

Tribal Government Services - AR
MS 4603-MIB

JUN 30 1997

Ms. Rosemary Cambra
226 Airport Parkway, Suite 630
San Jose, California 95110

Dear Ms. Cambra:

Thank you for your letter of June 16, 1997, concerning your letter of requested dated March 26, 1997, that the Muwekma Indian Tribe (petitioner #111) be placed on "Ready for Active Consideration" status. Staff members of the Branch of Acknowledgment and Research (BAR) have evaluated the material which the Muwekma Indian Tribe submitted in November 1996 and March 1997 in response to the Technical Assistance (TA) letter sent by the Bureau of Indian Affairs (BIA) dated October 10, 1996.

The inventory of your Response to the TA letter is as follows:

Exhibit H, Volume 1:

"Muwekma's Response to Branch of Acknowledgment and Research's Response to Congresswoman Zoe Lofgren, Dated September 3, 1996 and to the T/A Letter Issued to the Muwekma Ohlone Tribe, Dated October 10, 1996" (pages 2-17)
[pp. 2-12 consist of a review of correspondence between the petitioner and BAR/BIA concerning the petition; pp. 12-17 contain "A Brief Overview of Critical Events Affecting the Muwekma Ohlone/Verona Band"]

Appendix A: 19th Century and Early 20th Century Historic Documents on the Pleasanton - Verona Band and Region

[photocopies from: Phoebe Apperson Hearst: the Pleasanton Years; History of Washington Township; newspaper articles from the Livermore Herald between July 1899 and December 1904; Early Days in the Livermore-Amador Valley; Buttner Ranch Oral History Biographical Sketch]

Appendix B: Government and BIA Documents 1904-1977

[photocopies from: Heizer, Federal Concern about Conditions of California Indians 1853 to 1913: Eight Documents; 1900 Federal census; 1910 Federal census; copies of California enrollment applications; Kelsey's census of non-reservation California Indians 1905-1906; 1913-15 maps and correspondence; 1916 BIA correspondence re: Verona-Sacramento-River-Indians (this referred to the group near Verona in Sutter County, CA, named Murray, Wilson, Adams, etc. and not the petitioning group); more c. 1916 BIA correspondence concerning various groups of California Indians, including the Sacramento-Verona; 1923 Annual Report of the Reno Indian Agency (which does mention 30 Indians at Verona in Alameda Co.); 1927 BIA correspondence re: homeless California Indians, one of which does mention the Verona Band in Alameda Co., being

one paragraph on page 1 of the 27-page Dorrington letter; pages from the California Indian enrollments, 1977 Report to the Commissioner regarding funding of Bureau programs in the Sacramento area]

Appendix C: Anthropological Source Materials on the Muwekma/Verona Band

[photocopies from: C. Hart Merriam, "Ethnological Notes on Central California Indian Tribes," including information recorded at Pleasanton November 5, 1910; A.L. Kroeber, The Chumash and Costanoan Languages; E.W. Gifford, Miwok Cults; E.W. Gifford, "Southern Maidu Religious Ceremonies," with a reference to Pleasanton in the 1870's; Collier and Thalman, ed. from 1932 ethnographic notes on the Coast Miwok of Marin and Southern Sonoma Cos.; 1929 handwritten notes referencing Muwekma, Pleasanton, and San Jose Mission, sent from/to J.P. Harrington, Smithsonian Institution; more copies of applications for California Indian enrollment interspersed among these handwritten notes; The Aboriginal Population of Alameda and Contra Costa Counties California (map only)].

Appendix D: Muwekma Tribal Materials 1929-1996.

[correspondence with welfare department, county charities; unidentified baptismal records from a church register; correspondence with BIA, which referred the petitioner's ancestors to the State Relief Administration; more copies of the California enrollment applications, some accompanied by baptismal certificates; typewritten notes on a walkthrough of the Ohlone Indian Cemetery (previously submitted); data concerning the American Indian Historical Society and reprints of articles from journals, archaeological studies, etc.; nomination of the Pleasanton/Alisal Rancheria to the Native American Heritage Commission; various recent newspaper articles and resolutions]

Exhibit H, Volume 2, contains the following:

Appendix E. Bureau of Indian Affairs and Related Letters.

