

MUWEKMA OHLONE TRIBE OF THE SAN FRANCISCO BAY AREA

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We Are Muwekma Ohlone

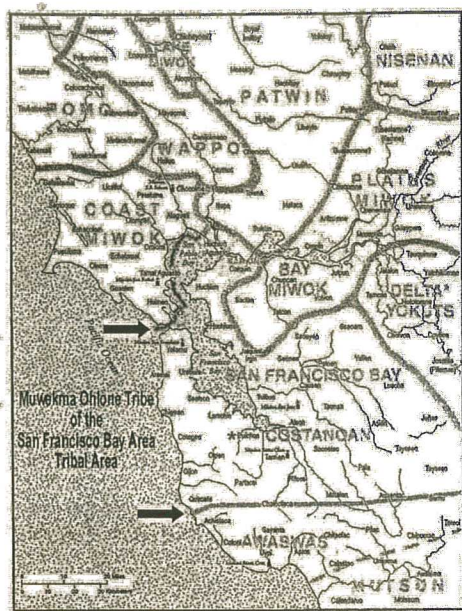


Welcome To Our Land, Where We Are Born!

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Muwekma Ohlone Tribe of the San Francisco Bay Area

A Brief Historical Overview of A Previously Federally Recognized Tribe



Mákkín Mak Muwékma
Wolwóolum, 'Akkoy Mak-
Warep, Manne Mak Hiswil
*We Are Muwekma Ohlone,
Welcome To Our Land,
Where We Are Born!*

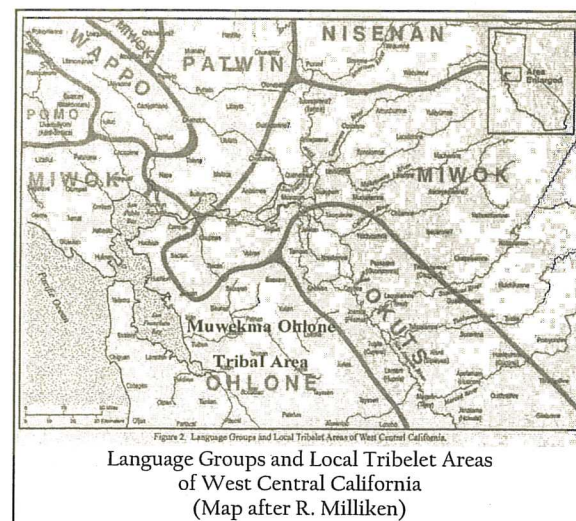
The present-day Muwekma Ohlone Tribe is comprised of all of the known surviving American Indian lineages aboriginal to the San Francisco Bay region who trace their ancestry through the Missions Dolores, Santa Clara, and San Jose; and who were also members of the historic Federally Recognized Verona Band 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 aboriginal 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 their 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,

Munoz-Guzman, Marine-Arellano, and Marine-Elston/Thompson/Ruano descended families.

Through mission records the enrolled Muwekma lineages have been traced back respectively to the Seunen and Alson Ohlone tribal groups of the southern East Bay region which includes the Fremont Plain to the Livermore Valley; the Chupcan Bay Miwok speaking tribal groups and the Tamcan, Passasimi



and Yatchikumne North Valley Yokut speaking tribal groups of the interior valleys including the Mt. Diablo, Byron, San Joaquin Delta and Stockton regions; the Jalquin Ohlone (Chocheño) speaking tribal group of the San Leandro/San Lorenzo/Hayward/Oakland region of the East Bay; the Saclan Bay Miwok speaking tribal group from the area east of Oakland including the inland valleys around the Lafayette and Walnut Creek region; and the Napian/Karquin Ohlone tribal group of the Carquinez Straits of the North Bay.

The Jalquin tribal group was a neighboring tribe who lived to the north of the Seunens and families from both of these tribes were collectively baptized at Mission Dolores in San Francisco, while most of the other tribal groups were principally baptized at Missions San Jose and Santa Clara.

One of the direct ancestral lines of the Armija/Marshall/Thompson and part of the Santos/Piños/Juarez/Colos lineages traces back to a direct ancestor named Silvestre Avendano of the Alson (*del Estero*) Ohlone tribal group. He was one of the first 300 Indians baptized at Mission San Jose after its founding in 1797. Silvestre Avendano later married Perpetua Ssauechequi from the Tamcan tribal group whose territory included the Byron area. Silvestre and Perpetua had a son named Jose

Elias in October 1842. Jose Elias had later married another ancestral Muwekma woman Delfina Guerrero sometime around 1866.

Another direct ancestor of the Armija/Marshall/Thompson lineage was Primo Vueslla from the Seunen Ohlone speaking tribal group whom originally had villages established within the Dublin, San Ramon, Pleasanton, and the Livermore Valley regions. Primo was born in 1794 and baptized at Mission San Jose on April 2, 1803 at the age of nine years old. Primo later married Remedial Lal-Iapa, the daughter of Radegunda Toleppata, of the Chupcan Tribe. The Chupcans' original territory included the Concord and Mt. Diablo region. Remedial Lal-Iapa was born in 1803 and baptized at Mission San Jose on February 27, 1811.

The descendants of Silvestre Avendano and his son Jose Elias Armija, as well as the descendants of Primo Vueslla and Remedial Lal-Iapa through their granddaughters, Delfina Guerrero Armija and Benedicta Gonzalez Piños, are enrolled in the Muwekma Ohlone Tribe. Delfina Guerrero Armija was the mother of Magdalena Armija Marshall Thompson, and Benedicta Gonzalez Piños was the mother of Peregrina Piños Santos and Margarita Piños Juarez.



Ernest George Thompson
son of Magdalena Armija
Marshall Thompson



Peregrina Piños and
George Santos
Marriage Photo, circa 1904
Lived on the Niles
"El Molino" Rancheria

Peregrina Piños (b. 1883) had married George Santos (b. 1876) whose grandparents had been one of the founding families of the Niles "El Molino" Rancheria. Their eldest and only surviving child was Erolinda Santos who grew up in the household of her aunt Maggie Piños Juarez. By the time Erolinda was 15 years old she had met and later married the grandson of Maria de los Angeles (Angela) Colos, who was known by several names. Originally baptized as Joseph Armijo, he was the son of Angela Colos' daughter, Francisca Luecha and Edward Armija.

Six years before Eduardo Armija had married his second wife Chona Bautista, he had a child named Joseph Armijo with Francisca Luecha. Sometime prior to 1889-1890, Eduardo Armija had married by Indian custom Francisca Luecha and they had their son Joseph who was baptized at Mission San Jose in 1890:

1890 Nov 23, Page 264, Joseph Armijo (Garcia/Saunders) (Indian)

Born: Nov 1, 1890
Father: Eduardo Armijo
Mother: Francisca Luecha
Godparents: Antonio Silva & Maria B. Yurrera
(Benedicta Guerrero Piños)

Born on November 1, 1890, Joseph Armija's name was changed to Joseph Garcia by the time he was 8 years old when he was temporarily placed in the St. Joseph's Orphanage as a "half orphan" at Mission San Jose. On both the 1900 and 1910 Indian Town Population Censuses for Murray and Pleasanton Townships, Joseph Garcia was listed along with his grandmother Angela Colos.

Pleasanton Township, "Indian Town"
Indian Population Census, May 14, 1910
Alameda County, California
(Alisal Rancheria)

Verona Band Members Listed on the Census:
Mercedes Marine, Beatrice Peralta (Marine),
Dario Marine and Albert Marine (Arellano)



Thomas "Tommy"
Garcia, 1927
(15 years old)

By 1912, Joseph Garcia had married by Indian custom Mercedes Marine (see Marine lineage below) who was also residing on the Alisal Rancheria in 1910 and they had their only son Joseph Thomas "Tommy" Garcia in 1912.

Mercedes Marine died as a young woman at the age of 19 shortly afterwards in 1914. By that time Joseph (Armijo) Garcia for some unknown reason went by the name



Albert Marine Arellano and
Herminia Arellano, 1936

Joseph Saunders (perhaps a variant of Santos), he had married by Indian custom another Muwekma Ohlone woman, Erolinda Santos. Erolinda Santos and Joseph Saunders had their first child Alfonso (Santos) Juarez in 1914 and he was baptized at St. Augustine's Church which was located one mile from the Alisal Rancheria, in Pleasanton. In 1915, Joseph Saunders and Erolinda had a little girl (Santos) who died within a few months, and by 1917, they had their second son, Daniel (Saunders) Santos who was also baptized at St. Augustine's Church.

