIA Application Lucas Marine # 10298

5. Where have you and your children resided since birth?
In Alameda and Mendocino Counties, California.
6. Are you married? Yes.
7. If a married woman, give your name before you were married.

8. Name and exact date of birth (Month, Day, and Year) of your wife (or husband).
Katie Marine, nee Peralta-- Age about 35 years.
9. Is he (or she) of Indian blood? If so, state the name of the Tribe or Band, and degree of Indian blood.
Yes 4/4 Ohlones, (Tribal name unknown)
Alameda County, California.
10. What is your degree of Indian blood and to what Tribe or Band of Indians of the State of California do you belong?
1/2 Ohlones (?) Tribal name
Unknown, Alameda County, California.
 Degree of Indian Blood Name of Tribe or Band
11. To what Treaty or Treaties were you or your ancestors a party, and where did you (or they) reside on June 1, 1852? Where and when were said Treaties negotiated?
I do not know.
12. Give the names of your California Indian ancestors living on June 1, 1852, through whom you claim, who were parties to any Treaty or Treaties with the United States. If you claim through more than one ancestor living on that date, set forth each claim separately. State your descent from said ancestor or ancestors setting forth your relationship to them.
- | <u>Names</u> | <u>Tribe or Band</u> | <u>Relationship by Blood</u> |
|-----------------------|--------------------------------------|------------------------------|
| <u>Evalina Marine</u> | <u>Ohlones, Tribal name unknown.</u> | <u>Mother.</u> |
| | <u>Alameda County, California.</u> | |
- (See Nos 15 and 26)

Lucas Marine BIA Application Identifying His Tribe "Ohlones"

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number 10293

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

The Secretary of the Interior,
Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Relationship in Family	Ages in 1928	Sex	Dates of Birth Month Day Year	Degree of Indian Blood
Guzman, Francisca	Head	65	F	10-11-1863	4/4
" , Tony J.	(Separated) Son	37	M	10-11-1891	4/4
" , Jack	Son	25	M	2-6-1903	4/4
Hernandez, Paul	Son	21	M	1-14-1907	1/2

2. Residence on May 18, 1928 Niles, Alameda County, California.
Box 101,

3. Post Office Niles Alameda California.
Town or City, Box Number or
Rural Route Number. County State

Note: * Does not live on Trust Lands.

4. Place of birth of yourself and each of your minor children
Alameda County, California.

Application Number 10293
Name Guzman, Francisca

Action taken

Approved. FAB

Muwekma Ohlone Francisca Guzman and Family BIA Application # 10293

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number 10301

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

The Secretary of the Interior,
Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Relationship in Family	Ages in 1928	Sex	Dates of Birth Month Day Year	Degree of Indian Blood
Alaniz, Phoebe	Head	51	F	8-1-1877	4/4
Garcia, Thomas	Adopted Son	11	M	1-1-1917	4/4
Gonzales, Trinidad	* Mother	72	F	11-28-1856	4/4
* (Died October 28, 1928)					

Note:- The husband of the applicant was a Mexican.

2. Residence on May 18, 1928 Livermore, Alameda County, California.
General Delivery,
3. Post Office Livermore, Alameda California
Town or City, Box Number or County State
Rural Route Number.

Note: * Does not live on Trust Lands.

4. Place of birth of yourself and each of your minor children
Between Sanol and Pleasanton, Alameda County, California.

Adopted son born near Sacramento, California.

Application Number 10301
Name Alaniz, Phoebe
Action taken
Approved, TAB

Muwekma Ohlone Phoebe Alaniz and Family BIA Application # 10301

91ck

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number 10296

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

The Secretary of the Interior,

Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

<u>English Names</u>	<u>Relationship in Family</u>	<u>Ages in 1928</u>	<u>Sex</u>	<u>Dates of Birth Month Day Year</u>	<u>Degree of Indian Blood</u>
Thompson, Magdalena	Head	51	F	5-27-1877	4/4
Thompson, Emily (Emily)	Dau	18	F	10-31-1910	1/2
" , Ernest	Son	16	M	4-21-1912	1/2
" , Eduardo (Edward)	Son	14	M	7-21-1914	1/2
" , Lorenzo (Lawrence)	Son	10	M	9-9-1918	1/2

Note:* The husband of the applicant is not of Indian blood.

2. Residence on May 18, 1928 Alameda County, California.
P.O. Box 3,

3. Post Office Newark Alameda California.
Town or City, Box Number or County State
Rural Route Number.

Note:* Does not live on Trust Lands.

4. Place of birth of yourself and each of your minor children

Alameda County, California.

Muwekma Ohlone Magdalena Thompson and Family BIA Application # 10296

Application Number 10296
Name Thompson, Magdalena
Action taken
Approved: FAB

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number **10680**

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

The Secretary of the Interior,

Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Relationship in Family	Ages in 1928	Sex	Dates of Birth Month Day Year	Degree of Indian Blood
Sanchez, Dolores	Sister	14	F	- 1914	
Sanchez, Augusta	Sister	13	F	- 1915	
"	Brother	11	M	- 1917	
"	Sister	9	F	- 1919	
"	Brother	16	M	- 1912	

2. Residence on May 18, 1928 *Camacha Co. Calif*

3. Post Office *Wulphitas*

Town or City, Box Number or

County

State

Rural Route Number.

4. Place of birth of yourself and each of your minor children

Camacha County, Calif

Muwekma Ohlone Dolores Sanchez and Siblings, BIA Application 10680
(Chairwoman Charlene Nijmeh's Grandmother)

Name *Sanchez, Dolores*
Application Number **10680**

Action taken

Approved

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number **10679**

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

The Secretary of the Interior,

Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Relationship in Family	Ages in 1928	Sex	Dates of Birth Month Day Year	Degree of Indian Blood
Arellano, Albert	Single	20	M	- 1908	-
"	Edwina	19	F	- 1909	"

2. Residence on May 18, 1928 *Musco, near Fresno, Calif*

3. Post Office *Musco*

Town or City, Box Number, or
Rural Route Number.

County

State

4. Place of birth of yourself and each of your minor children


Alameda County, California

Muwekma Ohlone Albert Arellano and Sister, BIA Application 10879
(Vice Chairwoman Monica Arellano's Grandfather)

At the outbreak of World War II almost all of the Muwekma men served overseas in Europe and the Pacific Theaters in the Army, Navy, Marine Corps, and Army Air Corps.


Muwekma Ohlone Tribe WWII Veterans 1941 - 1945

Lawrence Domingo
Marine
Sergeant,
U.S. Marine
Corps,
Guadalcanal,
Eniwetok,
Marshall
Islands,
Okinawa,
Ryukyu
1940-1946
WWII





Ernest Marine
Pfc. U.S. Army, 58th
Field Artillery Battalion,
1944-1946, WWII



Daniel Santos Juarez
(center)
Sergeant, U.S. Army,
41st Division, WWII
1944



Lawrence Thompson, Sr.
(photo taken in
1997, 79 years
old)
Tech. Fifth
Grade, U.S.
Army, 640th
Tank Destroyer
Battalion, Pacific
Theater 1941-
1945, WWII



Hank A. Alvarez
U.S. Army,
101st Airborne
Division
1942-1945,
WWII



Michael Benjamin Galvan
(right)
U.S. Navy And Army
WWII

Muwekma Ohlone Tribe Of The San Francisco Bay Area

Muwekma Ohlone Tribe WWII Veterans 1941 - 1945



Frank H. Guzman
Pfc, U.S.
Army 345th
Infantry,
European
Campaign,
1944-1946,
WWII



Salvador Piscopo
Sergeant, US Army,
Patton's Tank Div. 14th
Cavalry, 18th Mech, Sq.
1942-1946, WWII



Thomas Garcia,
(photo taken 1946)
U.S. Army, Co F,
358th Combat
Engineers
Buried in the
Golden Gate
National Cemetery



Ben Guzman,
U.S.
Army,
Pacific,
WWII
(photo
taken
1945)



Robert R. Sanchez
U.S. Army
Technician
Fourth Grade,
508th Prcht.
Infantry, 82nd
Airborne
Division
1943-1948,
WWII

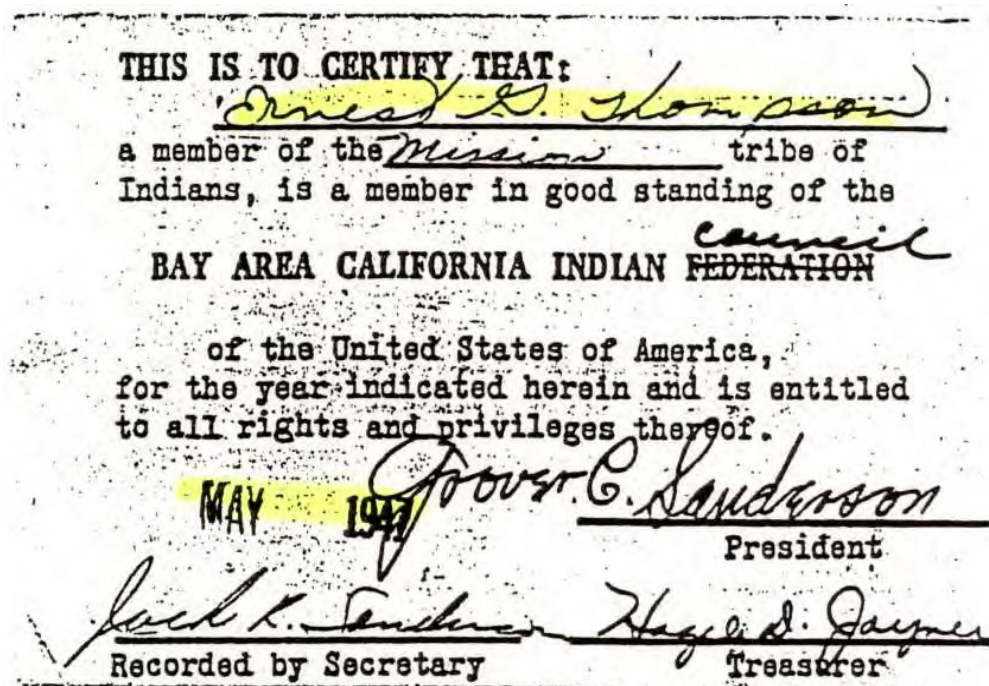


Enos Sanchez, 89th
Infantry Div., 1st
Bat, Co. M, 354th
Infantry Regiment
Heavy Machine
Gunner,
U.S. Army, Patton's
Army Tank
Command,
Rhineland, Central
Europe, North
Africa,

Muwekma Ohlone Tribe Of The San Francisco Bay Area

Some of Muwekma Men Who Served During World War II

After the war, in the mid-1940s Muwekma families joined the **Bay Area California Indian Council**,



Muwekma Ernest Thompson Membership in Bay Area California Indian Council (1947)

Between 1948 and 1957, the various Muwekma heads of households enrolled with the BIA during the second enrollment period. During the early 1960s, a relationship was forged between Muwekma Ohlone families and the American Indian Historical Society located in San Francisco. The focus of this relationship especially centered on preventing the potential destruction of the Ohlone Indian Cemetery located in Fremont. This cemetery contains over 4,000 converted Mission San Jose Indian Neophytes, including the immediate relations of our families who were buried there as late as 1925.

Muwekma Families Enroll with the Bureau of Indian Affairs during the Second Enrollment Period (1950-1957)

Under the Act of 1948, almost all of the Muwekma Ohlone "heads of household" enrolled with their families once again with during the second BIA Enrollment between 1950 and 1957. Our Muwekma families include: Dolores Marine Galvan, October 6, 1950; Domingo Lawrence Marine, October 12, 1950; Dario Marine, November 1, 1950; Flora Munoz Carranza, December 12, 1950; Lucas Marine, December 23, 1950; Henry Alvarez, April 7 & 26, 1951; Trina Marine Thompson Ruano, May 21, 1951; Maggie Pinos Juarez, July 19, 1951; Benjamin Galvan, December 4, 1951; Belle Stokes Olivares Nichols, February 25, 1952; Ernest Thompson, April 16, 1952; Thomas Garcia, April 22, 1953; Flora Emma Martel Thompson, February 4, 1954; Erolinda Santos Juarez Pena Corral, May 16; Robert Corral, May 16, 1955; Edward Thompson, May 21, 1955; Daniel Santos, May 23, 1955; Joseph Francis Aleas, May 24, 1955; Albert Arellano, June 18, 1955; Dolores "Dottie" Galvan Lameira, October 3, 1955; and, Arthur Pena Corral, December 27, 1957.



Muwekma Elders Maggie Juarez and Erolinda Santos Juarez Pena Corral

Although still landless, community and tribal related activities fell under the leadership of Muwekma Elder, Margarita (Maggie) Pinos Juarez, and Dolores Marine Alvarez Galvan, and her brothers Dario Marine and Lucas Marine, and her younger sister, Trina Marine Elston Thompson Ruano (Ernest Thompson, Sr., had married Trina after the death of his first wife, Muwekma Elder Magdalena Armija Thompson). These tribal activities and interactions were further spurred by communications with the BIA Sacramento Agency, which notified the Muwekma lineages of the expanded enrollment opportunities under the California Indian Jurisdictional Act for children born after May 28, 1928. Families contacted and helped each other to go to Sacramento to enroll their children, nieces and nephews. After the California Indian Roll was approved on November 23, 1951, the Sacramento Area Office published a list of enrollees that identified forty Muwekma under "Tribe Mission San Jose" (BIA list 1951).