- 28 March 1989, United States Senate Select Committee on Indian Affairs to "Dear Tribal Chairman" concerning S.611
- 25 April 1989, acknowledgment of letter of intent to petition
- 28 April 1989, hearing agenda, Select Committee on Indian Affairs re: S.611
- 2 October 1991, U.S. House of Representatives Committee on Interior and Insular Affairs to Rosemary Cambra re: H.R. 2144
- 21 December 1992, from BIA Area Director to: "Tribal Representatives, California Unacknowledged and/or Terminated Tribes" requesting nominations to the Advisory Council on California Indian Policy
- 9 December 1992, from BIA Area Director to: "Tribal Representatives, California Unacknowledged and/or Terminated Tribes" advising them of the passage of PL 102-416
- 18 October 1994, Charlie Rose, House of Representatives, to Rosemary Cambra, inviting her to the White House meeting for nonfederally recognized Indian tribes
- 16 February 1995, President Clinton to Rosemary Cambra thanking her for her thoughtful letter
- 6 April 1995, Bettie Rushing to Rosemary Cambra re: Muwekma partial submission
- 23 May 1994, Holly Reckord to Rosemary Cambra thanking her for hospitality and encouraging the inclusion of certain items in the petition to be submitted,
- 1 August 1995, memo from Dena Magdaleno to Rosemary Cambra concerning 26 July 1995 conversation with Holly Reckord, John Dibbern, and George Roth re: evidence for prior acknowledgment
- 24 August 1995, memo from Dena Magdaleno to Unacknowledged Tribal Leaders concerning acknowledgment schedules for California petitioners

- 18 September 1995, letter from Holly Reckord to Rosemary Cambra saying it was a pleasure to meet on August 21 and acknowledging submissions
- 10 October 1995, Congresswoman Zoe Lofgren to Ada Deer
- Copy of a sign-in sheet for appointment with AS-IA
- 22 January 1996, letter from Holly Reckord to Rosemary Cambra re: November 9, 1995, meeting with BAR staff, requesting specific documents
- Photocopies: 1917 letter from the Tchinouk Tribal Office, Klamath Falls, OR, to the Secretary of the Interior;
- Memorial of the Northern California Indian Association, 1904;
- pages from Report of the Commissioner of Indian Affairs 1895 re: nonreservation Indians
- 22 February 1996, memorandum, Rosemary Cambra to George Roth
- 22 February 1996, letter, Joseph Saulque, ACCIP, to Ada Deer, re: Muwekma
- 12 March 1996, letter, Rosemary Cambra to Holly Reckord, submitting Exhibit F
- 14 March 1996, letter, Franklin Keel to Dena Magdaleno re: the ACCIP's February 22 letter to Ada Deer
- 24 May 1996, letter, Deborah Maddox to Rosemary Cambra re: prior Federal acknowledgment
- 3 September 1996, letter, Deborah Maddox to Congresswoman Zoe Lofgren
- 10 October 1996, TA letter (12 pages) to Rosemary Cambra.

Appendix F: Updated Muwekma/Verona Band Family Descendancy Charts
 Charts and Family Group Sheets (computer printouts)
 September 1996, "Archaeological Investigations at Kaphan Umux (Three Wolves) Site . . . a Middle Period Prehistoric Cemetery on Coyote Creek in Southern San Jose, Santa Clara County, California"
 Preface
 Acknowledgments
 "An Ethnohistory of Santa Clara Valley and Adjacent Regions: With Ties to the Muwekma Ohlona Tribe and Their Involvement at CA-SCL-732" 12:1-12:31
 "What Must It Have Been Like!": Critical Considerations of Pre-Contact Ohlone Cosmology as Interpreted Through Central California Ethnohistory 13:1-13:23.

Exhibit I. Community Profile and Present-Day Residential Distribution

- Listing of current residents by town.
- Series of color maps, showing locations of present residences of members.

Exhibit B: Supplement: Historical and Genealogical Information on the Muwekma Ohlone Lineages

Basic San Jose Mission genealogical material that was submitted previously, slightly revised.

An analysis of the above response submissions in light of the TA letters follows. Please note that this letter does not ask you for any new information. We are merely highlighting requests that have been previously made.

(1) In the TA letter of October 10, 1996, the BIA stated: "The first thing you need to do is reconstruct the composition (membership) of the Pleasanton-Verona Band in the years immediately preceding 1927, the point of last acknowledgment" (page 2).

Neither the November 1996 nor the March 1997 response contains a listing of the membership of the Verona Band at that date. The BIA correspondence contained in your response mentions general numbers of people, but not the names of specific individuals.