Years later, Alfonso Juarez who had worked for Southern Pacific Railroad in Sunol had married Pauline Navarro and their children are enrolled in the Tribe. Daniel Santos, after serving in the 41st Infantry Division in the Pacific Theater during WW II, never married. Both Alfonso and Daniel had lived in Newark and worked at Leslie Salt Company.



Maria De Los Angeles Colos
(1929)
One of the
Last Chochenyo Speakers

Maria de los Angeles' (Angela Colos') ancestry has been traced through her own oral recollections through Santa Clara and San Jose Mission records. Maria was the daughter of Zenon (a neophyte from Mission San Rafael who was probably of Napian/Karkin or Choquoime ancestry), and Joaquina Pico (whom Maria thought was a Tamaleño - Mt. Tamalpais), who as a young woman is raised by the Californio Pico family and who later worked for the Bernal on their Santa Teresa Rancho in south San Jose.

Later Joaquina Pico settled in San Lorenzo (perhaps living on the San Lorenzo Rancheria). After the departure or death of her husband Zenon, a Koriak (Tribe) Russian man, named Gregorio Colos, lived with Joaquina and helped raise her children and they took on his surname Colos. Sometime around this period, when Joaquina was living at San Lorenzo, an Ohlone Indian named Santiago Piña became Angela Colos' stepfather and taught her the Chocheño language.

According to Maria de los Angeles' (Angela's) own account to John Peabody Harrington, she was born on the ranch of Don Agustin Bernal in Santa Teresa, south San Jose.



John Peabody Harrington
(1884-1961)

Angela informed Harrington that she learned to speak Chocheño from her stepfather, Santiago Piña, and his parents. Based upon the work of Randy Milliken, Santiago's lineage had been traced through the Mission San Jose baptismal records. Santiago's parents were Bruno and Fermina. Bruno was born 1796 and listed as an "Este" referring to the Taunan Ohlone Tribe of the Alameda Creek and Del Valle Creek drainages (Sunol/Pleasanton). Fermina was born 1801 and was identified as a Luecha (Ohlone) and this may explain why Angela's daughter Francisca retained the name Luecha.



Mission Santa Clara de Asis, est. 1777

The Luecha Ohlone Tribe was located around the del Mocho/Corral Hollow Creek drainages of Livermore. Santiago Piña was born July 11, 1819 and raised by the Californio Piña family. Angela's mother Joaquina Pico was apparently raised by the Pico family living in San Jose and she eventually moved to the Bernal Rancho in San Jose, where Angela

was born. Mission Santa Clara records indicate that Angela's parents, Zenon and Joaquina, were married at the Mission in 1838. Joaquina was listed as a neophyte from Mission San Jose.

1838 October 16, #2711, Zenon & Joaquina:

"En 16 de 8bre de 1838 en la Yglecia de esta Mision...case y vele a los siguientes...A un Neófito (orginario de la Mision de S[an] Raf[ae]l y residente en el Rancho de los Vernales) [Bernal] llamado Zenon con una Neofita de S[an] Jose llamada Joaquina."

Maria de los Angeles was born between 1839 and 1840 and she was baptized at Mission San Jose in 1840.

1840 Feb 2, #7774, Maria Asunción de Los Ángeles [Mission San José]:

Born nina nacida en el Rancho de S. Ramon

Father:	Zenon
Mother:	Joaquina
Godparents:	Anacleto

By 1876, Maria de los Angeles Colos (who was then a widow) had married her next husband Joseph Thomas Mateos.

1876 June 8, #281, Page 76, Volvono et Colos (Indigeni)

"A.D. 1876, die 8 Junii, Rev. J. Valentini mat jinxit Joseph Thomas Matthaeum natam annos circiter 40, ex Francisco Volvono et Maria Rufina, et Maria los Angeles Colos, viduam Joannis, natam annos circita 35, ex Zenone et Maria Joaquina coram Petro Antonio et Johanna Maria."

On the 1880 Federal Census for Murray Township, Alameda County (District 26), Angela Colos was identified as Sincion, Anchaline, (Asuncion, Angeline) Indian, age 30. She was listed as a widow and living with her daughters, Francisca (Luecha), Indian, age 14 (b. ca. 1866), Juana, Indian, age 11 (b. ca. 1869), Louisa, Indian, age 6, Rita, Indian, age 2. Angela and her daughters were living eight houses away from Antonio Bernal, Jr. near Pleasanton.

Angela Colos and her grandson Joseph (Armijo) Garcia later appeared on the Indian Population Census of 1900 for Murray Township, Alameda County as Uncela Carlans (Angela Colos). Joseph Garcia was identified as 9 years old and born November, 1890. Angela and Joseph were living on the Alisal Rancheria next to Phoebe Inigo along with her daughter Mary Guzman, Magdalena Armija Marshall and her niece Carrie Calista Peralta. They were also living several *casitas* away from Joseph's godmother, Benedicta Guerrera Piños.



A Muwilema Ohlone Casita on the Pleasanton/Alisal Rancheria, 1905

Angela Colos continued to appear on the Pleasanton Alisal Rancheria with her grandson Joseph. They were listed on the 1905-1906 Special Indian Census conducted by California Indian Agent C. E. Kelsey. Kelsey identified them as "Angela Colos and grandson". They were living next to Maria Trinidad Gonzales Reyes and Miguel Santos.

Angela Colos and Joseph Garcia later appeared on the 1910 Indian Population Census called "Indian Town" in Pleasanton Township, Alameda County. They were living next door to Captain Jose Antonio's widow Jacoba who was the *Mayen* (female Captain/Chief or wife of

Captain/Chief) of the Tribe. Residing in Jacoba's household were Catherine Peralta (Marine), Catherine's husband Dario Marine, her daughter Beatrice Peralta (Marine), her sister-in-law Mercedes Marine and Frank Guzman.

From 1902 to the 1920's Angela Colos served as a Chocheño speaking linguistic consultant to Alfred L. Kroeber (U.C. Berkeley), C. Hart Merriam, Charles E. Kelsey, James Alden Mason and John Peabody Harrington (Bureau of American Ethnology). She provided rich linguistic and cultural information to John P. Harrington along with Jose Guzman and other members of the Verona Band/Muwekma Tribal community. Angela was one of the last fluent speakers of the Chocheño Ohlone language.

Another major Muwekma lineage includes the Marine families who are descendants of Avelina Cornates and Raphael Marine. One of the direct ancestors of the Avelina Cornates Marine was Liberato Culpecse (born 1787) of the Jalquin Ohlone and Saclan Bay Miwok speaking tribal groups whose territory was located in the East Bay centering around the South Oakland, San Leandro, Hayward, Castro Valley, Walnut Creek, Lafayette, Danville and Concord areas of Alameda and Contra Costa Counties.

Liberato's father was Faustino Poylemja who was born ca. 1764 and baptized at Mission Dolores on December 18, 1794. Faustino Poylemja was listed as being from the "Chaclanes" tribal group. According to Milliken's (1995) mission record research the Chaclanes were the same tribal group as the Saclanes whose territory included part of the Mt. Diablo/Walnut Creek area. Liberato's mother was Obdulia Jobocme who was born ca. 1766 and baptized at Mission Dolores on May 17, 1802 at the age of 36 years. Obdulia Jobocme was identified as being from the Jalquines tribal group.



Mission San Francisco de Asis, est. 1776
(Mission Dolores)

It was into the complex and rapidly changing world of the emergent Hispanic Empire that Liberato Culpecse, at the age of 14 years old, was baptized on November 18, 1801 at Mission Dolores. Seven years later on October 16, 1808, Liberato Culpecse had married his first

wife, Catalina Pispisoboj. Her mother was Narcisa Toleciu who was from the Habasto (Aguasto) Coast Miwok speaking tribal area of eastern Marin County. Catalina's father was Guecue Patavio who was born c. 1754. He was baptized at Mission Dolores on December 13, 1794 at the age of 40. His baptismal record (SFB # 1631) identified his tribal group as "Jutchiunes" and stating that the tribe's location was "del nordeste de la Mision llamados Jutchiunes." The Jutchiunes or Huichiun Ohlone speaking tribal group occupied the San Pablo Bay, Richmond and Oakland areas. Guecue died at Mission Dolores and was buried there on April 25, 1806. Catalina Pispisoboj died on October 16, 1811.

After the death of his wife, Liberato was allowed to relocate to the Mission San Jose region, where he met his second wife, Efrena Quennatole. Efrena Quennatole was from the Napian/Karquín Ohlone speaking tribal area whose tribal territory straddled both sides of the Carquinez Straits. Efrena was born in 1797 and baptized at Mission San Jose on January 1, 1815 at the age of 18 years. Father Fortuny married Liberato and Efrena (who by then was a widow) at Mission San Jose on July 13, 1818. Liberato Culpecse and Efrena Quennatole had a son named Jose Liberato Dionisio (a.k.a. Liberato Nonessa). Liberato and Efrena later had a daughter named Maria Efrena in 1832. Both Jose Liberato Dionisio and Maria Efrena married other Mission San Jose Indians.