Also, during this period of time (from 1930s and 1950s), some of the families moved about seeking new employment opportunities and residential stability. The residence of Lucas Marine and Catherine Peralta (before her passing in 1934), as well as Francisca Guzman and her son Alfred Guzman and his family resided on the Shinn Ranch in Niles, and became an important gathering place for the families and relations. Other important households were the residences of Dolores Marine Alvarez Galvan in Brentwood and San Jose, Dario Marine in Centerville, and later Woodland, and Margarita Pinos Juarez, and Trina Marine Thompson Ruano in Newark where the families would gather for various occasions.

Continuous Connections to the Tribe's Sacred Sites: The Protection of the Ohlone Indian Cemetery, Located in Fremont, Mission San Jose, California.

The Ohlone Indian Cemetery located on Washington Boulevard, one mile west of Mission San Jose in Fremont, is the location where over 4000 Indians were buried, and was used for continuous burial by members of the Guzman, Santos, Pinos, Marine, Armija (Thompson) and Nichols families until 1926, while the original Ohlone burial ground was

located under the northern wing of the mission church. Martin Guzman (died October 4, 1925), Victorian Marine Munoz (died November 27, 1922), and her son Jose Salvador Munoz (died 1921) were some of the last Muwekma Ohlone Indians to be buried there. On Jose Salvador Munoz's death certificate it identifies his place of burial as "Ohlone Cem[etery].

During the 1960's Muwekma families under the leadership of Dolores Marine Alvarez Galvan, participated in securing the legal title to the Historic Ohlone Cemetery located on Washington Boulevard. In 1971, a board of directors for the Ohlone Indian Tribe, Inc. was established by Dolores Marine Alvarez Galvan, and her children Philip Galvan, Benjamin Michael Galvan and Dolores Galvan Lameira in order to secure title to the tribe's ancestral cemetery.

During this period of time when the American Indian Historical Society, as a non-profit, obtained legal title of the Ohlone Cemetery on behalf of the Muwekma Ohlone community, invitations went out to various families, including the children of Magdalena Armija, Ernest Thompson and the other Marine-related families, to help clean up the run-down cemetery).

As mentioned above, the Guzman, Marine, Armija-Thompson and Nichols families had loved ones (e.g., Avelina Cornates Marine (died 1904), Elizabeth (Belle) Marine Nichols (d. 1911), Ramona Marine Sanchez (d. 1921), Victoria Marine Munoz (d. 1922), Dario's son Gilbert Marine, Rosa Nichols and Mary Nichols, Salvador Munoz (d. 1922), Charles Thompson (d. ~ 1917), Martin Guzman (d. 1925), and others were buried there during the first three decades of this century (Marine Family History 1965; Leventhal, Escobar, Alvarez, Lameira, Sanchez, Sanchez, Sanchez and Thompson 1995).



Muwekma Children Lillian Massiatt, Ramona and Michal Galvan at the Ohlone Cemetery (1966)

The Third Bureau of Indian Affairs Enrollment Period (1969-1971)

Following the Act of 1964, between 1969 and 1971, the following Muwekma “heads of households” and their families once again enroll during the third BIA Enrollment period with most of the applicants identifying themselves as “**Ohlone**” on Question # 6: “Name of the California Tribe, Band or Group of Indians with which your ancestors were affiliated on June 1, 1852”:

Mary Munoz Mora Ramos Archuleta, January 10, 1969, “**Ohlone, Mission.**”

Mary Marine Galvan, January 27, 1969, “**Ohlone.**”

Ernest George Thompson,. February 20, 1969, “**Ohlone Tribe, Mission San Jose.**”

Patricia Ferne Thompson Brooks, March 27, 1969, “**Mission Indians.**”

Madeline Cynthia Thompson Perez, March 27, 1969, “**Mission Indians.**”

Karl Thompson, March 27, 1969, “**Mission Indians.**”

Robert P. Corral,. April 30, 1969, “**Ohlone Indian.**”

Henry Marshall, May 7, 1969, “**Ohlones.**”

Glenn Thompson, June 11, 1969, “**Mission Indian.**”

Lorenzo Thompson, June 24, 1969,. “**Costanoan.**”

Lawrence Thompson, Jr., June 24, 1969, “**Costanoan.**”

Rosemary Juarez Ferreira, July 15, 1969, “**Ohlone Indians.**”

Peter D. Juarez, July 23, 1969, “**Ohlone Indians.**”

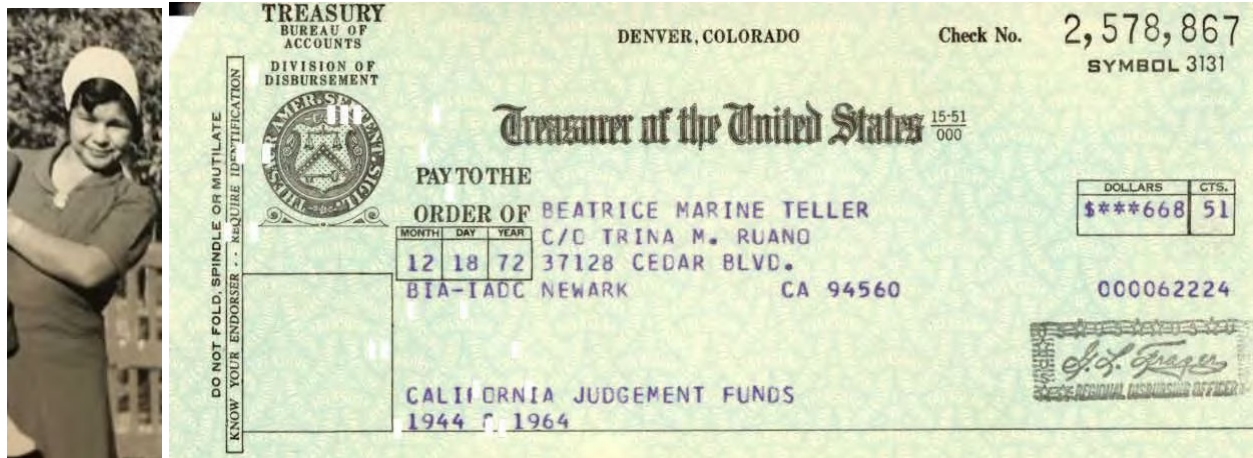
Dolores Sanchez Martinez August 11, 1969, "**Ohlone.**"
Margaret Martinez, August 21, 1969, "**Ohlone Mission Indian.**"
Joan Guzman, August 26, 1969, "**Ohlone Indian.**"
Belle Nichols, September 4, 1969, "**Mission.**"
John Paul Guzman, September 12, 1969, "**Ohlone Mission Indian.**"
Beatrice Marine, January 5, 1971, "**Costanoan.**"

Neither the Amah Mutsun tribal community of the greater Mission San Juan Bautista/Gilroy area or the Esselen Nation tribal community of the greater Mission San Carlos (Carmel)/Monterey Bay region ever used the ethnonym tribal identifier "Ohlone" for any of their BIA enrollments (1928 – 1971). It was not until after Malcolm Margolin's interpretive, but fictitious book, **The Ohlone Way** was published in 1978 that non-Indians were informing these two Indian communities that they were Ohlone Indians. Therefore, the broader use of 'Ohlone' was later applied by various scholars and archaeological firms to all Costanoan communities after 1978. Only our enrolled Muwekma families has a history of identifying ourselves as Ohlone prior to, and after, 1978 (Escobar, Field and Leventhal 1999).

The efforts of California Indians to sue the federal government under the Jurisdictional Act of 1928 resulted in the creation of the Federal Indian Claims Commission in 1946. This federal body allowed Indian groups to press for compensation to tribes over the theft of their lands in the 19th century. After 20 years of tortuous maneuvering all separate California Indian claims were consolidated into a single case. In the early 1950s, settlement checks for the sum of \$150.00 were issued for the value of 8.5 million acres of land, with interest back to 1852, for the lands that were never set aside under the terms of the unratified 18 California treaties.

By the late 1960s, a compromise settlement of \$29,100,000 was offered for 64,425,000 acres of land. After deduction of (BIA) attorney's fees (\$12,609,000), plus interest, the payment amounted to 47 cents per acre.

Payments of \$668.51 per eligible enrolled person was issued by 1972. What is of great significance to California Indians is the fact that the entire claims activities were conducted outside of normal court proceedings protected by the constitution. Thus Indians are the only class of citizens in the United States who are denied constitutional protection of their lands.



Distribution Check for Muwekma Elder Beatrice Marine for \$668.51 (1972)

During the early 1980's, many of our Muwekma families came together to continue to conduct research on their tribe's history and genealogy, and we also considered applying for Federal Recognition. Between 1982 and 1984, the Muwekma Tribal Council was formally organized. By 1989, the Tribal Council passed a resolution to petition the U.S. Government for Federal Acknowledgment. Additional research and documentation continued to be submitted, and on May 24, 1996 the BIA's Branch of Acknowledgment and Research (BAR) made a positive determination of "previous unambiguous Federal Recognition" (under 25 CFR 83.8) stating that:

Based upon the documentation provided, and the BIA's background study on Federal acknowledgment in California between 1887 and 1933, we have concluded on a preliminary basis that the Pleasanton or Verona Band of Alameda County was previous acknowledged between 1914 and 1927. "The band was among the groups, identified as bands, under the jurisdiction of the Indian agency at Sacramento, California. The agency dealt with the Verona Band as a group and identified it as a distinct social and political entity.

The BIA placed the Tribe on Ready Status for Active Consideration in 1998. As a result, the Muwekma Tribal Council decided that a wait of **24 plus years** was not acceptable to the Tribe, and therefore, sought alternative remedies. After failing to obtain a date from the Office of Federal Acknowledgment as to when the Tribe's petition would be reviewed, the Council had no choice except to consider legal action.

On December 8, 1999, the Muwekma Tribal Council and its legal consultants filed a law suit in U.S. District Court against the Interior Department/BIA – over the issue that the Muwekma Tribe as a previous Federally Recognized Tribe should not have to wait over 24 years to complete their reaffirmation process. On June 30, 2000, Federal District Judge Ricardo M. Urbina, ruled in favor of the Muwekma Tribe and ordered the Interior Department to formulate a process to expedite the Muwekma petition. On July 28, 2000, based upon the BIA's findings, Justice Urbina wrote in his Introduction of his Memorandum Opinion Granting the Plaintiff's Motion to Amend the Court's Order that:

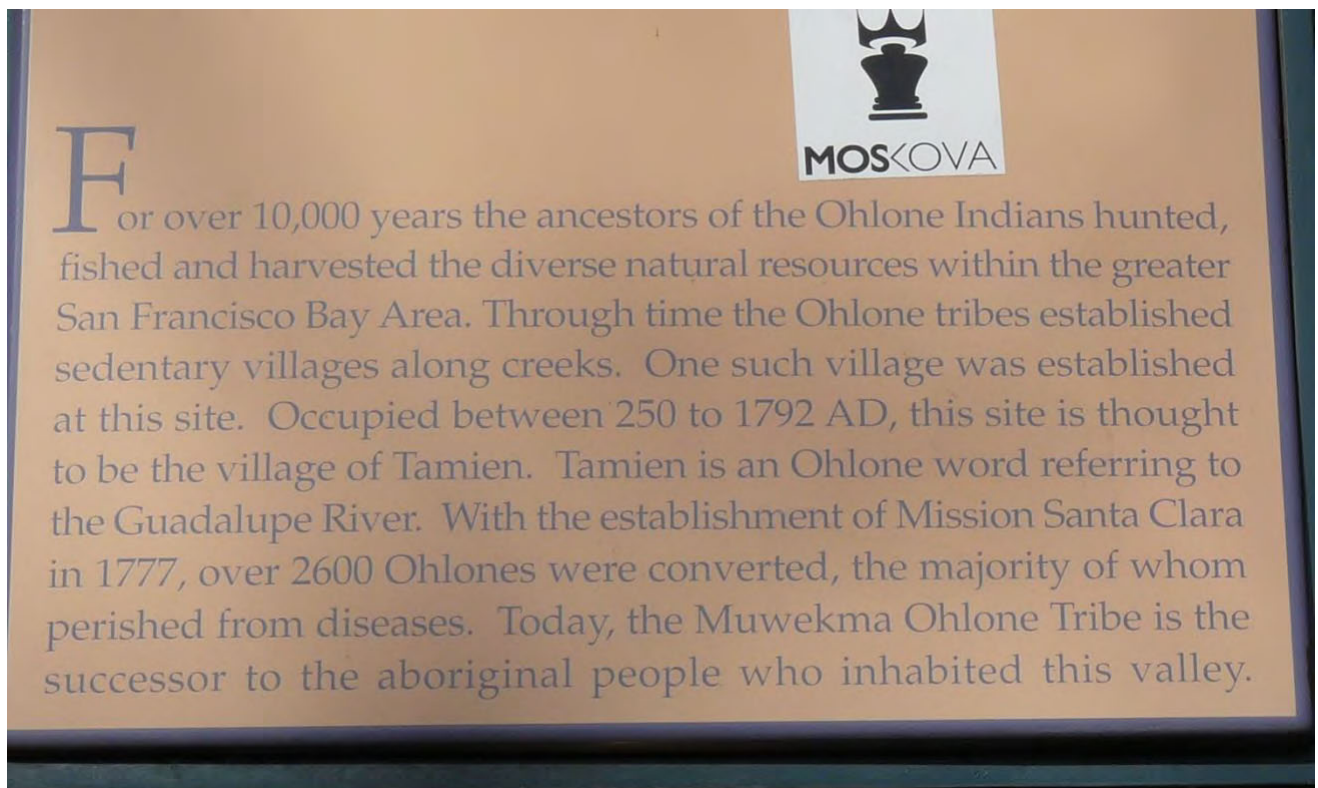
“The Muwekma Tribe is a tribe of Ohlone Indians indigenous to the present-day San Francisco Bay area. In the early part of the Twentieth Century, the Department of the Interior (“DOI”) recognized the Muwekma tribe as an Indian tribe under the jurisdiction of the United States.” (Civil Case No. 99-3261 RMU D.D.C.)