(2) In the TA letter of October 10, 1996, the BIA stated: "The narrative description submitted with your petition of the development of the Muwekma Indian Tribe in the 20th century is insufficient for purposes of evaluation by the BIA" (page 3). We specified that additional material was needed in relation to the depression era, the impact of World War II on your group, and the 1950's.

Neither the November 1996 nor the March 1997 response contains substantial new data pertaining to this period. The applications for enrollment under the 1928 California Indian Act have been previously submitted.

(3) In the TA letter of October 10, 1996, the BIA stated: "The efforts leading to gaining title to the Ohlone Cemetery on Washington Boulevard in Fremont during the 1960's are mentioned (p. 22), but are not described or documented. Nothing is said concerning the past and present interrelationship between the Muwekma Indian Tribe and the Ohlone Tribe Inc (pp. 22-23)" (page 3).

Your responses of November 1996 and March 1997 do not address either of these issues.

(4) In relation to criterion 83.7(a), the TA letter of October 10, 1996, stated: "To use the state's activities at various times between 1928 and 1972, it will be necessary to submit documents where the attorney general specifically identifies the Muwekma Band (by whatever name) as existing at the time of the state's action" (page 4).

The responses contain no examples of state actions during this period which specifically identified the Muwekma Band under any name.

(5) The TA letter of October 10, 1996, pointed out that, "the 'various BIA correspondence under the Appropriation Acts of 1906 and 1908' refer to the Sacramento-Verona Band in Sacramento County, California. This was a different band and not the Verona Band from Alameda County which the Muwekma Indian Tribe cites as its antecedent historical tribe" (page 4).

In spite of this specific information, your Response in Exhibit H, Volume 1, Appendix B, re-submits the BIA correspondence pertaining to the Sacramento-Verona Band as part of your evidence.

(6) The TA letter of October 10, 1996, requested that you submit the full notes taken by Harrington in the late 1920's and early 1920's.

Your response contains this material in Exhibit H, Volume 1, Appendix C. Thank you.

(7) The TA letter of October 10, 1996, stated that for the period from the 1930's through the 1970's, you needed to include both documentation on the external identification of the Muwekma for criterion 83.7(a) and internal documentation for activities during the 1950's (page 5). The BIA suggested that you might, "wish to have your researchers prepare a simple linear chronology from 1900 to the present, arraying each type of evidence in order" (page 5).

The responses of November 1996 and March 1996 do not contain external identifications for the period, data on internal family activities for the 1950's, or a linear chronology.

(8) In order for you to strengthen your description of modern community, the TA letter of October 10, 1996, encouraged you to, "Describe more fully the group's modern community. Your discussion may include methods of communication among members, evidence of member involvement in group and community activities, marriage patterns, religious practices, educational activities, and other events/activities that demonstrate the distinctive qualities of your group" (page 6).

There was no material which addressed this issue in the response of November 1996. Exhibit I, received in March 1997, consists of a listing of addresses and a sequence of maps showing the current residence of the group's various members. However, it contained no data on the ways in which or extent to which the members interact with one another.

(9) The TA letter of October 10, 1996, referred to a statement made in your petition narrative on p. 22 which stated that about 130 descendants of the Muwekma "were identified." The BIA stated: "This implies that they were not previously known to one another and had not been interacting on a consistent basis. Please explain how this affects the modern community. Are the 'descendants of the Muwekma' and the actual membership of the Muwekma Indian Tribe synonymous, or are there distinctions between the two categories? If some 'descendants of the Muwekma' are not a part of the petitioning group, please explain why??" (page 6).

This issue was partially addressed by your March 1997 submission of Exhibit B, as revised 1/97, with historical and genealogical information. It at least implies, though it does not directly state, that all known Muwekma descendants are members of the petitioning group, and indicates that the group members identified in the 1930's who are no longer represented did not leave descendants. If this is an incorrect interpretation of the data you submitted, please indicate how the raw data should be analysed.

(10) On pages 7 and 8, the TA letter of October 10, 1996, gave an extensive explanation of political leadership under criterion 83.7(c) as modified by criterion 83.8(d)(3). We suggested that if you could not provide a named sequence of leaders identified by knowledgeable, reliable external sources as having political influence or authority, together with one other type of evidence, as required by the "prior unambiguous Federal acknowledgment" provisions in the 25 CFR Part 83 regulations, you might wish to present evidence as described under 83.7(c).