Ein Tanz der Indianer in der Mission zu St. Josef in San-Jose.
Mission San Jose Indians

Liberato Dionisio's second wife was Maria de Jesus who was the daughter of Captain Rupardo Leyo (Leopardo) and was the younger sister of Captain Jose Antonio. Liberato Dionisio and Maria de Jesus had several children including Francisca Nonessa (Guzman) born May 7, 1867. Maria Efrena had married an Indian man named Pamfilio Yakilamne (perhaps from the Ilamne Tribe of the Sacramento Delta region) and they had several children including their youngest daughter Avelina Cornates (Marine). During the late 19th and early 20th centuries, Francisca Nonessa Guzman and Avelina Cornates Marine became the two founding matriarchs of the present-day Guzman and Marine lineages. They, along with the other tribal families, comprised the

historic Federally Recognized Verona Band Tribal community residing at the following East Bay rancherias: San Lorenzo, Alisal (Pleasanton), Del Mocho (Livermore), El Molino (Niles), Sunol, and later Newark.

Avelina Cornates (Marine) was born in November 1863 and baptized at Mission San Jose on January 17, 1864. By the late 1880s she had met Raphael Marine, who came to the United States from Costa Rica, but oral tradition indicates that he was originally from Sicily. Avelina Cornates and Raphael Marine had nine children by 1903, six of whom have surviving descendants who are presently enrolled in the Muwekma Ohlone Tribe.



Mission San Jose, Fremont, CA, est. 1797



Jose Guzman (1934)
One of the
Last Chochenyo Speakers

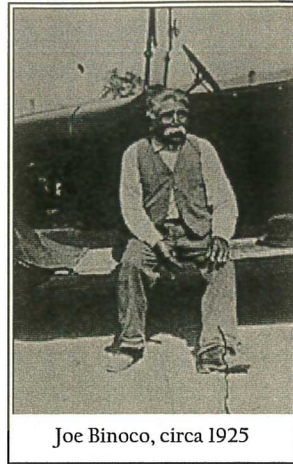
Another important Muwekma lineage is the Guzman lineage. The Guzman lineage is traced back through Jose Guzman's family. Jose Guzman was born around 1854 and died September 1934. Jose's paternal grandparents were Habencio Tuchuachi and Habencia Luitatsme of the Tamcan / Passasimi / Yatchikumne North Valley Yokuts speaking tribal groups from the Stockton region. Their son, Habencio Zapasi was born in 1813. Habencio Zapasi later married Petra Coronathe of the Lakisamne and Yosemite North Valley Yokuts speaking tribes whom resided along the San Joaquin and Stanislaus River drainages. Petra's parents were Nimfador Atchatni (born 1773) and Nimfadora Majalate (born 1786). Jose Guzman was married several times to different Indian women from the Pleasanton and Niles Rancherias.

On May 1, 1876, Jose Guzman had married Angustia Lasoyo, the daughter of Captain Jose Antonio and Celsa and had several children with her before she died.



Dario Marine
circa 1927

The descendants of Jose Guzman and Angustia Lasoyo through their granddaughter Catherine Peralta and her husband Dario Marine (eldest son of Avelina Cornates), are enrolled in the Muwekma Tribe. After the death of Angustia, on May 20, 1881, Jose Guzman married Ambrosia Binoco, the sister of Jose (Joe) Binoco; however all of their children died and left no surviving offspring.



Joe Binoco, circa 1925

Eleven years later, on August 21, 1891, Jose Guzman had married his third wife, Francisca Nonessa (granddaughter of Liberato Culpecse and Efrena Quennatole) and they had six children together including: Toney Guzman, Alfred (Fred) Guzman and Jack Guzman. Both Toney and Alfred Guzman served in World War I and are buried in Golden Gate National Cemetery. The descendants of Alfred Guzman and his wife Minnie Higuera, and Jack Guzman and his wife Flora Munoz (Victoria Marine's youngest daughter) are enrolled in the Muwekma Tribe.

Since 1984, the children, grandchildren and great grandchildren of Dario Marine and Catherine Peralta, Dolores Marine Alvarez / Piscopo / Galvan, Ramona Marine Sanchez, Mercedes Marine Arellano / Garcia, Victoria Marine Munoz, Trina Marine / Elston / Thompson / Ruano, Magdelana Armija / Marshall / Thompson, Peregrina Piños and George Santos and Angela Colos (via her grandson Joseph Armijo/Garcia/Saunders), Francisca Nonessa and Jose Guzman have served in leadership positions on either the Muwekma Tribal and/or Elders Councils.



Ramona Marine-Sanchez and Porfidio
"Puff" Sanchez, 1923

SECULARIZATION OF THE MISSIONS, MEXICAN LAND GRANTS AND THE ESTABLISHMENT OF THE EAST BAY RANCHERIAS DURING THE AMERICAN CONQUEST PERIOD

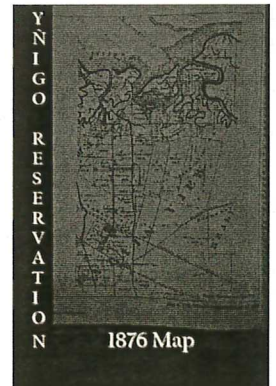
Prior to the American conquest of California 1846-1848, some of the secularized Mission Santa Clara Indian families obtained formal Mexican land grants, while the majority of the others found refuge on the rancho lands of friendly Californio families in the East Bay.

Around the area surrounding Mission Santa Clara several Clareño Ohlone families were fortunate to be granted land grants by the Californio/Mexican government. In 1845, Governor Pio Pico granted the Ulistac land grant located within present-day City of Santa Clara to Marcello and two other Mission Santa Clara Indian men named Pio and Cristobal. Marcello's parents Senneo and Pacanuga were from the San Bernardino Tamien speaking Ohlone tribal group who were located in the Stevens Creek, Saratoga Creek and Pescadero Creek water shed region to the west/southwest of Mission Santa Clara. Pio and Cristobal lineages were traced through the Mission Santa Clara Baptism records to the Tayssen Ohlone Tribal group in the upland valleys east of San Jose near the Orestimba drainage. Rancho Ulistac measured half a league or approximately 2218 acres (Brown 1994).



Lopé Yñigo

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



1876 Map

Although reduced to approximately 400 acres, Yñigo's claim came under review in the U.S. Land Commission of 1852 (Walkinshaw vs. the U.S. Government, Posolmi, 125, Land Case 410) and he retained this portion of his land until his death on March 2, 1864. Yñigo was buried somewhere on his land which is now occupied by Moffett Field and Lockheed Corporation. After Yñigo's death, it appears that his descendants may have moved to the Alviso rancho [(see U.S. Land Commission Index to land Grants 1852, U.S. General Land Office, Posolmi, 125, Land case 410); Bancroft 1886; Arbuckle 1968; see: Thompson and West 1876 Map identifies Yñigo Reservation (Moffett Field); Yñigo Rancho by Pat Joyce; Obituary of Yñigo in the San Jose Patriot.

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 Balermينو. Roberto had occupied this land west/southwest of confluence point – the meeting of Guadalupe River and Los Gatos Creek in downtown San Jose since 1836.

Rancho de los Coches, most probably within the aboriginal territory of Roberto's direct ancestors that included the district that the Spanish priests called San Juan Bautista (not to be confused with Mission San Juan Bautista located south near Hollister). Roberto's marriage to his first wife, Maria Estefana, connected him to the San Francisco Solano Tamien Ohlone speaking tribal group district to the west that included the present-day town of Cupertino. (Brown 1994)

On the West Bay, another land grant was issued to another Clareño Ohlone Indian man 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).

During this post-secularization period, there were at least six other rancherias maintained around Pueblo de San Jose. One major Indian settlement was located on the Santa Teresa Rancho (Bernal's property) south of the Pueblo near the Santa Teresa Hills. Another was in the valley east of San Jose called Pala Rancho, while a third was established along the Guadalupe River above Agnew on the Rincon de los Esteros Rancho. To the northwest in the present city of Cupertino was the Quito Rancho. In Pueblo de San Jose, there was a settlement of "free

Indians" on the east side of present-day Market Street, and the sixth community was located further west along the banks of the Guadalupe River near Santa Clara Street in San Jose (King 1978; Winter 1978a).