With this initial win in the Federal Court, That was when the Office of Federal Recognition declared war against our Tribe.

The following are some tribal events and public signage honoring our Tribe:



Muwekma Christmas Gathering at Stanford University 2005



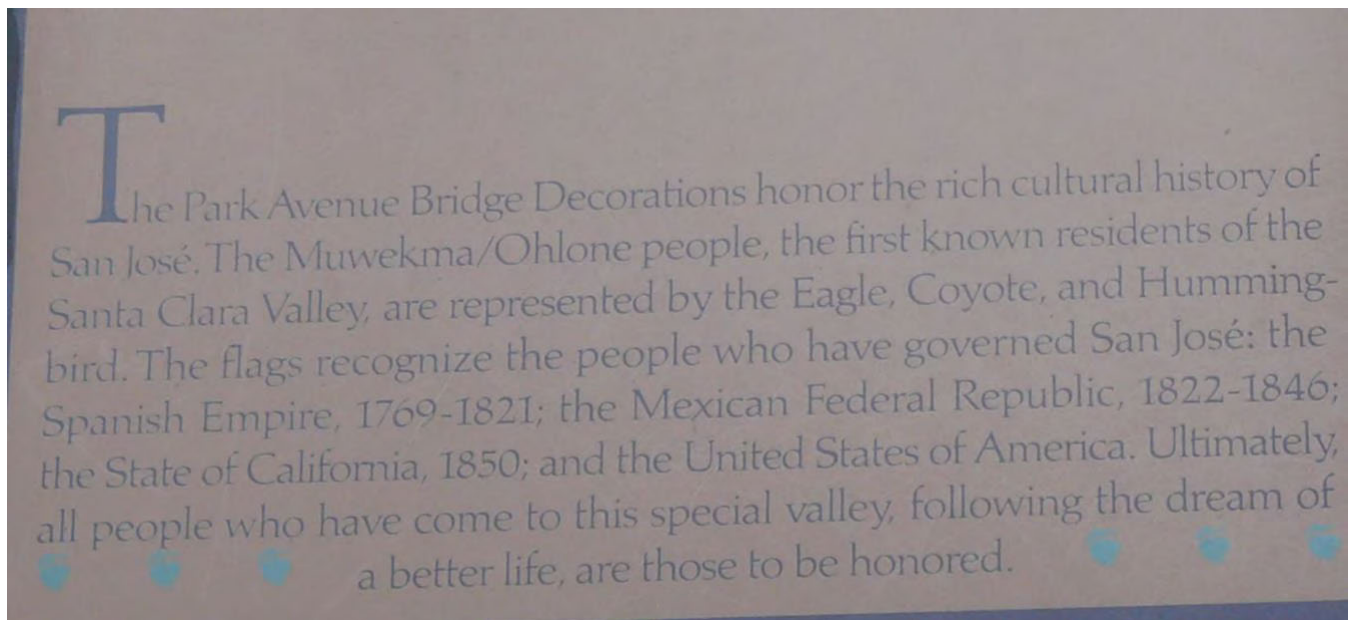
The Site of Tamien an Ohlone Indian Village (*Thámien Rúmmeytak* Site)

Transcription of the Historical Marker Village of Tamien Text

For over 10,000 years the ancestors of the Ohlone Indians hunted, fished and harvested the diverse natural resources within the greater San Francisco Bay Area. Through time the Ohlone tribes established sedentary villages along creeks. One such village was established at this site. Occupied between 250 and 1792 AD, this village is thought to be the village of Tamien [*Thámien*]. Tamien is an Ohlone word referring to the Guadalupe River. With the establishment of the Santa Clara Mission in 1777, over 2600 Ohlones were converted, the majority of whom perished to diseases. Today the Muwekma Ohlone Tribe is the successor to the aboriginal people who inhabited this valley.

Public Art over the Park Avenue Bridge: Eagle, Coyote and Hummingbird

On May 13, 1994 the City of San Jose unveiled the public art displaying Eagle, Coyote and Hummingbird and a version of the Ohlone Creation Narrative honoring the Muwekma Ohlone Tribe and later immigrants to San Jose, California with a plaque and sculptures.



Honoring Plaque over the Park Avenue Bridge Downtown San Jose

Transcription of the Informational Plaque on the Park Avenue Bridge

The Park Avenue Bridge Decorations honor the rich cultural history of San Jose. The Muwekma Ohlone people the first know residents of the Santa Clara Valley, are represented by the Eagle, Coyote and Hummingbird. The flags recognize the people who have governed San Jose: the Spanish Empire, 1769-1821; the Mexican Federal Republic, 1822-1846; the State of California, 1850; and the United States of America. Ultimately all people who have come to this special valley following the dream of a better life, are those to be honored.

The Muwekma Ohlone Tribute (Presented by the Guadalupe River Park Conservancy)

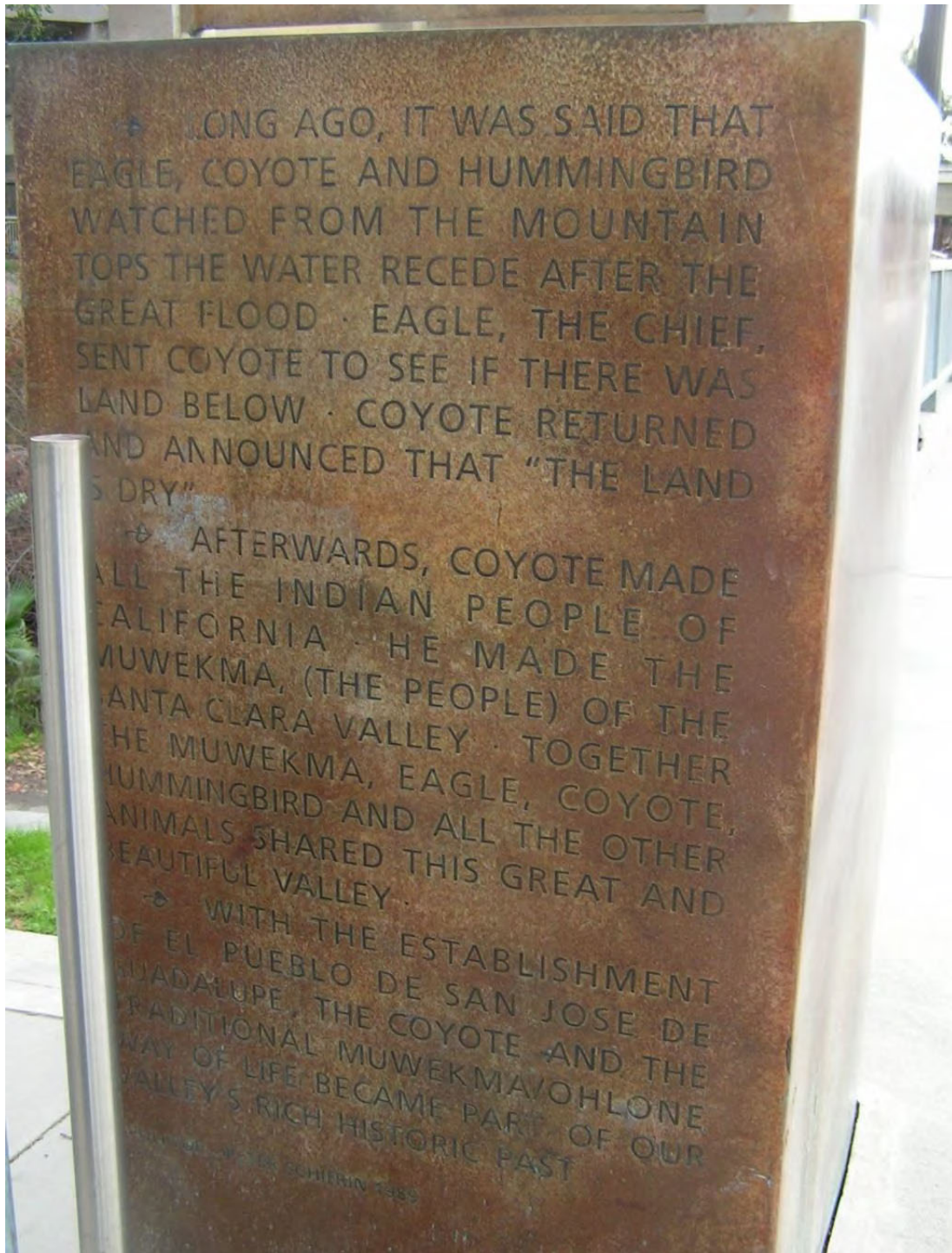
The Muwekma Ohlone people, Native Americans who once lived along the Guadalupe River, are honored with animal sculptures important to their tradition, on the Park Avenue Bridge. These include the Coyote, the Hummingbird, and the Eagle. The four flags that fly from atop the bridge represent the past and present governments of the area: Spain, Mexico, California and the United States. The Coyotes were created by artist Peter Schiffrin; the Eagle and Hummingbirds by Tom Andrews. The Coyote, Hummingbird and Eagle represent the Muwekma Ohlone creation story. Coyote was the father of the human race who was responsible for creating people and teaching them how to live properly. Hummingbird was wise and clever. Eagle was a leader (<http://www.grpg.org/public-art>).



Eagle with Two Humming Birds above



**Coyote (One of the First People) Hummingbird
(One of the three First People in Creation Narrative)**



One of the Four Corner Plaques Honoring the Muwekma Ohlone Tribe

For a transcription of the text engraved on one of the cornerstones at the Park Avenue Bridge and information about this Commemoration honoring the History of San Jose and Muwekma Ohlone Tribe (see below):



Eagle



Hummingbird



Coyote

Long ago, it was said that Eagle, Coyote, and Hummingbird watched from the mountain tops the water recede after the great flood. Eagle, The Chief, sent Coyote to see if there was land below. Coyote returned and announced that "the land is dry".

Afterwards, Coyote made all the Indian people of California. He made the Muwekma, (The People) of the Santa Clara Valley. Together the Muwekma, Eagle, Coyote, Hummingbird and all the other animals shared this great and beautiful valley.

With the establishment of the El Pueblo De San José De Guadalupe, the Coyote and the traditional Muwekma / Ohlone way of life became part of our valley's rich historic past.

Muwekma / Ohlone creation story

Commemoration of the history of San José

The Muwekma / Ohlone people

The Spanish Empire

The Mexican Federal Republic

The State of California

The United States of America

Sponsored by The Redevelopment Agency of the City of San Jose

May 13, 1994

Commemoration of the History of San Jose and the Muwekma Ohlone Tribe



CalTrain Tamien Station Plaque



Tamien CalTrain Station Plaque Honoring Muwekma Ohlone



Some of the Muwekma Tribal Council Members at the Gathering of Ohlone Peoples



Some of the Muwekma Tribal Members at People's Park in Berkeley in Front of the Muwekma Mural



Muwekma Leadership Singing a Welcoming Song at the Inaugural California Indian Flag Raising Event in the City of Milpitas (Nov. 1, 2018)



Opening Ceremony with Muwekma Representatives and Keynote Address Speaker Dolores Huerta at the American Anthropological Association Meeting, San Jose (November 14, 2018)

San Francisco Maritime National Historical Park and Museum



Indigenous Peoples' Day, October 14th

FOR IMMEDIATE RELEASE 10-12-2019

MAKING HISTORY -- MUWEKMA-OHLONE-TRIBE INFORMATION & CULTURAL EXHIBIT AT THE SAN FRANCISCO MARITIME NATIONAL HISTORIC PARK AND MUSEUM.