Neither your response of November 1996 nor your response of March 1997 provided any additional information concerning political influence and/or authority.

For example, the BIA suggested that you should, "describe in detail how your group has responded to important issues and how group events have been carried out in the past. For example, describe in detail how your group was organized as a political entity, who was involved in its organization, and the interplay of leadership decisions among the membership and outside entities (such as the American Indian Historical Society)" (page 8).

There was no material in your responses of either November 1996 or March 1997 which addressed these issues.

(11) The TA letter of October 10, 1996, in connection with criterion 83.7(d), stated, "Please also include any prior governing documents, and relevant other material such as the Articles of Incorporation. If minutes exist of meetings where the governing documents were discussed, please provide them, including any lists of persons who were present at these meetings" (page 9).

Your responses of November 1996 and March 1997 did not contain any of this material.

(12) The TA letter of October 10, 1996, requested that you clarify whether or not any person who can document descent from the San Jose Mission Indians of the 19th century is eligible for membership in the Muwekma Tribe (page 9).

Your narrative response in the November 1996 submission did not address this issue.

(13) The TA letter of October 10, 1996, requested that you clarify whether descent from any of the individuals who filled out the 1928/1932 applications under the California Indian Jurisdiction Act included in your petition automatically qualifies for membership in the Muwekma Tribe (page 9).

Your narrative response in the November 1996 submission did not address this issue.

(14) Although the TA letter twice encouraged your researchers to contact BAR staff if anything it contained was unclear (page 6, last paragraph; page 8, last paragraph). However, your Response narrative (Exhibit H, Volume 1, p. 11) indicates that you found some portions of the TA relating to questions of membership in the Verona Band and genealogical questions pertaining to descent from the San Jose Mission unclear.

The BIA stated specifically that the issue of descent from the San Jose Mission was clear, and that you did not need to do genealogical work to demonstrate this descent. However, in the 1905 listing of the Verona Band, not all San Jose Mission descendants were included in the census. Some of your current members descend from those San Jose Mission descendants who were not included in the Verona Band listing.

The historical tribe on the basis of which you, as petitioner, are advancing a claim of previous unambiguous Federal acknowledgment is as descendants of the Verona Band (which was acknowledged); not as descendants of the San Jose Mission Indians (which were not a federally acknowledged tribe). In fact, as your own submission states,

the Muwekma family lineages span from the founding of the three Franciscan Missions (Santa Clara, Dolores and San Jose) which were established within the aboriginal northern Costanoan/Ohlone territory, and whose ancestors were integrated within the emergent mission system during the early 19th century Spanish colonial empire (Exhibit B 1/97, page 1).

Therefore, you still need to clarify the issue of who, of the San Jose Mission and other mission descendants, were at various times in the federally acknowledged Verona Band. ¹⁹⁹⁴ See the second paragraph on page 10 of the TA letter dated October 10, 1996. ^{state it to the} questions of acknowledgment of the Verona Band which were discussed on pages 2 and 3 of the TA letter dated October 10, 1996.

(15) The TA letter stated, "If previous lists of members of the Muwekma Indian Tribe exist, please provide copies. If they do not exist, please say so" (page 11).

The responses of November 1996 and March 1997 do not address this question.

The above 15 points are issues which the Bureau of Indian Affairs requested you to address in your Response. Of the 15 points, one was fully addressed in your two submissions, while two others were partially addressed. You did not address the other 12 requests. We realize that your group may not have evidence pertaining to these points. However, we are bringing the list to your attention again in light of your request that the Muwekma Indian Tribe's petition be placed on "Ready for Active Consideration" status. If you specifically desire that your petition be placed on "Ready for Active Consideration" status without your having submitted materials addressing the above points, please include such a statement in a formal request signed by your full council.

We note that your letter to us included cc:s to your tribal council. As we do not have the addresses of these individuals, we request that you share copies of this response with them, and with any of your consultants for whom we do not have names and addresses.

If you have any additional questions, please write to the Bureau of Indian Affairs, Acknowledgment and Research, Mail Stop 4603-MIB, 1849 Street, NW, Washington, DC 20240, or call at (202) 208-3592.

Sincerely,

/SGD/ DEBORAH J. MADDOX

Director, Office of Tribal Services

cc: Ms. Dena Ammon Magdaleno
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