Based upon his research, Milliken (1987) also discovered that in the 1840s a rancheria was established in the East Bay between Mission San Jose and Alameda Creek:

One group of Indians established an independent community somewhere along the road north from Mission San Jose toward Alameda Creek during the 1840's. The head of the community was Buenaventura, one of the few survivors of the original villages from the local "Estero" area, or bayshore. Buenaventura had been

baptized as a two year old at Mission San Jose in 1798 (JOB 161). Father Miguel Muro granted a license to Buenaventura, six other adult males and their families on 2 November 1844. His wife Desideria was of a family that had moved to the mission from the Jalalon area, now eastern Contra Costa county. Buenaventura died in 1847, Desideria sold the group's license to an American in 1849. The U.S. Land Commission of the 1850's did not recognize the license as a valid land title, however [Land Case 290 n.d.:11]. (Milliken, Leventhal and Cambra 1987)

The "Estero" area along the bayshore included the Alson Chocheño/Tamien-speaking (bilingual) tribal group located along the lower Guadalupe River and the Tuibun tribal group of the Fremont Plain. As discussed above both of these groups were first missionized at Mission Santa Clara and later went to Mission San Jose (Milliken 1983, 1991).

After the American takeover of California (1846-1848), there were Indian 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.



Ohlone Tribelets and Language Groups, 1978



Trina Marine- Ruano
Newark, CA 1940

These rancherias were located at San Leandro/San Lorenzo (1830s-1860s), Alisal near Pleasanton (1850s-1916), Sunol (1880s-1917), Del Mocho in Livermore (1830s-1940s), El Molino in Niles (1830s-1910) and later a settlement in Newark (ca. 1914 - present-day). A formal land claim was submitted for the San Lorenzo Rancheria by two East Bay Indians Anseto and Sylvester under the 1853 land claims commission (Vol. 7, page 441, Unclassified #97). Apparently, this claim was rejected by the US Claims Commission.

During the 1880s, George and Phoebe Apperson Hearst purchased part of the old (1839) Bernal/Sunol/Pico Rancho located south and west of Pleasanton, which included part the Alisal Rancheria with approximately 125 Indians residing there on the land.



Escaping the cold and foggy summers of San Francisco, the Hearst's built their Hacienda de Poso del Verona (later renamed Castlewood Country Club) on this newly acquired land. Western Pacific Railroad also built a train station there so that the Victorian elite and other guests could visit with Mrs. Hearst at her Hacienda. This railway stop was named Verona Station. 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, who was originally affiliated as the Secretary of the Northern Association for California Indians was appointed Special Indian Agent to California by the Commissioner of Indian Affairs (Indian Service Bureau) 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 south Central and Northern California.

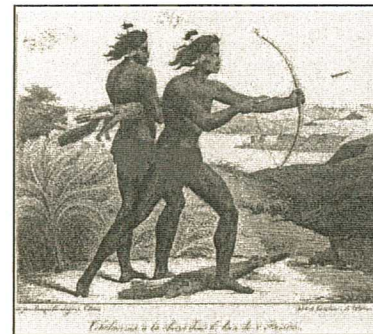
Based upon the results of Kelsey's Special Indian Census, in conjunction with the discovery of the 18 unratified treaties, Congress passed multiple Appropriation Acts beginning in 1906 on through 1937, for the purpose of purchasing "home sites" for the many intact California Indian tribes and bands.



Indian Map of California
by C.E. Kelsey, Special Agent for
the California Indians, 1913

One of the bands specifically identified by Agent Kelsey was the Verona Band of Alameda County residing near Pleasanton, Sunol and Niles (as well as other towns and ranches surrounding Mission San Jose). The direct ancestors of the present-day Muwekma Ohlone 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. Between the years 1906 and 1927, the Verona Band fell under the direct jurisdiction of the Indian Service Bureau in Washington, D.C., and by 1914, the Tribe was transferred to the jurisdiction of the Reno Agency and later again, transferred to the Sacramento Agency. During this time, the U. S. Government Indian agents attempted to purchase land for many of the Federally Recognized, but landless California Indian tribal bands.

To this effort, both the Indian agents and the Indian bands were faced with two basic problems:



- 1) Many Californian landowners did not want Indians living next to them, so they would not sell suitable parcels of land
- 2) Individuals who were willing to sell parcels to the government wanted greatly inflated prices, usually at prices much higher than what was allocated to purchase lands, or even the value of the land

In January 1927, Sacramento Superintendent Colonel Lafayette A. Dorrington (1923-1930) received a detailed office directive from Assistant Commissioner E. B. Merritt for him to list by county all of the tribes and bands under his jurisdiction that had yet to obtain a land base for their "home sites." This directive was issued so that Congress could plan its allocation budget for fiscal year 1929. Dorrington, who was chronically derelict in his duties, decided not to respond to this, as

well as many other requests. By May 1927 under investigation, Dorrington yet again received another strongly worded directive from the Assistant Commissioner E. B. Merritt.

To this second directive, Dorrington reluctantly responded on June 23, 1927 by generating a report, which in effect, illegally, unilaterally and administratively terminated the rights of approximately 135 tribal bands throughout California from their Federally Acknowledged status by completely dismissing the needs of these landless tribal groups. The very first casualty on Dorrington's "hit list" was the Verona Band of Alameda County. Without any benefit of an on-site visitation or conducting a needs assessment, which he was charged to do by the Assistant Commissioner, Dorrington opined:

"There is one band in Alameda County commonly known as the Verona Band, ... located near the town of Verona; these Indians were formerly those that resided in close proximity of the Mission San Jose. It does not appear at the present time that there is need for the purchase of land for the establishment of their homes."



Thus with the stroke of a pen and without benefit of any due process or direct communication with the tribe or its leaders, the Muwekma/Verona Band along with the other 134 tribal bands of California, inexplicably "lost" their formal status as Federally Recognized Tribes. Being reduced to a landless tribe of Indians, the Muwekma were essentially knocked off the Bureau of

Indian Affairs's "radar screen," and were considered ineligible to organize under the 1934 Indian Reorganization Act. According to BIA staff in 1996, they stated that "the Bureau decided not to deal with the Tribe anymore."

During the 20th Century, no other state within the U.S. had experienced the illegal termination of so many tribal groups. This massive dismissal was deliberately a result of the callous actions and dereliction of duty by an incompetent Bureau of Indian Affairs (BIA) agent. Several years later, Dorrington, still being prodded by BIA officials in Washington about the needs of the landless and homeless Indians in California, offered his opinion to Commissioner Rhoads. In a letter dated April 23, 1930. Dorrington wrote:

"...Kindly be respectfully advised that the matter of land purchase for homeless Indians has really been given constant and diligent attention throughout the

current fiscal year to date and an earnest effort has been made to fully meet the needs of the Indians to the fullest extent without unnecessary or unjustified expenditure of funds, believing that to be the spirit of the law and your wishes in the premises. ..."

"It has been my opinion, and therefore my belief, for several years that the best interests of the Indians will be served through an arrangement whereby those concerned may be settled on the already acquired land instead of procuring additional which cannot be turned to beneficial use and occupancy by the Indians in mind because of their inability financially to establish themselves thereon."

"...In its final analysis, Mr. Commissioner, kindly understand and know that additional land for homeless Indians of California is not required and therefore further demands on the appropriation for the fiscal year 1930 are not warranted or justified."

By July 1931, Dorrington had either quit or was transferred or was fired and replaced by Oscar H. Lipps as Superintendent of the Sacramento Agency. Lipps, responding to an inquiry written by Assistant Commissioner J. Henry Scattergood offered specific concerns about the conditions of the homeless California Indians for whom land was purchased:

"Receipt is acknowledged of your letter, dated June 30, 1931, relating to the matter of purchasing land for homeless Indians of California. ...I am addressing this letter to you personally and calling the subject matter thereof to your special attention for the reason that there appears to be a grave lack of understanding in the Office regarding this whole matter of providing homes for homeless California Indians."

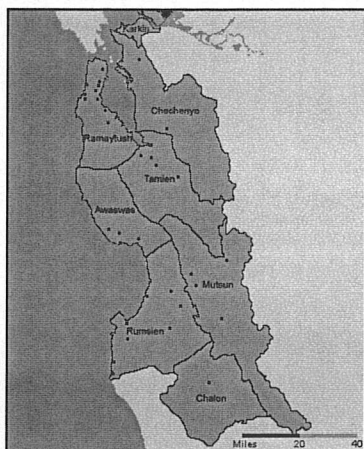
"I think it is all the more important that this matter be brought to your personal attention at this time in view of your recent visit to California with the Senate Committee and your familiarity with the sentiment and feeling in this State with respect to the past administration of the affairs of the California Indians."