The Muwekma-Ohlone Tribe are presenting a one-day-only cultural exhibit and knowledge-giving event at the San Francisco Maritime National Historical Park and Museum.

The Muwekma Exhibit is in Honor of Indigenous Peoples' Day, October 14th, an important day of remembrance of our ancestors and an important day to rightly dispel the myth that Columbus discovered America.

¶
From the Tribal Vice Chairwoman: ¶

¶
We celebrate the Survival, Resilience and Contributions of the Indigenous Peoples who have lived in this area for more 3,000 years. We honor the special contributions that native peoples all over the world continue to give to our thriving societies. ¶

¶
We invite you into our community to learn about our Muwekma-Ohlone Tribe & experience our Cultural Exhibit. Hope to see you this Monday at the San Francisco Maritime National Historic Park and Museum. <https://www.nps.gov/safr/index.htm> 499 Jefferson Street, at the corner of Hyde Street, San Francisco, CA 94109. Museum Hours: 9:30am to 5 pm. For more information on the Muwekma-Ohlone Tribe of the San Francisco Bay Area visit muwekma.org. Find us on Facebook: www.facebook.com/muwekma/. Mákkín. Mak. Muwékma. Wolwóolum -- We Are Muwekma-Ohlone! Aho! ¶



Muwekma-Ohlone Tribal Members paddling in a canoe in the Aquatic Cove, just as their ancestors once traveled in the beautiful SF Bay waters.

Muwekma Tribal Exhibit in Honor of Indigenous Peoples Day (October 14, 2019)



Congress of the United States
House of Representatives
Washington, DC 20515

This Citation Is Presented To
***Muwekma Ohlone Tribe of the
San Francisco Bay Area***

IN RECOGNITION OF
*The history and heritage of the Muwekma Ohlone Tribe
of the San Francisco Bay Area. Having traced tribal
lineage and recognized over 500 members in the Bay
Area, its culture was restored. We celebrate the richness
that this tribe has brought to our community.*



Ro Khanna

Ro Khanna
*Member of Congress
17th District of California*

*On This Day,
The Second of November
Two Thousand and Nineteen*

Recognition Citation by a Congress Member of the United States (November 2019)

S T A T E O F C A L I F O R N I A



CERTIFICATE OF RECOGNITION

*Senator Jim Beall of the
California State Legislature is proud to
recognize*

Muwekma Ohlone

*For your community contributions; congratulations on your Local
Tribe Recognition at the Native American Heritage Month
Celebration*

November 19th, 2019

SENATOR JIM BEALL
15TH SENATE DISTRICT

Certificate of Recognition State Senator Jim Beall (November 19, 2019)

Concluding Statement about Social Justice from the Muwekma Tribal Leadership

Since the 1960s our enrolled families have been involved in the protection of our ancestral Ohlone Indian Cemetery, as well as the hundreds of our ancestral heritage sites.

Since the 1980s our tribal leadership and members have been involved in numerous environmental, educational and cultural events at public and private schools, universities and colleges (Stanford, Berkeley, Santa Clara, San Jose State, CSU East Bay, UC Santa Cruz, SF State, San Jose City College, and others), religious organizations, museums. (Oakland, Los Gatos, Los Altos, Campbell, Santa Clara De Saisett, Coyote Hills East Bay Regional Park District, and others) throughout the San Francisco Bay Area as well as elsewhere in California. Our Tribal language committee has been pursuing renaming our ancestral heritage sites and other places of importance to our Tribe such as at **Máyyan Šáatošikma (Coyote Hills)**.

Our Tribe has been involved in various **Earth Day** Celebrations since the Mid-1980, especially with the Environmental Science Department at San Jose State University. Our Tribal members have been involved in the 500 Mile American Indian Spiritual Run since 1980 and has hosted and supported the Native American spirit runners from Alaska to Panama (Eagle and Condor spirit runners); Muwekma has continued co-sponsored since 2006 the American Indian Heritage Celebration with the Indian Health Center of Santa Clara County. Tribal members have participated in Coast and Creek clean-up events over these many years. The tribal leadership and members are working with Native Plant Societies and Gardens throughout the Bay Area as part of our collective education and revitalization on native species of plants and their traditional uses.

Healing Our Spiritual Wounds and Looking Toward the Future

As a result of continuous **gross negligence** and **crass indifference** by the Department of Interior, the Muwekma Tribe is in the final throes of seeking resolution of its Federally Acknowledged status via the newly proposed revised Acknowledgement Regulations in order to correct the “administrative errors” perpetrated by the BIA in 1927 and in 2002. The Muwekma Tribe has waited since 1906 – one hundred and fifteen years – for some semblance of justice. Our people have suffered long enough under this the inequities perpetrated on us as the documented aboriginal and historic tribe of the San Francisco Bay Area.

As a landless tribe, our people are refugees within our aboriginal homeland. We will not stop fighting for our rights or for the rights of the other legitimate historic tribes in California and elsewhere in the United States that have been adversely impacted by the dominant society! We have suffered enough indignity by being totally disenfranchised within our ancestral homeland. The Muwekma families have united and now hold hands with our past as we look towards the future with our children and our grandchildren.

Regardless of the Federal Government’s recalcitrance to restore our Tribe’s status as a Federally Recognized Tribe, we will nonetheless persevere as the Aboriginal Tribe of the San Francisco Bay Region.

We have lived here in our ancestral homelands within the greater San Francisco Bay for over 10,000 years and we have no intention of leaving, giving up or abdicating our Indian Heritage and Sovereign Rights!

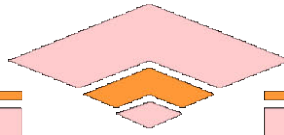
The Muwekma Tribe ultimately anticipates a positive outcome as a result of our efforts to regain our Federally Acknowledged status either through reaffirmation or reconsideration of the evidence that was submitted in our petition but ignored by the Office of Federal Acknowledgment. We anticipate that our Tribe will be restored to the list of Federally Recognized Tribes within the next few years and when that joyful moment happens, we intend to celebrate our freedom from the odious yoke of erasure and exclusion that has been perpetrated upon our people since the invasion of California by European colonial powers and American expansionist policies.

We are honored to contribute information about our 12,000-year history and heritage of our Tribe from our ancestral homeland of the greater San Francisco Bay Area, and welcome the administration, faculty, staff and students from the **San Jose City College** to our ethnohistoric land of ***Thámien***. **AHo!**

Please come join with us in the everyday celebration of life and embrace the acknowledgment that our ancestral homeland is indeed a wonderful place to live for all of us and our children!

***Makkin Mak Haššesin Hemme Ta Makiš Horše Mak-Muwekma,
Rooket Mak Yiššasin Huyyunčiš Šiiniinikma!***
We Will Make Things Right For Our People and Dance For Our Children! Aho!

**For more information, please visit the Muwekma Ohlone Tribal Website:
www.muwekma.org**



MUWEKMA OHLONE INDIAN TRIBE

OF THE SAN FRANCISCO BAY AREA REGION

'Innu Huššištak Makiš Mak-Muwekma "The Road To The Future For Our People"

12/1/2021

Point by Point Response to Ms. Quirina Luna's Claims

TRIBAL CHAIRPERSON
CHARLENE NIJMEH

TRIBAL VICE CHAIRPERSON
MONICA V. ARELLANO

TRIBAL TREASURER
RICHARD MASSIATT

TRIBAL COUNCIL
JOANN BROSE
FRANK RUANO
SHEILA SCHMIDT
CAROL SULLIVAN

TRIBAL ETHNO-HISTORIAN
ALAN LEVENTHAL



Dear San Jose Charter Commission,

Ms. Quirina Luna wrote the following to the Commission and below is the Muwekma Ohlone tribe's response:

Dear Commission, Good morning. I am writing to you on behalf of Tamien Nation, the aboriginal Tribe of San Jose and surrounding areas. We recently received notice that the City of San Jose Charter Commission is developing a Muwekma Land Acknowledgment.

Response:

1. Tamien Nation is a fictitious organization that claims to be an historic Tribe. Tamien nation is newly formed non-profit that is not a historic entity, but one of self-aggrandizement that threatens the sovereign rights of both historic and BIA documented tribes. In fact this non-profit did not exist before November 2020.
2. The Muwekma Ohlone Tribe has continued to exist prior to and since we were federally Recognized beginning in 1906, through the Congressional Homeless California Indian Acts of 1906, 1908 and later years.
3. The Muwekma Ohlone Tribe was federally Recognized as the Verona Band of Alameda County by Special Indian Agent for California Charles E. Kelsey of San Jose, who interviewed Muwekma Elders and placed our tribe under the direct jurisdiction of the Indian Service Bureau (now BIA), and later the Reno and Sacramento Agencies.
4. Ms. Luna does not demonstrate any connection to any previously federally recognized tribe.
5. Here is the background information about the Luna family's first split with the Amah-Mutsun Tribal Band back in 1999 and their Letter of Intent to Petition the BIA as **Petition # 210** as a separate Tribe: From the BIA List of Groups who sent in a Letter of Intent to petition: **Petition # 210 Costanoan Tribe of Santa Cruz and San Juan Bautista Missions**; c/o Ms. Quirina Cynthia Luna (Phone Unknown), 704 Wessmith Way Madera, CA 93638-2172. Letter of Intent to Petition dated 5/11/1999; **Letter of Intent withdrawn 5/10/2000.**

6. Her parents requested of the Muwekma Tribal Ethnohistorian Alan Leventhal to help them with their petition. Mr. Leventhal stated that the Luna family does not meet any of the BIA mandatory criteria. They then reenrolled with the Amah-Mutsun Tribal Band in 2000.

7. Recently, Amah-Mutsun Chairman Val Lopez sent the following letter to the Native American Heritage Commission regarding Ms. Geary's recent political move to create a separate tribe:

From: Valentin Lopez <vjlttestingcenter@aol.com> **Sent:** Thursday, April 8, 2021, 10:04 PM

To: christina.snider@nahc.ca.gov <christina.snider@nahc.ca.gov>

Cc: debbie.treadway@nahc.ca.gov <debbie.treadway@nahc.ca.gov>; nahc@nahc.ca.gov <nahc@nahc.ca.gov>; lopezkeifer@gmail.com <lopezkeifer@gmail.com>; Charlene Nijmeh <cnijmeh@muwekma.org>

Subject: Tamien Nation

Dear Secretary Snider,

Today our Amah Mutsun Tribal Band met with Thomas Torma of the UCB NAGPRA Committee. He mentioned that he is consulting with the Tamien Nation. We are writing to notify you that Ms. Quirina Geary, who is presenting herself as Chair of the Tamien Nation, resigned as a member of our Amah Mutsun Tribal Band on **December 1, 2020**, just four months ago. On November 12, 2020, before she resigned from our Tribe, she applied for **nonprofit** status as "**Tamien Nation**" with the California Secretary of State. Our Tribal Council was unaware of her actions. We'd like to know when she requested Tribal status with the NAHC? We suspect it was before she resigned from our Tribe.

Furthermore, I have learned that her tribe is comprised only of her, her children, her sister and her sister's children. I am not aware of her having any other members. A tribe has to be comprised of more than just family members. Her tribal recognition status should be reviewed, and the legitimacy of the Tamien Nation status denied.

It seems that NAHC's acceptance of her application for state recognition status is not valid. Our Tribe is comprised of 600 members. If all 600 members of our Tribe resigned and then individually wrote to your office to say that each of them now represent a different and distinct Ohlone Tribe, would you recognize all 600 new Ohlone Tribes?

Our Tribe is scheduling meetings with Muwekma to discuss this issue and I'm hoping we can find a way for both Tribes to agree on how Tamien traditional territory should be stewarded and represented. I would like to meet with you to discuss the issue of tribal status and the need for valid criteria.

Thank you,
Valentin Lopez, Chair
Amah Mutsun Tribal Band
916-743-5833

Ms. Luna continued in her accusations against Muwekma to the Commission stating: However, Muwekma is not from San Jose. The Muwekma Ohlone Tribe is East Bay Chochenyo (please find "Muwekma Map" and "BIA Petition").

Response:

1. The Muwekma Ohlone Tribe is a historic tribe determined by the Bureau of Indian Affairs and Federal Courts as a previously unambiguously federally recognized tribe. Some of the enrolled lineages (not just one family as in the case of Ms. Luna) has direct biological descent from the Alson Thamien Ohlone Tribe whose aboriginal territory included the Alviso region of the City of San Jose and were missionized into Mission Santa Clara.

2. Ms. Luna continuously employs the partial map that was included in Muwekma's Proposed Finding by the BIA, which focused on the location of two of the Muwekma Ohlone Tribe's historic rancherias located at Pleasanton and Niles in the early 20th century. These two major rancherias were the locations where the surviving Muwekmas from Missions Santa Clara, San Jose, and San Francisco found safe haven and ability to work on local ranches, orchards and vineyards. These rancherias were also the locations where notable linguists and anthropologists such as Alfred L. Kroeber, E. W. Gifford, John Alden Mason, and C. Hart Merriam affiliated with UC Berkeley, as well as Jeremiah Curtain and John Peabody Harrington from the Smithsonian's Bureau of American Ethnology interviewed and photographed the Elders of the Muwekma tribal community.