"The conditions on some of these rancherias are simply deplorable. No one can view many of them and observe the conditions under which the Indians are trying to exist without the feeling that some one is guilty of gross neglect or inefficiency and that a cruel injustice has been meted out to a helpless people under the name

of beneficent kindness... And yet there are those who say that I will never do to let the local authorities have charge of the affairs of the Indians lest the Indians be neglected and abuse. ...I have not yet seen a single instance where the federal government has done anything like so much for the improvement of the homes and living conditions of the Indians under this jurisdiction as has been done by Sonoma County for the Indians residing on the Stewart's Point Rancheria."

"Now it seems to me that the thing for us to do is to look at the facts in the face and admit that in the past the Government has been woefully negligent and inefficient, and then start out with the determination, as far as possible, to rectify our past mistakes. It is difficult to locate the blame, but somewhere along the line there appears to have been gross negligence or crass indifference. If Congress has been honestly and fully advised of conditions and has refused or failed to give relief asked for, then the Indian Bureau is not responsible for the neglect of the Indians. On the other hand, if Congress believed and intended by appropriating funds for the purchase of lands for homeless Indians and improvements thereon that good and suitable lands would be purchased and houses constructed and improvements made, then we have neglected to do our duty."

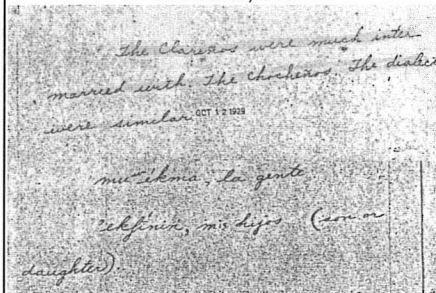
Although the Muwekma Tribe was left completely landless, and in some instances completely homeless, between 1929 and 1932 all of the surviving Verona Band/Muwekma lineages enrolled with the BIA under the 1928 California Indian Jurisdictional Act whose applications were approved by the Secretary of Interior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



Map of the Main Ohlone/Costanoan Languages and Major Villages (black dots)
Based on Kroeber (1925), as amended by Levy (1970)

Concurrently, between 1884 and 1934, renowned anthropologists and linguists such as Jeremiah Curtin, Alfred Kroeber, E. W. Gifford, James Alden Mason, C. Hart Merriam and John Peabody Harrington interviewed the last fluent speakers of the "Costanoan" and other Indian languages spoken at the East Bay rancherias.

J.P. Harrington Notes From an Interview with
Maria De Los Angeles (Angela) Colos,
A Principal Chocheño Language Informant
October 12, 1929



Transcription:
The Clareños were much intermarried with the
Chocheños. The dialect(s) were similar.

muwékma, la gente (the people)

Even before California Indians legally became citizens in 1924, during World War I, Muwekma men enlisted and served overseas in the United States Armed Forces, and four of them (Toney Guzman (Pvt. U.S. Army), Alfred (Fred) Guzman (Pvt. U.S. Army), Henry Abraham Lincoln Nichols (Fireman U.S. Navy) and Joseph Aleas (Sgt. U.S. Army) are buried in the Golden Gate National Cemetery. John (Jack) Nichols (U.S. Army) and Franklin P. Guzman (Sgt. U.S. Marine Corps) also served in World War I. Franklin Guzman is buried in the National Cemetery at Riverside, California.



Enos Marine Sanchez,
Pfc U.S. Army, 89th
Division, 1st Battalion,
Co. M, 354th Infantry
Regiment, (39 390
899) 1942-1945
WWII

Later, during World War II almost all of the Muwekma men served overseas in all branches of the Armed Forces. Muwekma men and women continued to serve in Korea, Vietnam, Desert Storm and presently, three tribal members are or had served in the U.S. Marine Corps and Army in Iraq. (See the Muwekma Veterans Booklet for more information).

Some of the Muwekma children were sent off to Indian Boarding Schools. Between 1931 and 1940,

It was during this time period that Verona Band Elders still employed their linguistic term "Muwekma" which means "la Gente" or "the People" in Chocheño and Tamien, the Ohlone (or Costanoan) language spoken in the East and South San Francisco Bay regions.



Ben, Tony, and Frank Guzman
Niles, CA 1934

Lawrence Domingo Marine attended Indian Boarding School at Sherman Institute in Riverside, and there he met wife-to-be Pansy Potts (Maidu Tribe). After completing school, in 1940 Domingo enlisted in the U.S. Marine Corps.



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

Between 1944 and 1947, Jack Guzman, Jr. and his sister, Reyna attended Indian Boarding school at Chemawa, Salem, Oregon. Still landless, and completely ignored by the BIA but functioning as an unorganized tribal band, the Muwekma Tribe maintained its distinctive social ties and culture.

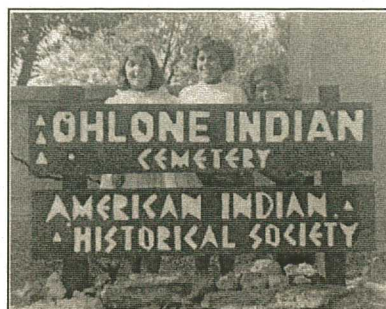
Between 1948 and 1957, the various Muwekma heads of households enrolled with the BIA during the second enrollment period. During the early 1960s, a relationship was forged between Muwekma Ohlone families and the American Indian Historical Society located in San Francisco. The focus of this relationship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



Dolores Galvan, 1969

During the 1960s the Ohlone Indian Cemetery was saved from destruction. In 1962, under the leadership of Dolores Marine Alvarez / Piscopo / Galvan and her daughter Dottie Galvan Lameira, they began to mow, clean-up and protect the cemetery.

Dolores Marine's two sons Benjamin Michael Galvan and Philip Galvan later became important



Ohlone Indian Cemetery
American Indian Historical Society
Lillian Massiatt, Ramona Galvan,
and Michael Galvan
Fremont, CA, 1966

leaders in this effort. In 1966, Congressman Don Edwards made inquiries with National Parks and the BIA, requesting to place the Ohlone Cemetery as a National Monument or into Trust. Both Federal agencies rejected the idea. By 1971, the title transferred to the non-profit tribal entity the Ohlone Indian Tribe, Inc. Afterwards, the maintenance of the cemetery has come under the stewardship of one of the Galvan families.

During the early 1980's, many Muwekma families came together to continue to conduct research on their tribe's history and genealogy, and they 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.



Rosemary Cambra, Chairwoman for the
Muwekma Ohlone Tribe
and other Tribal Leaders in front of the
White House, Washington, D.C.
*Muwekma Ohlone Tribe Petition for Recognition
delivered to President Bill Clinton
January 25, 1995*

On January 25, 1995, the Tribe's historical petition was submitted during a White House meeting of California Indian leaders. 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 previously 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."

Even after obtaining their positive determination of "previous unambiguous Federal Recognition" the Muwekma Tribe still had to submit additional documentation (total of six linear feet) in order to satisfy the BAR's seven mandatory criteria (25 CFR 83.7). Almost two years later, on March 26, 1998, as a result of submitting several hundred pages of additional documentation, Deborah Maddox, Division Chief of Tribal Operations, issued a letter to the Tribe stating that:

"A review of the Muwekma submissions shows that there is sufficient evidence to review the petition on all seven of the mandatory criteria. The Bureau of Indian Affairs (BIA) is placing the Muwekma petition on the ready for active consideration list as of March 26, 1998."

After being placed on "Ready Status," the Muwekma Tribal Council reviewed the Federal Registry and counted the number of tribes on both the "Active Consideration" and "Ready Status" lists. Muwekma was about the 22nd tribe in line after factoring in both lists. Based upon the speed that BAR was processing tribal petitions, at the rate of approximately .5 to 1.5 petitions per year, it became very clear that it would take the BAR approximately 24 plus years before it would begin to consider the Muwekma Tribe's documented petition. The Tribal Council also inquired if there were any other tribes on either list with a formal determination of "previous unambiguous Federal recognition." The answer was "no". 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 attain a date from the BAR (now called 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 against the Interior Department/BIA - naming Secretary Bruce Babbitt and Assistant Secretary of Indian Affairs (AS-IA) Kevin Gover, 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. This was a first in Indian Country and in the Courts. On June 30, 2000, Federal District Judge Ricardo M. Urbina, ruled in favor of the Muwekma Tribe and ordered



Dolores Sanchez
at the
Three Wolves Site
Kaphan Huunikma
1997

the Interior Department to formulate a process to expedite the Muwekma's petition. On July 28, 2000, based upon the BIA's findings, Justice Urbina wrote in the 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.)