3. Notice that Ms. Luna has no evidence of any such claim other than "claiming" to be a descendant of a Mission Santa Clara Indian.

Ms. Luna continued with her letter to the Commission stating:

Tamien Nation is the only politically organized Tribe with direct lineages to aboriginal villages in San Jose.

Response:

1. In 1992 the Congress Passed HR 2144 which created the Advisory Council on California Indian Policy (ACCIP) (in force 1992-1998). Muwekma worked on the Federal Recognition Task Force all helping interested tribes and communities from around the State to organize their governance documents, petitions and evidence of previous federal recognition for the Branch of Acknowledgement and Research. Every tribal community was invited to participate and interface with the ACCIP's Task Force. Tamien Nation did not exist; however you can see by the BIA list, the family after it enrolled in the Amah-Mutsun Tribal Band, tried to create their own tribe by 1999.

2. In 2009, renown anthropologists Randall Milliken, Laurence Shoup and Bev Ortiz, **Ohlone/Costanoan Indians of the San Francisco Peninsula and their Neighbors, Yesterday and Today**, published for the National Park Service and the Golden Gate National Recreation Area in San Francisco, the authors invited all known tribal groups and non-profits to be interviewed (<https://home.nps.gov/goga/learn/historyculture/upload/title-summary.pdf>). Ms. Luna did not respond because Tamien Nation did not exist in 2009.

3. As stated above, some of the Muwekma BIA documented lineages are directly descended from the **Alson Thamien Ohlone-speaking tribe** of the **Santa Clara Valley** which included the areas "north and south of the mouth of **Coyote Creek ... Milpitas and Alviso**" ... "the Alson went into Mission Santa Clara under the designation by the priests as "Santa Agueda" (Milliken 1995:235).

4. In his 1991 dissertation, Milliken, presented information about the "Santa Clara Valley Conversions, 1780-1784" stating that: "At the start of 1780 the core group of adult Christians at Mission Santa Clara were from the **Alson village of San Francisco Solano**, rather than the nearer tiny Thamien villages of Our Mother Santa Clara and Our Patron San Francisco. (1991:139)

5. Furthermore, Milliken (1991) noted the following that: The Santa Clara Mission settlement lay at the **northeastern edge of the Thámien tribal district**, very near to lands of three other tribes. Three large villages of over 120 inhabitants each lay within four-mile radius of the Santa Clara Mission site. The native names of those villages are not known. The missionaries at Mission Santa Clara gave each of them a Spanish designation; **San Francisco Solano** village of the **Alson** tribe a mile or two downstream at the mouth of the **Guadalupe River**, Santa Ysabel village of a different, unnamed tribe east of San Francisco Solano on the lower Coyote River, and San Joseph Cupertino village of the Thámien tribe in the oak grove about three miles to the southwest of the mission site. (1991:116-117)

6. Other intermarriage and descendency ties between Muwekma Indians who were born in the mid-19th century, as in the case of Maria de los Angeles Colos (1839-1929) who was one of JP Harrington's linguistic consultants, had married a Mission Santa Clara Indian man named Raymundo Bernal (who also used the surname Sunol), their direct descendants are enrolled in the Muwekma Tribe.

7. Also, please note that the Native American Heritage Commission does not prepare any tribal territorial maps, only interested parties submit such a map without any supporting evidence or review. We are attaching one of Randall Milliken's Maps that show the relationship between the Alson and the adjacent Thamien tribal areas.

8. Lastly, while Ms. Geary's non-profit was recently created in 2020, the Muwekma Ohlone Tribe on the other hand has been formally determined as a **historic previously federally recognized tribe** by the BIA and federal courts (see attached timeline). The question arises, can a single family who recently created a "pop up" non-profit entity overthrow the documented history and genealogical of a historic tribe with over 600 BIA documented tribal members?

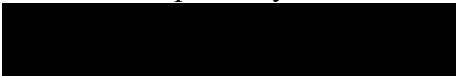
Ms. Luna continued by stating: These types of uninformed decisions are detrimental to our very existence as Indian people, limiting our access to traditional lands, programs, resources and hinders our petition for Federal Acknowledgement.

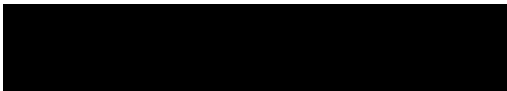
Response:

1. What letter of Intent for Federal Acknowledgement? Did she present the Commission with a copy of their letter of intent?

Thank you for considering this response from our Tribe.

'Uni ~ Respectfully,


Charlene Nijmeh, Chairwoman
Muwekma Ohlone Tribe of the SF Bay Area


Monica V. Arellano, Vice Chairwoman
Muwekma Ohlone Tribe of the SF Bay Area

RESOLUTION HONORING

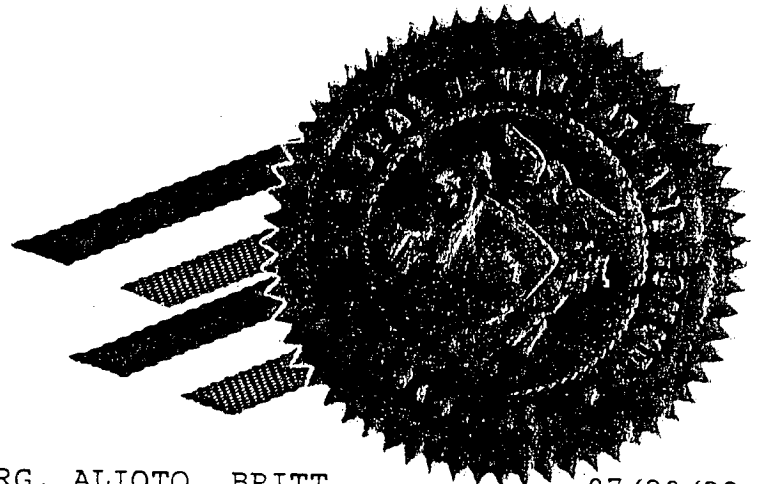
MUWEKMA OHLONE TRIBE

WHEREAS, the Muwekma Ohlone Tribe is the aboriginal Native American Tribe of San Francisco; and

WHEREAS, the Muwekma Ohlone people, who were taken away from their aboriginal land and were once thought extinct, have retained their cultural and social identity for the past five hundred years; and

WHEREAS, the Board of Supervisors strongly supports all Native American aboriginal groups, especially in this Year of the Quincentennial Celebration, in their attempts to be self-sufficient and to be recognized and acknowledged;

NOW, THEREFORE BE IT RESOLVED, that the San Francisco Board of Supervisors does hereby commend and support the Muwekma Ohlone Tribe and other California tribes and bands in their efforts to obtain recognition at the Federal level and by the United States Congress.



SUPERVISORS GONZALEZ, ACHTENBERG, ALIOTO, BRITT,
CONROY, HALLINAN, HSIEH, KENNEDY, MIGDEN, SHELLEY

07/20/92



CERTIFICATE OF RECOGNITION

*Senator Jim Beall of the
California State Legislature is proud to
recognize*

Muwekma Ohlone

*For your community contributions; congratulations on your Local
Tribe Recognition at the Native American Heritage Month
Celebration*

November 19th, 2019

Jim Beall

SENATOR JIM BEALL
15TH SENATE DISTRICT



INTERNATIONAL INDIAN TREATY COUNCIL

INFORMATION OFFICE

710 CLAYTON STREET #1 SAN FRANCISCO, CA 94117

TELEPHONE: (415) 566-0251

FAX: (415) 566-0442

EMAIL PEACE NET: IITC



April 6, 1992

To all concerned local, state and federal officials,

The International Indian Treaty Council, a Non-governmental Organization (NGO) advocating for the rights of Indigenous Peoples at the United Nations, supports the inherent land rights of all Indigenous Peoples. This "right to territory" is recognized under international law.

The IITC recognizes that the Muwekma Ohlone People of the San Francisco Bay Area have survived a bitter history which has disenfranchised them from their ancestral lands and denied them recognition as a distinct and independent People. This history includes enslavement in Mission communities in the early 1800's, forced removals and stealing of traditional lands, cultural destruction, and ongoing desecration of burial grounds and sacred sites.

As a critical aspect of their struggle to implement their basic right to self-determination, the Muwekma Ohlone People are currently seeking federal tribal recognition, along with more than 30 other California Indian Nations who have been relegated to the tragic and genocidal status of "landless Indians".

The Muwekma Ohlone have also initiated the process of regaining a portion of their traditional land base. Currently their priority is the return of the area in San Francisco known as the Presidio, soon to become unused federal land when the military pulls out. Under federal law, this land must be returned to the original "owners", the Muwekma Ohlone. This act of simple and straightforward justice, carried out at the earliest possible date, will be a significant step in reversing the policy of genocide through which many California Indian Peoples have been pushed to the brink of extinction, and California Indian Nations have become homeless in their own homelands.

The IITC strongly encourages all city, state and federal officials who have a part in the decision-making regarding the future of the Presidio to take immediate action towards its return to the Muwekma Ohlone.

The IITC also supports federal recognition for the Muwekma Ohlone Tribe as a critical step in their ability to engage in government-to-government relations, and to exercise self-determination as a Sovereign People.

The IITC will continue to support the efforts of the Muwekma Ohlone People to reclaim their traditional lands, including the Presidio in San Francisco. 1992 is the year

for healing the wounds that have been inflicted upon
Indigenous Peoples, but this healing will not begin until
justice is done.

Respectfully,


William A. Means,
IITC Executive Director

cc: Muwekma Ohlone Tribal Council
President George Bush
Manuel Lujan, Secretary of the Interior
Senator Daniel Inouye, Chairman, Senate Select Committee
On Indian Affairs
Congressman George Miller and Tad Johnson, House
Committee on Interior and Insular Affairs
Mayor Jordan, City of San Francisco
Supervisor Willy Kennedy, San Francisco Board of
Supervisors
United Nations Office of Human Rights
file

Human Rights Commission

Resolution

MUWEKMA OHLONE TRIBE

WHEREAS, the Muwekma Ohlone Tribe is the aboriginal Native American Tribe of San Francisco; and

WHEREAS, the Muwekma Ohlone people, who were taken away from their aboriginal land and were once thought extinct, have retained their cultural and social identity for the past five hundred years; and

WHEREAS, the Muwekma Ohlone people have suffered several hundred years of dislocation, dispossession of the lands, and relocation to harsh environments; and

WHEREAS, the Human Rights Commission strongly supports all Native American aboriginal groups, especially in this Year of the Quincentennial Celebration, in their attempts at self-determination, and to be self-sufficient, officially recognized, acknowledged, and justly treated by the Federal government; and

WHEREAS, the Human Rights Commission is mandated to identify and publicize all conditions of human injustice, discrimination, prejudice, and inequality;

THEREFORE, BE IT RESOLVED, that the Human Rights Commission does hereby commend and support the Muwekma Ohlone Tribe and other California tribes and bands in their efforts to obtain recognition and assistance at the Federal level and by the U.S. Congress.



Chair

Mary F. Gaher

Date

September 10, 1992

Certificate of Honor

BOARD OF SUPERVISORS
City and County of San Francisco

The Board of Supervisors of the City and County of San Francisco hereby issues, and authorizes the execution of, this Certificate of Honor in appreciative public recognition of distinction and merit for outstanding service to a significant portion of the people of the City and County of San Francisco by:

Muwekma Ohlone Tribe

The City and County of San Francisco honors the Muwekma Ohlone Tribe which is comprised of all of the known surviving American Indian lineages aboriginal to the San Francisco Bay region. The Muwekma Ohlone Tribe advocates for the cultural heritage of its members. The Board of Supervisors also thanks the Muwekma Ohlone Tribe for its commitments in terms of land use, transportation, housing, safety, health and education. On the behalf of San Francisco's Supervisors and the Chairperson of the Tribe, Rosemary Cambra, thank you!

David Campos
Supervisor David Campos
April 27, 2016



State of California

March Fong Eu
Secretary of State

**"RELATIVE TO THE RECOGNITION OF
THE AMAH-MUTSUN TRIBAL BAND,
THE MUWEKMA/OHLONE TRIBE, THE ESSELEN NATION, AND
OTHER UNACKNOWLEDGED CALIFORNIA INDIAN TRIBES"**

WHEREAS, the AMAH-MUTSUN TRIBAL BAND, the MUWEKMA/OHLONE TRIBE, and the ESSELEN NATION, of the San Francisco/Monterey Bay regions constitutes three of the surviving aboriginal California tribes of the area; and

WHEREAS, the impact upon these tribes of their removal to these missions, coupled with the Spanish conquests and administration of California, and the eventual annexation of California into the United States caused these three tribes to be incorrectly declared extinct and administratively terminated by the United States Department of the Interior (B.I.A.); and

WHEREAS, AMAH-MUTSUN TRIBAL BAND, MUWEKMA/OHLONE TRIBE, and the ESSELEN NATION, through extensive research and documentation, have demonstrated their continuation of native heritage, cultural identity, and aboriginal lineage within the macro San Francisco/Monterey Bay region; and

WHEREAS, despite these efforts, the Federal Government and the Congress have not yet corrected the error of administrative termination in 1927, and declaring these tribes to be extinct; now, therefore, be it

RESOLVED, that Secretary of State MARCH FONG EU, by virtue of this Resolution, commends and congratulates the AMAH-MUTSUN TRIBAL BAND, the MUWEKMA/OHLONE TRIBE, the ESSELEN NATION, and all other unacknowledged California Indian tribes for their efforts to preserve their cultural heritage and to gain reinstatement and recognition by the Federal Government and the United States Congress; and be it further

RESOLVED, that a suitably prepared copy of this Resolution be presented to the members of the AMAH-MUTSUN, the MUWEKMA/OHLONE TRIBAL COUNCILS, and the ESSELEN NATION on the occasion of the dedication of the Native American Center at the Presidio of Monterey.

Subscribed this 14th day of February, 1994

March Fong Eu
MARCH FONG EU
Secretary of State



6/7/22 Council meeting Item 3.5 22-844 Proposed Ballot Measure on City Charter Amendment for the November 8, 2022 General Election

Cynthia Engler <[REDACTED]>

Mon 6/6/2022 6:34 AM

To: City Clerk <city.clerk@sanjoseca.gov>

[External Email]

You don't often get email from [REDACTED]. [Learn why this is important](#)

[External Email]

As a lawfull citizen of the United States, i strongly urge a no vote on this ballot measure. this type of reckless and sneaky behavior against legal citizens of san jose is unacceptable. its clear there is a woke agenda being followed here against the will of the people. stand up for what is good, true and lawfull please.

cynthia engler

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

6/7/22 3.5 22-844 Proposed Ballot Measure on City Charter Amendment for the November 8, 2022 General Election.

Barb MacNeil <[REDACTED]>

Sat 6/4/2022 6:29 PM

To: City Clerk <city.clerk@sanjoseca.gov>

[External Email]

What will the dollar cost be to San Jose taxpayers for this ballot measure?

We oppose the "remove requirements that members of the Planning, Civil Service, and Salary Setting Commissions be electors and/or citizens" portion of this proposed measure.

Barb MacNeil

[Sent from AT&T Yahoo Mail for iPhone](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



TAMIEN NATION
OF THE GREATER SANTA CLARA COUNTY
P.O. Box 8053, San Jose, California 95155
(707) 295-4011 tamien@tamien.org

June 7, 2022

Submitted Via Email: city.clerk@sanjoseca.gov

Dear San Jose City Council and the Charter Review Committee:

I write to you on behalf of Tamien Nation, the Aboriginal Tribe of the Santa Clara Valley to provide fact-based documents and background to help the City of San Jose better understand the underlying issues of the proposed Land Acknowledgement for the City Charter.

Tamien Nation accepted an invitation to meet with the City of San Jose and the Muwekma Ohlone Tribe to discuss the proposed Land Acknowledgment to be added to the City Charter. Our Nation was willing and eager to be at the table to discuss our legitimate claim as the Aboriginal Tribe of San Jose. However, on May 13, 2022, the Muwekma Ohlone Tribe failed to appear without explanation or notice provided to our Nation. Nevertheless, our Tribal representatives engaged in a meaningful discussion with the mediator and other inter-Tribal community members. Although the meeting did not go as planned, we appreciate both the San Jose City Council Members and Charter Review Committee Members for your effort and attempt to mediate the issue.

Land acknowledgements are strong political statements that can help Tribes reaffirm their sovereignty. However, when hastily constructed, the outcome can have the opposite effect causing the erasure of an entire people. In the age of social justice, agencies, institutions, and organizations are adopting diversity, equity, and inclusion initiatives which often include land acknowledgements. However, well intentions can lead to disaster when proper care and research are not properly executed acknowledging the rightful Tribe. These types of uninformed decisions are detrimental to our very existence as Indian people, limiting our access to our traditional lands, programs, resources and hinders our petition for Federal Acknowledgement.

Tamien Nation has historically suffered state-sanctioned murder, land theft and removal from our Aboriginal homeland of Santa Clara Valley. As an act of survival, the Tamien Nation moved to less desirable lands in the San Joaquin Valley seeking safety and security. Despite this history, we have demonstrated our resiliency. Our Nation continues to practice our ceremonies, gather traditional foods, hunt, fish, play traditional games and speak our languages as our ancestors have for thousands of years. We are truly "living Indians". Although most of our Nation citizens still live in a tight-knit community in the City of Madera, we are currently seeking lands to return to home to the Santa Clara Valley.

Today, every Tamien Nation Tribal citizen has direct lineages to historic Tamien villages verified by a certified genealogist and are direct lineal dependents of/or are on the California Judgment Fund Rolls (CJFR) of 1953 and 1972 and have Certificates of Degree of Indian Blood (CDIB) issued by the Bureau of Indian Affairs (BIA). Our Tribal elders were also subject to the Indian Relocation Act of 1956 (also known as Public Law 959) implemented by the BIA.

Tamien Nation has overwhelming evidence of direct lineal descendancy to several prehistoric Tamien rancherias including San Juan Bautista Rancheria, San Jose Cupertino Rancheria, San Carlos Rancheria (aka, Matalan), San Antonio Rancheria, Santa Ysabel Rancheria (aka Paleño), Santa Clara Rancheria and San Francisco Solano Rancheria (aka, Alson), which encompasses almost all of Santa Clara Valley.

The Tamien Nation wholeheartedly supports all Tribes, including the Muwekma Ohlone Tribe's efforts to receive recognition from governmental agencies within their Aboriginal territory. However, the Muwekma Ohlone Tribe's place of origin in the East Bay, not the Santa Clara Valley. On page 5 of the attachment, "Figure 2" is a map produced and submitted by the Muwekma Ohlone Tribe in their petition for Federal Recognition. This map clearly shows the Muwekma Ohlone are not of Tamien origin. They show no direct lineage to any Tamien village or rancheria in Santa Clara Valley. On the contrary, their own data shows their direct lineal descendancy is from Alameda County, north of Fremont. In-fact, the term Tamien never shows up in the entire 266-page [BIA response](#). According to the documents, it is not until the mid 1980s when Muwekma expands their tribal monitoring business that they begin to claim the Southern San Francisco Peninsula. We believe this shift is for monetary gain.

In 2002, the Muwekma Ohlone Tribe was officially denied federal recognition. Due to this denial, the Muwekma can never reapply for federal recognition and will need an Act of Congress to become recognized. This, we believe, is the motivation behind their push for land acknowledgements; to gain outside agency support leading to future legislation for Tribal recognition. Tamien homeland is Silicon Valley, with a wealthy population and rich corporate resources. Muwekma's attempt to encroach on Tamien territory is based on a colonial settler mindset of taking and exploiting the resources of others.

Additionally, Muwekma's Tribal researcher, Alan Leventhal, a highly misinformed individual who has openly made disparaging remarks against our Nation. He is mentioned on page 80 of the proposed findings. It states, ...

...the "recorder" of the information was Alan Leventhal, Anthropology Lab Director at San Jose State University, who also has been the petitioner's researcher. Since this information was provided by the petitioner's researcher, at its request, it was not an observation by an external observer. Leventhal is the petitioner's researcher and not third-party observer."

This statement recognizes that Mr. Leventhal is subjective. Furthermore, it is publicly known that Mr. Leventhal is an honorary Muwekma Tribal Member and has an interest in their success. Therefore, his comments should not be considered objective by any means.

Our Tamien families survived an attempted genocide. Now, we are resisting the erasure of our very existence by a neighboring Tribe. Lateral violence and oppression should not be supported nor tolerated. Supporting the Muwekma Ohlone Tribe as an Indigenous Tribe of San Jose would be a gross mistake.

The Muwekma have already received support from organizations like the Peninsula Open Space Trust (POST). It is our understanding that POST is helping Muwekma create a land trust to transfer Tamien Lands to their Tribe. This would not only be a disservice to our Nation, but a great injustice.

The Muwekma may have lived in San Jose the last few decades and gained visibility, but like other Indigenous groups who were relocated to the Bay Area, it does not give them legal rights to our homeland. Tamein Nation is the Indigenous Tribe of San Jose and the Muwekma Ohlone Tribe, according to their own petition for federal recognition and map, is not.

Therefore, we wholeheartedly support the exclusion of any Land Acknowledgment in the City Charter until further discussion and research can be performed by the City of San Jose's to ensure the outcome is based on facts.

On behalf of Tamien Nation, we appreciate your desire to honor our Tribe and we acknowledge the importance of your effort.

SuururuyuT ritoksitkawas (Thank you).

Sincerely,



Quirina Luna Geary

Chairwoman

Tamien Nation

www.tamien.org

Supporting Public Documents:

See "Proposed Findings "and "Final Determination"

<https://www.bia.gov/as-ia/ofa/111-muwekm-ca>

Summary under the Criteria for the

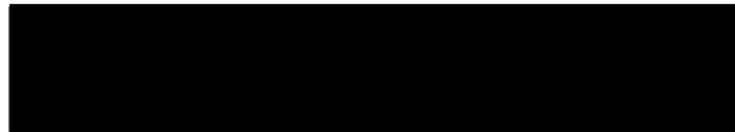
Proposed Finding

on the

Ohlone/Costanoan Muwekma Tribe

Prepared in response to a petition submitted to the Assistant Secretary -
Indian Affairs for Federal acknowledgment that this group exists as an
Indian Tribe.

Approved: JUL 30 2001
(date)

A large black rectangular redaction box covering the signature of the Assistant Secretary.

Assistant Secretary - Indian Affairs

Proposed Finding

OHLONE/COSTANOAN MUWEKMA TRIBE

TABLE OF CONTENTS

INTRODUCTION	1
CONCLUSIONS UNDER THE CRITERIA (25 CFR 83.7)	9
Criterion (a) as modified by 83.8(d)(1)	10
Criterion (b) as modified by 83.8(d)(2)	19
Criterion (c) as modified by 83.8(d)(3)	27
Criterion (d)	40
Criterion (e)	43
Criterion (f)	54
Criterion (g)	55
Summary	56

SUPPORTING MATERIALS

DESCRIPTION AND ANALYSIS OF THE EVIDENCE

BIBLIOGRAPHY OF SOURCES CITED

ACRONYMS AND ABBREVIATIONS

ACCIP	Advisory Council on California Indian Policy
AIHS	American Indian Historical Society
AS-IA	Assistant Secretary - Indian Affairs
BAR	Branch of Acknowledgment and Research
BIA	Bureau of Indian Affairs
CFR	<i>Code of Federal Regulations</i>
COE	U.S. Army Corps of Engineers
Cong.	Congress
CRM	Cultural Resource Management
DOE	U.S. Department of Energy
EBRPD	East Bay Regional Park District
Ex.	Documentary exhibit.
FD	Final Determination
FR	<i>Federal Register</i>
GPO	Government Printing Office
MICA	Muwekma Indian Cultural Association
MLD	Most Likely Descendant
NAHC	Native American Heritage Commission
NAGPRA	Native American Grave Protection and Repatriation Act
NPS	U.S. National Park Service
PF	Proposed Finding
RG	Record Group
sess.	Session
U.C.	University of California
U.S.	United States
USGS	U.S. Geological Survey