Between September and October 2000, following the court order, and after consultation with BIA/BAR staff, Muwekma submitted another two Exhibit volumes which demonstrated how the 400 plus enrolled members of the tribe are descended from full-blooded ancestors or siblings of those ancestors listed on the three Federal Indian Population Schedules (Census) of 1900 and 1910 for Washington, Murray and Pleasanton Townships, Alameda County, and from Kelsey's 1905-1906 Special Indian Census. As a result, on October 30, 2000, the BAR and Tribal Services Division of the BIA responded to the Court Order and issued the following questions, answered statements and conclusions:

"Do current members 'descend from' a previously recognized tribal entity? When combined with the members who have both types of ancestors, 100% of the membership is represented. Thus, analysis shows that the petition's membership can trace (and, based on a sampling, can document) its various lineages back to individuals or to one or more siblings of individuals appearing on the 1900, "Kelsey", and 1910 census enumerations described above."

As a result of the Congressionally mandated 1998 Advisory Council on California Indian Policy's finding, Congressman George Miller's office drafted proposed legislation in 2000 that sought to restore several of the "Terminated" California Indian Tribes as well as reaffirm the status of several previously Federally Recognized Tribes whom were never Terminated by the U.S. Congress, including the Muwekma Ohlone Tribe:

2000 - Restoration of Terminated California Tribes and California Tribal Status Clarification Act - Proposed by Congressman George



Ohlone Indians in a Tule Boat
in the San Francisco Bay
circa. 1822
Drawing by Louis Andreivitch Choris

Miller. "Title II - California Tribal Status Clarification Act Sec. 202. Findings: (4) The Muwekma are the descendants of the native peoples who occupied the southern, eastern and western regions of the San Francisco Bay Area, including all of what is now San Francisco, San Mateo, Alameda and Contra Costa Counties, much of what is now Santa Clara County, and parts of Santa Cruz, San Joaquin, Napa and Solano Counties. Jalquin / Yrgin, Alson / Tamien, Suenen, Chupcan, Choquoime and Nototomne. Spanish missionaries forced the ancestors of the Muwekma Tribe into the Mission Dolores, San Jose and Santa Clara in the late 18th and early 19th centuries. In the 1830's



Maggie, Pete, Peter, Pauline, Carol, and Rosemary Juarez, 1948

the Mexican government secularized the missions which resulted in the exclusion of the Muwekma from the three Bay Area missions and their resettlement in a number of rancherias in the Alameda County, including the Alisal Rancheria near Pleasanton, the Del Mocho Rancheria near Livermore, the El Molino Rancheria near Niles, as well as on rancherias in Sunol and San Leandro / San Lorenzo. The Muwekma people continue to reside in their aboriginal territory in the San Francisco Bay Area.



Joseph Mora, Lupe Mora, and Mary Muñoz-Mora, 1934

(5) The United States recognized all four tribes in the early part of the century as politically identifiable bands of Indians under its jurisdiction and eligible for statutory benefits and services. The Koi people were recognized as the Lower Lake Band, The Tsnungwe as the Trinity Tribe of Humboldt County and the Burnt Ranch, the Muwekma as the Verona Band of Alameda County, and the Dunlap as the Dunlap Band of Monos.

(6) The United States recognized the four tribes as eligible for the purchase of lands under the provisions of various Appropriations Acts allocating funds to purchase lands for homeless Indians in California. While the BIA recognized the Muwekma, Tsnungwe and Dunlap as tribes eligible for

the purchase of land under these Acts, no land ever was purchased for them.



Margaret Martinez,
Tribal Elder
San Jose, CA
May 1999

(7) The members of the Tribes or their ancestors are enrolled as California Indians by the BIA pursuant to the Act of May 18, 1928, ch. 624, 45 Stat. 602 and its amendments (codified at 25 U.S.C. 651 et seq.) authorizing a claims case to be brought on behalf of all California Indians for lands reserved in eighteen treaties negotiated with California tribes in 1851-1852 but never ratified by the U.S. Senate.

(8) Congress has never terminated or expressed an intent to terminate the status of the Lower Lake Koi Tribe, the Muwekma Tribe or the Tsnungwe Council. Nevertheless, the Bureau of Indian Affairs has refused to deal with the Tribes as federally recognized tribes. Notwithstanding the denial of federal benefits, services, and protection the Tribes have continued to maintain social and political ties from since the dates of last recognition."

On July 25, 2002, California Congresswoman Zoe Lofgren issued the following statement in support of the Muwekma's restoration on the floor of the House of Representatives:

"The Muwekma Ohlone Indian Tribe is a sovereign Indian Nation located within several counties in the San Francisco Bay Area since time immemorial. ... The Congress of the United States also recognized the Verona Band pursuant to Chapter 14 of Title 25 of the United States Code, which was affirmed by the United States Court of Claims in the Case of Indians of California v. United States (1942) 98 Ct. Cl.583" ...

Meanwhile, as a result of inconsistent federal policies of neglect toward the California Indians, the government breached the trust responsibility relationship with the Muwekma tribe and left the Tribe landless and without either services or benefits. As a result, the Tribe has suffered losses and displacement. Despite these hardships the Tribe has never relinquished their Indian tribal status and their status was never terminated." ...

Simultaneously, in the 1980's and 1990's, the United States Congress recognized the federal government's neglect of the California Indians and directed a Commission to study the history and current status of the California Indians and to deliver a report with recommendations. In the late 1990's the

Congressional mandated report – the California Advisory Report, recommended that the Muwekma Ohlone tribe be reaffirmed to its status as a federally recognized tribe along with five other Tribes, ...”

I proudly support the long struggle of the Muwekma Ohlone Tribe as they continue to seek justice and to finally, and without further delay, achieve their goal of their reaffirmation of their tribal status by the federal government. This process has dragged on long enough. I hope that the Bureau of Indian Affairs and the Department of Interior will do the right thing and act positively to grant the Muwekma Ohlone tribe their rights as a Federally Recognized Indian Tribe. ... To do anything else is to deny this tribe justice. They have waited patiently and should not have to wait any longer.”

On August 29, 2002, California Lt. Governor Cruz Bustamante wrote a letter supporting the Tribe to Assistant Secretary – Indian Affairs, Neil McCaleb:

“I write to urge you to support Petition #111 by the Muwekma Ohlone Tribe for reaffirmation of Federal Acknowledgment. The Muwekma Ohlone Tribe meets all of the criteria for reaffirmation set by the court as well as the Bureau of Indian Affairs’ acknowledgment criteria. The tribe is a previously recognized tribe. It has demonstrated that it has had a trust relationship with the United States from 1906 to the present and Congress has never terminated their relationship. The tribe’s membership descend from an historical tribe and they are not members of any other Federally recognized tribe. After compiling data and completing extensive research, the Muwekma have presented a compelling case for the tribe’s Federal Acknowledgment. I respectfully urge you and the Bureau of Indian Affairs to carefully review their Petition.”



Section from Indian Map of California
by C.E. Kelsey, Special Agent
for the California Indians, 1913
Alameda County,
*Verona 30 *Mission San Jose

On September 6, 2002, the BIA issued its Final Determination against the future of the Muwekma Ohlone Tribe. The BIA agreed that the Tribe is a historic and previously Federally Recognized Tribe. It also confirmed that the Tribe was never legally ‘terminated’ by any Act of Congress or Executive Order. The BIA determined that at least “99% of the members descend from the previously Recognized tribe.” However, the BIA staff decided not to

review and weigh the submitted evidence and reaffirm Federal Recognition back to our Tribe. In retrospect, it appears now that the same BIA staff and solicitors, whom bitterly opposed the Muwekma Tribe in their lawsuit, were the same people who made the administrative Final Determination against Muwekma. The Bureau’s Decision Maker, Assistant Secretary-Indian Affairs, Neil McCaleb, refused to review any of the Tribe’s evidence himself, but instead just rubber-stamped the final recommendations made by BIA staff. The Tribe was never allowed to challenge the BAR’s findings nor present any of the evidence to McCaleb directly. Clearly, the 25 CFR Part 83 administrative process is far from being balanced and impartial.

Nonetheless, under the BAR’s Summary Conclusions Under the Criteria (25 CFR 83.7) of the Muwekma petition, the BIA did in fact determine that: “The review of all the evidence in the record concludes that the Muwekma petitioner has satisfied the requirements of 25 CFR 83.7 (d), (e), (f), and (g). That is, the petitioner’s constitution and enrollment ordinance describe its membership criteria and governing procedures, *its members have demonstrated their descent from the historical tribe (in this case, from the Verona band last acknowledged by the Federal Government in 1927...)” ...“In addition, Congress may consider taking legislative action to recognize petitioners which do not meet the specific requirements of the acknowledgment regulations but, nevertheless, have merit.” (Pages 7-8)*

At this point, the Muwekma had exhausted the regulatory process and through this arduous and demeaning process, the Tribe encountered the very same “gross negligence” and “crass indifference” with the current BIA bureaucrats and decision-makers as it had encountered eighty-two years earlier with Superintendent L. A. Dorrington in 1927. Even with the supporting evidence reported to the U.S. Congress in the 1998 Advisory Council on California Indian Policy reports on the present status of California Indians, this justice issue, like many other Native American civil rights and justice issues before it, has fallen upon deaf ears. The Congress once again has refused to act upon the very Commission that it had charged and funded with taxpayer’s money in order to correct what it has deemed “errors of the past.”

In the 1998 ACCIP report on Acknowledgment, entitled: Advisory Council on California Indian Policy Recognition Report – Equal Justice for California the Council issued the following conclusions

about previously Federally Recognized Tribes in California whom were disenfranchised by Sacramento Superintendent, Lafayette A. Dorrington: *"The Dorrington report provides evidence of previous federal acknowledgment for modern-day petitioners who can establish their connection to the historic bands identified therein. Clearly, the BIA "recognized" its trust obligations to these Indian bands when it undertook – pursuant to the authority of the Homeless California Indian Acts and the Allotment Act –to determine their living conditions and their need for land. The fact that some were provided with land and others were not did not diminish that trust. ... Among those California Indian groups that have petitioned for federal acknowledgment, there are several who can trace their origins to one or more of the bands identified in the Dorrington report. The Muwekma Tribe is one whose connection to the Verona Band (id, at 1) has been recently confirmed in a letter from the BAR, ..."*

The ACCIP completed its mandate to report back to the Congress on the issues confronting California Indian tribes and the Federal Recognition Process. A copy of the 1998 ACCIP final report was submitted by the Tribe to the BIA as part of its response to the BAR's initial "Proposed Findings." In their Final Determination the BAR made clear that it would not review or consider any evidence prior to 1927 and after 1985, even though it had encouraged the Tribe that it would do so during the Tribe's Technical Assistance meeting on November 7, 2001. The BAR staff sidestepped their own recommendation by stating: *"Given these conclusions of the Proposed Finding under criterion 83.7(a), that the period prior to 1927 is outside the period to be evaluated and that the petitioner met this criterion during the period after 1985, it is not necessary to respond to the petitioner's comments and arguments for those two time periods."* (page 9)

On April 21, 2004, former Assistant Secretary of Indian Affairs, Kevin Gover provided testimony before the Senate Committee on Indian Affairs on proposed Senate Bill 297. In his testimony addressing the "Structural Issues with the Federal Acknowledgment Program" former AS-IA Gover provided the following statement: *"As has been well documented, I did not always agree with the judgments and opinions of BAR researchers and the attorneys from the Solicitor's office who advised the BAR. I came to believe that the BAR and its attorneys had been essentially unsupervised for many years and that the Assistant Secretary's office had become little more than a rubber stamp for their recommendations. ..."* (Page 3-4)

In his continued testimony on S. 297, former AS-IA Gover made the following points:

"... My primary disagreement with BAR staff related specifically to the assignment of weight to specific evidence, the inferences that could fairly be drawn from the evidence, and the degree of certainty about historical facts required by the regulation. I believe that BAR staff, being of trained historians, anthropologists, and genealogists, applied too difficult a standard. I believe they sought near certainty of the facts asserted by petitioners. They dismissed relevant evidence as inconclusive, even though conclusive proof is not required by the regulations. Moreover, BAR staff seemed thoroughly unwilling to give evidence any cumulative effect. While any given piece of evidence, when considered cumulatively, can make a sound case. ... I do believe that, in accordance with their training, they applied a burden of proof far beyond what is appropriate and far beyond what is permitted by the regulations. ..." (Page 5)

In former AS-IA Gover's "Suggestions for Amendments" he forwarded the following:

"... First, I strongly believe that certain petitioners, which already have been denied recognition, should be permitted another opportunity under the revised process established by this bill. ... Into this category I would place Mowa Choctaw. Finally, I remain convinced that the Chinook Tribe is deserving of federal recognition, and I believe that, if Assistant Secretary McCaleb had the resources provided by this bill available to him when he addressed the Chinook petition, the outcome well may have been different. There may be other tribes, such as the Duwamish and the Muwekma who should be eligible for reconsideration as well." (Page 7)

In 2005, the Chair of the House Resources Committee, California Congressman Richard Pombo wrote a letter of support on behalf of the Tribe to then Secretary of Interior Gale Norton stating:

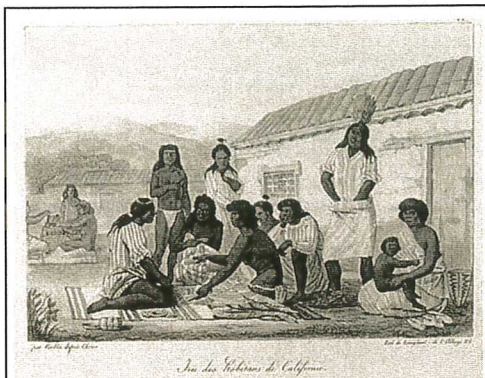
"As part of my Committee's oversight of the procedures for federal recognition of Indian Tribes, I have heard testimony in a hearing earlier this year of the protracted litigation concerning the recognition of the Muwekma Ohlone Tribe. The Tribe informs me that the Department of the Interior has determined that Muwekma is a previously recognized tribe, federally recognized until 1927, also that no formal action by the Department and no Act of Congress removed it from recognition and that 99% of the members of the current tribe are direct descendants of the members of the recognized tribe."

The Muwekma Tribe raises the issue that, in a very similar situation, the Department reaffirmed the federally-recognized status of the Lower Lake Koi Tribe and the Ione

Band of Miwok in California by a letter signed by the then Assistant Secretary of the Interior restoring them to recognized status without making them go through formal recognition procedures.

...

Despite numerous calls and letters from the Tribe, I understand these efforts at settlement have been largely ignored. I urge you to bring to resolution this dispute with the Muwekma Ohlone Tribe if possible. My concerns stem from the fact that in continuing this litigation, only unnecessary time and expense will result and some settlement along the lines your Department has already considered may be the best result. Therefore, I would suggest, if possible, that the Department meet with the Tribe to pursue settlement opportunities. ..." (Pombo letter to Norton dated June 30, 2005)



Ohlone Indian Playing Staves Game
Mission Dolores, San Francisco, CA, circa 1822
Drawing by Louis Andrevitch Choris

On September 21, 2006, another victory was handed to the Muwekma Ohlone Tribe by the U.S. District Court in Washington, D.C. stating: The following facts are not in dispute. Muwekma is a group of American Indians indigenous to the San Francisco Bay area, the members of which are direct descendants of the historical Mission San Jose Tribe, also known as the

Pleasanton or Verona Band of Alameda County ("the Verona Band"). ... From 1914 to 1927, the Verona Band was recognized by the federal government as an Indian tribe. ...

Neither Congress nor any executive agency ever formally withdrew federal recognition of the Verona Band. ...

Upon remand, the Department must provide a detailed explanation of the reasons for its refusal to waive the Part 83 procedures when evaluating Muwekma's request for federal tribal recognition, particularly in light of its willingness to "clarif[y] the status of [Ione] . . . [and] reaffirm[] the status of [Lower Lake] without requiring [them] to submit . . . petition[s] under . . . Part 83." Such an explanation may not

rely on the fact that a "lengthy and thorough" evaluation of Muwekma's petition. At issue for the purpose of this remand is not whether the Department correctly evaluated Muwekma's completed petition under the Part 83 criteria, but whether it had a sufficient basis to require Muwekma to proceed under the heightened evidentiary burden of the Part 83 procedures in the first place, given Muwekma's alleged similarity to Ione and Lower Lake.

In the Tribe's final cross-motion before U.S. District Judge Reginald Walton, the Tribe has presented evidence and argued that:

"The Muwekma Ohlone Tribe is entitled to summary judgment restoring it to the list of federally recognized tribes, Muwekma meets or exceeds the standard created by the Department's decisions to reaffirm the federal status of the Lower Lake Rancheria ("Lower Lake") and the Ione Band of Miwok ("Ione"). That standard set reaffirmation apart from acknowledgment under the 25C.F.R. Part 83 process, in order to act in the best interests of Indian tribes to correct Departmental errors which left certain previously acknowledged tribes off the Department's lists of acknowledged tribes despite the absence of any act of termination.

The standards applied by Interior in those decisions relating to Ione Band of Miwok and Lower Lake Rancheria are also applicable to Muwekma because of the similar historical circumstances that the three Tribes share.