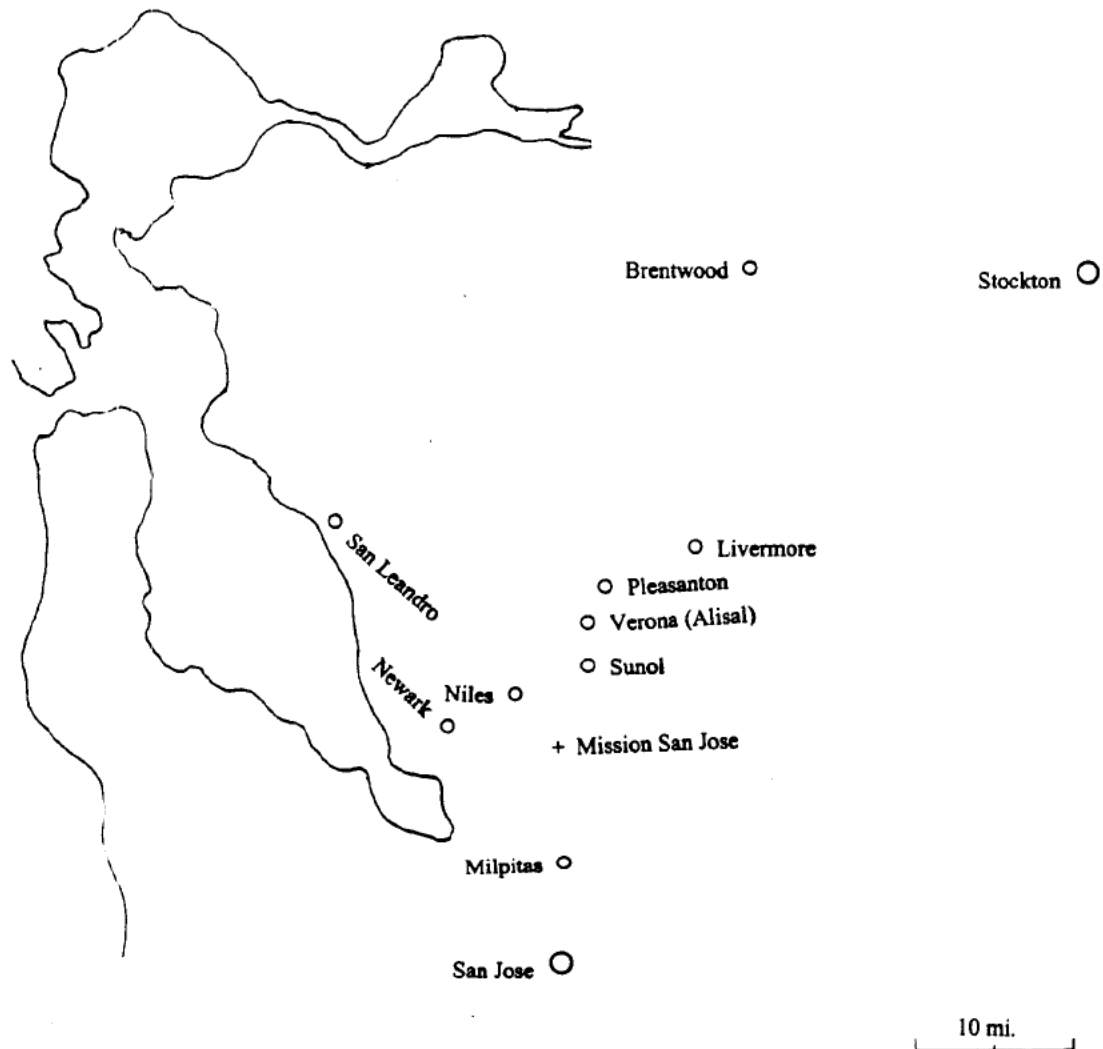


FIGURE 1: AREA MAP, PLEASANTON, CALIFORNIA

Source: Branch of Acknowledgment and Research

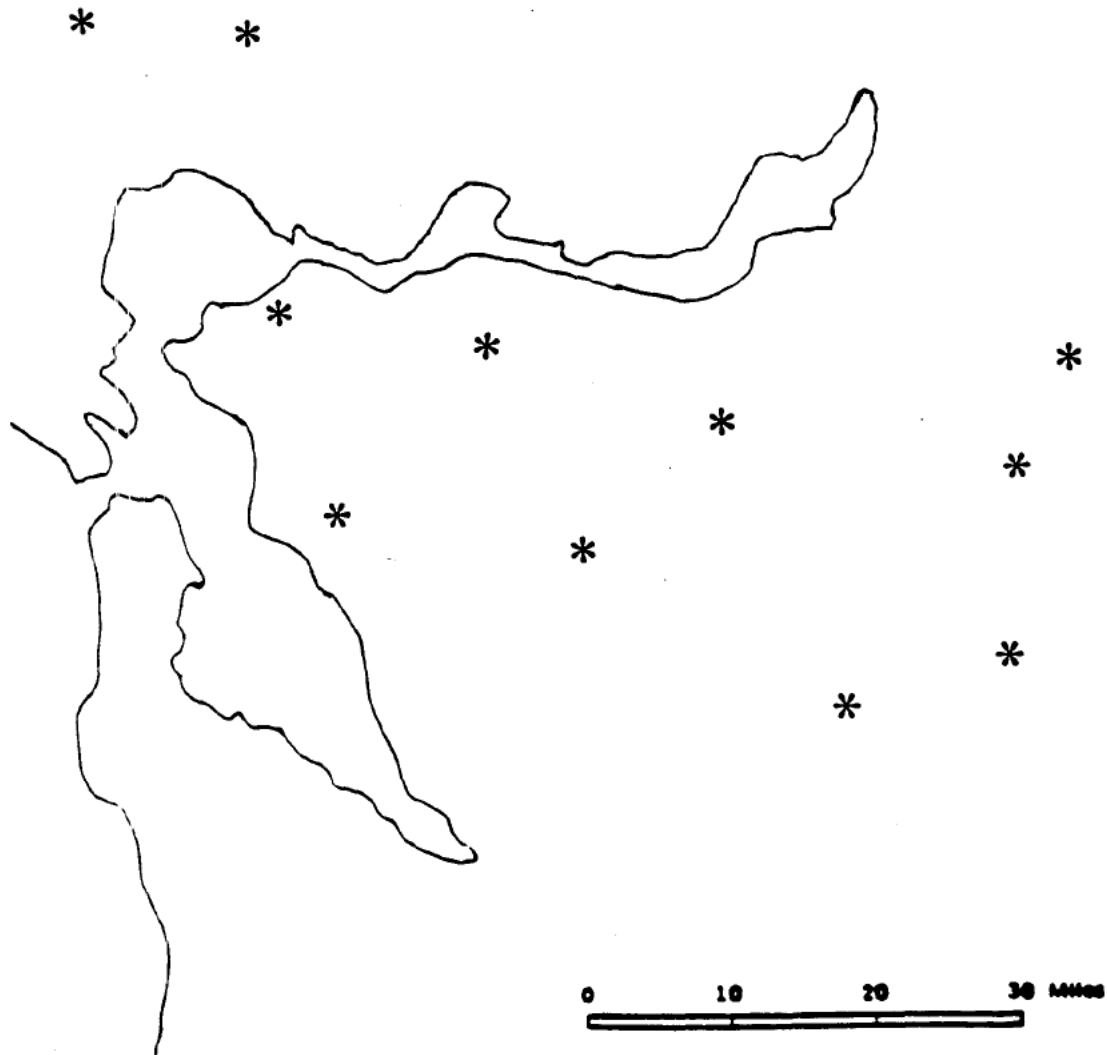


FIGURE 2: ABORIGINAL VILLAGES of the PETITIONER'S ANCESTORS
as presented by the petitioner

Source: Branch of Acknowledgment and Research, adopted from petitioner's map in Ex. A, vol. 1.

Summary under the Criteria for the Proposed Finding

on the

OHLONE/COSTANOAN MUWEKMA TRIBE

INTRODUCTION

The Assistant Secretary - Indian Affairs (Assistant Secretary) has prepared this proposed finding in response to the petition received from the Ohlone/Costanoan Muwekma Tribe (Muwekma) of California, also known as the Muwekma Indian Tribe, seeking Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR Part 83).

The acknowledgment regulations in Part 83 establish procedures by which unrecognized Indian groups may seek Federal acknowledgment of a government-to-government relationship with the United States. To be entitled to such a political relationship with the United States, the petitioner must submit documentary evidence that the group meets the seven criteria set forth in section 83.7 of the regulations. Failure to meet any one of the mandatory criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

The time periods for the evaluation of documented petitions are set forth in the acknowledgment regulations in section 83.10. In this case, however, those time periods have been superseded by a January 16, 2001, order of the United States District Court for the District of Columbia (District Court 2001).

Publication of the Assistant Secretary's proposed finding in the *Federal Register* initiates a comment period during which the petitioner and any other interested or informed party may submit arguments and evidence to support or rebut the evidence relied upon in the proposed finding. Although the regulations provide for a 180-day comment period, the order of the U.S. District Court states that all comments must be submitted no later than October 29, 2001. Such comments should be submitted in writing to the Office of the Assistant Secretary - Indian Affairs, 1849 C Street, N.W., Washington, D.C. 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 4660-MIB. Interested or informed parties must provide a copy of their comments to the petitioner.

Although the regulations provide the petitioner with a minimum of 60 days to respond to any submission by interested or informed parties during the comment period, the U.S. District Court states that the petitioner shall have until December 27, 2001, to respond to any comments submitted by third parties.

Muwekma: Proposed Finding - Summary under the Criteria

After consideration of all written arguments and evidence received during the comment and response periods, the regulations provide that the Assistant Secretary shall make a final determination regarding the petitioner's status. The U.S. District Court directs that this final determination be issued by March 11, 2002. A notice of this final determination shall be published in the *Federal Register*.

After publication of the final determination, the petitioner or any interested party may file a request for reconsideration with the Interior Board of Indian Appeals (IBIA) under the procedures set forth in section 83.11 of the regulations. The U.S. District Court has not modified the time period for this appeal process. A request for reconsideration must be made within 90 days of publication of the final determination. Unless a request for reconsideration is filed pursuant to section 83.11, the final determination will become effective 90 days from its date of publication.

Administrative History of the Petition

The Bureau of Indian Affairs (BIA) received a letter of intent to petition for Federal acknowledgment from the Ohlone/Costanoan Muwekma Tribe on May 9, 1989. The Muwekma petitioner submitted a petition narrative on January 25, 1995. It then submitted a series of exhibits which consist of primary and secondary source documents, genealogical evidence, arguments by the petitioner's researchers, and responses to questions posed by the BIA. Exhibit A was submitted in July 1995; Exhibit B in August 1995; Exhibit C in October 1995; Exhibit F in March 1996; Exhibit E in August 1996; Exhibit H in November 1996; a revised Exhibit B and Exhibit I in March 1997; Exhibit J in January 1998; Exhibit K in June 1998; and Exhibit L in September 2000. In addition, the petitioner has submitted genealogical data on computer disk and a video cassette which it refers to elsewhere as Exhibit G. The petitioner submitted its final arguments in the form of a letter to the BIA, with several attachments, dated February 9, 2001. This letter was received on the first day of "active consideration" of the petition and has been accepted as part of the record for this proposed finding.

The petition submissions contain no Exhibit D. The petitioner, however, claims to have submitted such an exhibit (Petitioner Ex. H, 7; 2001, B:[2]). The petitioner's "comprehensive timeline" lists the submission dates of Exhibits B, C, and F (which was submitted prior to Exhibit E), but does not mention any Exhibit D (Petitioner Ex. K, III). Exhibit C contains two volumes, and the next volume in sequence is labeled Exhibit E. The petitioner describes Exhibit D as consisting of applications under the 1928 claims act and a December 1995 list of the petitioner's members (Petitioner 2001, B:[2]). Those application forms have been submitted as part of both Exhibit A and Exhibit L, while supplemental applications are part of Exhibit J. Other membership lists have been submitted which are both earlier and more current than a December 1995 list. Thus, given the petitioner's description of the contents of Exhibit D, it does not appear that this exhibit, if it exists, contains any new or unique information.

Muwekma: Proposed Finding - Summary under the Criteria

The acknowledgment regulations require that prior to “active consideration” of a documented petition, a preliminary review be made for the purpose of providing the petitioner with technical assistance and an opportunity to supplement or revise its documented petition (§ 83.10(b)). The BIA staff provided informal technical assistance to the petitioner in the form of telephone conversations, several meetings at the BIA in Washington, D.C., and a visit in 1995 to the petitioner's office in San Jose, California. The BIA provided the Muwekma petitioner with formal technical assistance letters on October 10, 1996, and June 30, 1997 (BIA 10/10/1996 and 6/30/1997). The first technical assistance review letter covered petition materials through Exhibit F. At the petitioner's request, a second technical assistance review covered petition materials through Exhibit I. After receiving Exhibit J, the BIA determined that the petitioner had submitted a completed documented petition and thus placed the petitioner on the “ready” list on March 26, 1998. Since that time, the petitioner has submitted Exhibits K and L as well as its letter of February 9, 2001. As ordered by the U.S. District Court, the Muwekma petition was placed on “active consideration” on February 12, 2001.

The BIA informed the Muwekma petitioner, in a letter dated May 24, 1996, that it had concluded, “on a preliminary basis,” that the Pleasanton or Verona band of Alameda County was previously acknowledged by the Federal Government between 1914 and 1927. As a result of this finding, the BIA advised the petitioner that it would be able to complete its petition documentation with the expectation that it would be evaluated under section 83.8 of the regulations and would have to demonstrate its continuous existence as a group only from 1927 to the present (BIA 5/24/1996).

In response to a U.S. District Court order in *Muwekma Tribe v. Babbitt*, the Assistant Secretary said that the BIA would review materials submitted by the Muwekma petitioner in order to determine whether or not they were responsive to the previous technical assistance letters. The Assistant Secretary agreed to place the Muwekma petition on “active consideration” within one year if the materials were responsive. In order to be responsive, the petitioner's documentation would have to be “capable of establishing” that the petitioner's members descend from a previously recognized tribe (AS-IA 7/28/2000). The BIA informed the court, in a letter to the petitioner's attorneys dated October 30, 2000, that its review had “determined that the documentation is sufficiently responsive.” The BIA also noted that a determination that the petitioner's members descend from a previously recognized tribal entity “for purposes of this court order” was “subject to review and reconsideration during evaluation of the petition,” but would allow “the petitioner to proceed under 25 CFR § 83.8” (BIA 10/30/2000). Therefore, this proposed finding has evaluated the Muwekma petition under the provisions of section 83.8 since 1927.

A database of the petitioner's documentation, created by the BIA staff for the purposes of this proposed finding, indicates that the petitioner's exhibits contain 826 documents or discrete parts of an exhibit, plus several computer disks (see a list of documents in Appendix E). Copies of the oral history interviews conducted by the petitioner's researchers have not been submitted for the record, although they could be the most valuable primary documentation in the petitioner's possession. Because many of the

Muwekma: Proposed Finding - Summary under the Criteria

petition documents were submitted multiple times by the petitioner, the number of unique documents is smaller than the number of total documents. Classifying these 826 documents chronologically reveals that 49 have no date, 129 were produced in the years before and including 1927, and 648 were dated since 1927. The petitioner has submitted 52 separate documents relating to individual applications made between 1929 and 1932 pursuant to the 1928 claims act. Classifying the remaining post-1927 documents by decade reveals that 4 date to 1928 or 1929, 5 are from the 1930's, 7 are from the 1940's, 10 are from the 1950's, 56 are from the 1960's, 26 are from the 1970's, 70 are from the 1980's, 401 are from the 1990's, and 17 date to 2000 or 2001.

The BIA staff has acquired some additional documentation relating to the Muwekma petitioner, although the scope of its research has been curtailed by the limited time for evaluation allowed by the order of the U.S. District Court. During litigation in the District Court prior to active consideration, the BIA staff requested and obtained samples of genealogical evidence from the petitioner's enrollment files. The short deadline imposed by the District Court for this proposed finding did not allow time for the BIA staff to make research field trips to California, as they have done in previous cases. The documentation acquired by the BIA staff for the purposes of this proposed finding includes copies of documents from the records of the BIA at the National Archives in Washington, D.C.; maps from the cartographics branch of the National Archives in College Park, Maryland; field notes of the ethnologist C. Hart Merriam from his papers at the Library of Congress; some vital records from California sources; and published secondary sources, including some cited by but not submitted by the petitioner, at the Department of the Interior library and the Library of Congress.

The Muwekma petitioner (#111) is one of nine petitioners for acknowledgment that use the Ohlone or Costanoan tribal name, or claim to derive from a Costanoan group. The other Costanoan petitioners are: the Coastanoan Band of Carmel Mission Indians (#110), the Indian Canyon Band (#112), the Amah Band (#120), the Esselen Tribe of Monterey County (#131), the Esselen Nation (#132), the Costanoan-Rumsen Carmel Tribe (#143), the Costanoan Ohlone Rumsen-Mutsun Tribe (#147), and the Costanoan Tribe of Santa Cruz and San Juan Bautista Missions (#210). Two of these petitioners, #131 and #210, have indicated they are no longer pursuing acknowledgment. The absence of completed documented petitions by these petitioners precludes a comparison of their evidence with that of the Muwekma. The existence of these other Costanoan or Ohlone petitioners reveals, however, that the Muwekma petitioner does not have an uncontested claim to represent the descendants of all the Ohlone of the San Francisco Bay Area or all the territory of Costanoan-speaking peoples.

In addition, a letter of intent to petition was submitted in 2000 on behalf of the North Valley Yokut Tribe (#229). This petitioner's address is Stockton, California. Its chairperson is Katherine Perez, who had been a council member of the Muwekma petitioner during the 1990's. Several council members of the North Valley Yokut petitioner have the surname Corral, which is the name of one of the family lines also claimed by the Muwekma petitioner. Therefore, this new letter of intent to petition raises questions about whether the most recent Muwekma membership list remains current and

Muwekma: Proposed Finding - Summary under the Criteria

accurate, and whether the Muwekma petitioner continues to represent individuals and “lineages” it claims to represent. During the review of the petition documentation for this proposed finding, the BIA staff did not have time to investigate this development and its impact on the Muwekma petitioner's membership and claims. This is a substantive issue which the petitioner should address in its comments on this proposed finding.

Historical Overview of the Muwekma Petitioner

The petitioner has demonstrated a genealogical connection of many of its members to two Indian settlements, or rancherias, which existed until the 1910's in Alameda County, in the area north of historical Mission San Jose and east of San Francisco Bay, an area referred to today as the “East Bay” (see Figure 1). The most prominent of these settlements was located in a canyon just southwest of the town of Pleasanton, California, and near a railroad station named Verona. This settlement was known as the Alisal or Pleasanton rancheria, and its members were referred to by U.S. Indian agents as the Verona band. A second settlement, known as El Molino, was located near the town of Niles, which was within ten miles of Verona. A census by Special Indian Agent C. E. Kelsey in 1905-1906 listed 29 landless Indians at Pleasanton and 14 at Niles. The 1910 Federal census of Alameda County included a special Indian population schedule which enumerated 17 Indian residents of “Indian town,” which appears to have been the Pleasanton rancheria.

The evidence indicates that 48 percent of the petitioner's members descend directly from an Indian individual on either the 1905-1906 Kelsey census of Pleasanton or Niles, or the 1910 Federal census of “Indian town.” About 70 percent of the petitioner's members descend from an Indian woman, Avelina (Cornates) Marine (1863?-1904), who, according to recollections of her son in the 1960's, may have been raised in the household of the chief of one of those Indian rancherias before the 1880's. Her presence in that household or at a rancheria, however, is not confirmed by other evidence in the record. The available evidence suggests that the children of Avelina (Cornates) Marine were not raised at a rancheria, but visited the Indians there at least during the 1890's. Two of Marine's children were listed on the 1910 census of “Indian town” in the household of the Indian woman who was said to have raised Marine. The majority of the petitioner's members descend from Marine's other children who were not listed on the 1910 Indian census. It may be assumed that these Marine children maintained contact with their siblings at the Indian settlement. All of the petitioner's members descend either from an Indian individual listed on the 1905-1906 Kelsey census or the 1910 census of “Indian town,” or from an unlisted Marine sibling of an individual on those lists.

The petitioner also claims descent from Indians who were concentrated by the Spaniards before 1824 at the Mission San Jose. The Indians along the Pacific coast near San Francisco Bay have been labeled “Costanoan,” a term derived from the word “costeños,” meaning people of the coast, used by the Spaniards. The petitioner calls itself “Ohlone,” an alternative to Costanoan and a name apparently derived from a single village. Scholars agree that the Spaniards gathered more than Ohlone Indians at Mission San

Muwekma: Proposed Finding - Summary under the Criteria

Jose, and that the mission had a multiethnic population of Ohlone, Yokut, and Miwok Indians. The petitioner has identified eleven pre-mission villages from which it claims its members have lineal descent (see Figure 2). According to the petitioner's map of their locations, all of these villages were north or east of Mission San Jose and the Alisal rancheria (Petitioner Ex. A, map). In comparison to tribal maps of aboriginal territory prepared by scholars, it appears that some of these villages may have been located in the northern San Joaquin valley in Yokut territory, while two villages were located north of San Francisco Bay in Miwok territory. The multiethnic heritage of Mission San Jose was retained by the later rancheria near Pleasanton, and would be an expected characteristic of people with descent from that settlement.

The term "muwekma" first appears in the record for this petition in the word lists of native languages collected by linguist J. P. Harrington during field research near Pleasanton, California, in 1929. In his field notes, Harrington recorded: "mu'ékma, la gente" (Harrington 1929, [10/12/1929]). As translated by the petitioner, "muwekma" in the local Costanoan dialects meant "the people" (Petitioner 1995, 9). The first use of "Muwekma" as a name of the petitioning group, according to the evidence in the record, was in a memo from an attorney to a county supervisor in July 1985 which outlined the concerns of the "Muwekma," or the "local Ohlone Indians" (Gray 7/25/1985). Although the petitioner has applied the name "Muwekma" to its account of the petitioning group prior to 1985, there is no available evidence that this was a name used historically for a specific group of Ohlone by either outside observers or by Ohlone descendants.

After the former Spanish missions were secularized by the Mexican government in 1834, the mission populations dispersed and Indian settlements developed outside the missions. The petitioner links its ancestors to six East Bay settlements in the late-19th century and asserts that those separate settlements constituted a single Verona band. The evidence in the record does not establish that the locations where those ancestors lived, which the petitioner calls "rancherias," actually were distinct Indian settlements. The available evidence demonstrates only that by the start of the 20th century there were two separate Indian rancherias in Alameda County in the East Bay: Alisal at the Verona station just southwest of Pleasanton and El Molino in the vicinity of Niles. These settlements were identified in a local history published in 1904. Special Agent Kelsey prepared a census of landless Indians in those locations in 1905-1906. The petitioner's members descend from 3 of the 14 families or households, as they were designated by Kelsey, on his census of Pleasanton and from 3 of the 6 families or households on his census of Niles. In addition, the petitioner's members descend from 5 of the 17 Indians on the 1910 Indian schedule of "Indian town." It was about 1915, the petitioner says, that the Alisal rancheria ceased to exist as a geographically distinct settlement.

The Alisal rancheria at the Verona railroad station came to the attention of the Office of Indian Affairs after 1906 while that agency carried out a program to purchase land on behalf of the landless, non-reservation Indians of California which was explicitly funded by congressional appropriations after 1906. The land purchases began under Special Agent C. E. Kelsey and were continued by several other special agents and the Sacramento Agency. A Verona band in Alameda County was first mentioned as a

Muwekma: Proposed Finding - Summary under the Criteria

potential beneficiary of the program in statements by Agent C. H. Asbury in 1914 and later by the Sacramento Agency in 1923. However, no land was purchased for the group and no negotiations to buy land on its behalf are known to have taken place. In 1927, Superintendent L. A. Dorrington referred to the band but concluded that land should not be purchased on its behalf. No census of the members of the Verona band during the years between 1914 and 1927 has been produced by the petitioner or found by BIA researchers.

The petitioner's members descend from 24 persons listed by the BIA on a census of California Indians issued in 1933. That census was produced as a result of an act passed by Congress in 1928 which gave the Court of Claims jurisdiction to hear claims against the United States on behalf of the "Indians of California" for compensation for aboriginal territory acquired by the Government. Ancestors of the petitioner's members were included in 9 of 18 applications made pursuant to the act which the petitioner has submitted as evidence. Those 18 successful applications were made between 1929 and 1932 by individuals associated with the rancherias at Verona or Niles on behalf of themselves and members of their families as "Indians of California." The 18 applicants had 12 different city addresses as of 1928, indicating that they no longer comprised a geographical settlement. The majority of those towns, however, were within ten or fifteen miles of the former rancheria at the Verona station. Applicants were required to descend from an Indian who had been living in California in 1852. Although some ancestors of the petitioner's members did not actually name the 1852 parents of Avelina (Cornates) Marine from whom they claimed descent in five applications, those individuals were accepted as having Indian descent and were placed on the census.

The petitioner has presented almost no evidence of the activities of its ancestors during the 1930's, 1940's, and 1950's, except for the applications as "Indians of California" between 1929 and 1932. For the years from 1965 to 1971, the petitioner's evidence is almost exclusively about the activities of the American Indian Historical Society, an organization led by Rupert Costo, a Cahuilla Indian from southern California. That organization acquired title in 1965 to an Indian cemetery just west of the historical Mission San Jose, and in 1971 transferred that title to the Ohlone Indian Tribe, Inc., a new corporate entity whose directors were three siblings from the Galvan family. The available evidence does not document any continuing activities of the new corporate entity after 1971 that demonstrate that the petitioner evolved from the Ohlone Indian Tribe, Inc., which continues to exist as an entity separate from the petitioner's organization.

From the mid-1980's to the present, the evidence submitted by the petitioner describes various activities by the petitioner's current chairwoman, Rosemary Cambra. Some of those activities involved Cambra as an individual activist and others involved her as the president of an archaeological consulting business. Although the petitioner asserts that this consulting firm was a tribal enterprise, it has not documented this claim. The petitioner says that it formed its current organization in 1984, but has provided little description of how this transition of leadership occurred. The petitioner has neither clearly stated when Cambra became the chairwoman of a Muwekma Indian Tribe, nor

Muwekma: Proposed Finding - Summary under the Criteria

demonstrated how she was chosen as the group's leader. Evidence is also lacking of a political process by which council members or other officers have been chosen. The available evidence indicates that prior to the mid-1990's participation in the petitioner's activities was predominantly by members of two extended families with descent from one common ancestor.

The petitioner contends that it operates at present through a formal organization with elected officers and designated elders, a written constitution, and regular meetings of its council and members. The first evidence in the record of the petitioning group's use of a formal organizational structure is a copy of a resolution which was adopted by the "Ohlone/Costanoan Muwekma Tribe" in May 1989 to begin the process of petitioning for Federal acknowledgment. The first evidence that indicates the political offices of the organization is a March 1991 letterhead of the "Muwekma Indian Tribe." The petitioner has submitted an unsigned copy of a constitution which it claims was approved in April 1991, although in 1994 the petitioner's organization adopted a constitution as if no constitution previously existed. The first example of meeting minutes of the petitioner's organization are from October 1992. The petitioner has submitted records of the activities of its organization since that time.