Interior also failed to comply with these basic administrative requirements when informing Muwekma in the first instance of its decision not to consider Muwekma outside the Part 83 process. In the Explanation, Interior admits: "It is not clear from the documentary record how Muwekma was informed of the Department's position" regarding Muwekma's request for expedited procedures like those provided to Lower Lake and Ione. Thus, there is no agency "Record of Decision" on this point, other than Interior's post hoc "Explanation" filed in response to this Court's Order of September 21, 2006.

This Court recognizes that, "as the [D.C.] Circuit has clearly held, 'where the agency has failed to provide a reasoned explanation, or where the record belies the agency's conclusion, [this Court] must undo its action.'"

The Bureau of Indian Affairs enrolled Muwekma members in the late 1920's, 1930's, 1950's, late 1960's and 1970's under the California Claims Act of May 18, 1928, 45 Stat. 602, which required evidence of tribal membership. The Bureau also enrolled Muwekma children in BIA schools, yet another action that implies acknowledgment

as a tribe, or at the very least an inference of an ongoing relationship with the government.

The Final Determination moreover arbitrarily and capriciously excluded from consideration evidence prior to 1927 and after 1985. These defects in the Final Determination illustrate Interior's violations of 5 U.S.C. § 554(d), the provision of the APA prohibiting an agency employee from participating both in decision-making and investigative functions. The same people who opposed Muwekma in its litigation to require Interior to timely review its petition, and lost, then helped draft the Final Determination against Muwekma, and are also on Interior's brief here.

Interior in its dealing with Muwekma seems to be saying, if we didn't treat you right before, you have no rights, and we can continue to mistreat you now. This is the opposite of the viewpoint that the Department applied to Lower Lake and Ione. This Court should not allow such a calloused philosophy to dictate the outcome here, particularly where the law and facts so powerfully compel reversal.

Interior has failed to meet its burden under this Court's Order and under the law. For all the reasons cited previously by the Tribe, further remand to the agency is no longer appropriate in this instance. The Tribe respectfully requests the Court to direct Interior to reaffirm the Tribe's federal acknowledgment.

Moreover, the Court has the power and the obligation to undo an agency decision that does not meet this burden."

On September 30, 2008 the US District Court in Washington, D.C. handed the Muwekma Ohlone Tribe another victory. Judge Reginald B. Walton opined: "These arguments, and the explanation from the Department giving rise to them, seemingly cannot be reconciled with the Court's September 21, 2006, memorandum opinion. In that opinion, the Court noted that the defendants opposed the plaintiff's initial motion for summary judgment on three grounds, two of which concerned whether the plaintiff was similarly situated to Ione and Lower Lake for purposes of the plaintiff's constitutional and APA arguments. Specifically, "the defendants argue[d] that the Department ha[d] not treated like cases differently because by their very nature, federal acknowledgment decisions require highly fact-specific determinations," and "claim[ed] that [the plaintiff] was not treated differently than similarly situated petitioners because groups demonstrating or alleging characteristics similar to [the plaintiff] are regularly required to proceed through the federal acknowledgment process."

The Court rejected both of these arguments. It dismissed the defendants' "hand-waving reference to 'highly fact-specific determinations,'" which, in the Court's estimation, "[did] not free the defendants" of their obligation to justify the decision to treat the plaintiff differently from Ione and Lower Lake based on the administrative record for the plaintiff's petition. Further, the Court found the argument "that groups such as [the plaintiff] have been regularly and repeatedly required to submit Part 83 petitions" insufficient "to refute [the plaintiff's] claim that the Department has treated it differently from similarly situated tribal petitioners without sufficient justification.

The Court further noted in a footnote that the defendants "obliquely" provided a "basis for distinguishing [the plaintiff] and Lower Lake in their reply to [the plaintiff's] opposition to their cross-motion for summary judgment," but also found this argument wanting. Specifically, the Court explained that: "First, and most obviously, [the defendants' argument] pertain[ed] only to a difference between [the plaintiff] and one of the tribes with whom it [was] claiming to be similarly situated. *The defendants [did] not assert any "highly fact-specific determination]"* that would explain why [the plaintiff] is not similarly situated to Ione in such a way as to require a reasoned explanation of the Department's disparate actions. Second, the Department [did] not contend, here or in the administrative record, that it required [the plaintiff] and not Lower Lake to undergo the Part 83 procedure because the latter, unlike the former, had received land in trust and had participated in an election."

Having rejected all of the defendants' arguments on the issue of similarity of circumstances, the Court proceeded to find that "the Department . . . ha[d] never provided a clear and coherent explanation for its disparate treatment of [the plaintiff] when compared with Ione and Lower Lake," nor had it ever "articulated the standards that guided its decision to require [the plaintiff] to submit a petition and documentation under Part 83 while allowing other tribes to bypass the formal tribal recognition procedure altogether." Because there was "virtually nothing" in the administrative record that would "allow the Court to determine whether [the Department's] judgment . . . reflect[ed] reasoned decision making," the Court concluded that it was "necessary to remand [the] case to allow the Department to supplement the administrative record in this regard.

In other words, the Court determined in its prior memorandum opinion that the defendants' arguments to the effect that the plaintiff was not similarly situated to Ione and Lower Lake were without merit, and remanded the case to the Department so that the Department could explain why it treated the plaintiff differently than other, similarly situated tribes. The necessary implication of both conclusions is that the Court found the plaintiff to be similarly situated to Ione and Lower Lake.

Here, the Department's explanation and the defendants' arguments in defense of that explanation and in support of summary judgment in their favor would appear to run afoul of the law of the case established in this Court's prior memorandum opinion. The Court concluded, implicitly if not explicitly, that the plaintiff is similarly situated to Ione and Lower Lake, and remanded the case to the Department for the sole purpose of ascertaining a reason as to why the plaintiff was treated differently. Yet, the defendants do not even acknowledge that their arguments are inconsistent with the law-of-the-case, let alone provide a "compelling reason to depart" from it.

The defendants' insouciance regarding the law-of-the-case is particularly troubling because they appear to rely at least in part on administrative records for Ione and Lower Lake that were not considered when the Department initially considered the plaintiff's petition for recognition. This tactic harkens back to the defendants' reply memorandum in support of their initial cross-motion for summary judgment, where they argued "that because the full body of administrative records regarding Ione and Lower Lake [was] not before the Court, [the plaintiff] [could not] establish a violation of the Equal Protection Clause or the APA simply by alleging that it ha[d] been treated differently than those tribes."

The Court rejected that argument, explaining that "[w]hat matter[ed] . . . [was] whether the Department sufficiently justified in the administrative record for [the plaintiff's] tribal petition its decision to treat [the plaintiff] differently from Ione and Lower Lake.

The Court remanded this case to the Department so it could explain why it treated similarly situated tribes differently, not so that it could construct post-hoc arguments as to whether the tribes were similarly situated in the first place. It certainly did not remand the case so that the Department could re-open the record, weigh facts that it had

never previously considered, and arrive at a conclusion vis-à-vis the similarity of the plaintiff's situation to those of Ione and Lower Lake that it had never reached before. The Court would therefore be well within its discretion to reject the defendants' arguments outright, grant the plaintiff summary judgment with respect to its equal protection claim, and bring this case to a close."

Concluding Statement from the Muwekma Tribal Leadership



As a result of continuous gross negligence, crass indifference and deceitful actions by the Department of Interior, the Muwekma Ohlone Tribe is in the final throes of seeking resolution of its Federally Acknowledged status in Federal Court 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 three years – for some semblance of justice. The Tribe has learned that if one follows the law and regulations, the Federal government and its bureaucracies, have the power to change all the rules of law midstream. Our People have suffered long enough under this "Apartheid System" of government, and from the inequities perpetrated on us as the documented Aboriginal Tribe of the San Francisco Bay Area.

Our People are refugees within their 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! 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 Ohlone Tribe anticipates a positive outcome as a result of our multi-year law suit against the Department of Interior/BIA. We anticipate that our Tribe we be restored to the list of Federally Recognized Tribes this year and when that joyful moment happens, we intend to celebrate our freedom from the odious yoke of oppression and

Indian Map of California
by C.E. Kelsey, Special Agent for the
California Indians, 1913

120261

INDIAN MAP OF CALIFORNIA

- RESERVATION
- BOARDING SCHOOL
- ▲ DAY SCHOOL
- △ FIELD MATRON
- * MISSIONARIES
- LANDS RECENTLY PURCHASED
- INDIAN RANCHERIA
- COUNTY SEAT

THE FIGURES INDICATE THE
NUMBER OF INDIANS IN THE
DISTRICT OF WHICH THE PLACE
NAMED IS THE CENTER.

Alameda
County,
*Verona 30
*Mission
San Jose

