

**(4) Proposed Finding Documents**

**- July 30, 2001**

Summary under the Criteria for the

Proposed Finding

on the

Ohlone/Costanoan Muwekma Tribe

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

Approved: JUL 30 2001  
(date)

  
Assistant Secretary - Indian Affairs

Proposed Finding

OHLONE/COSTANOAN MUWEKMA TRIBE

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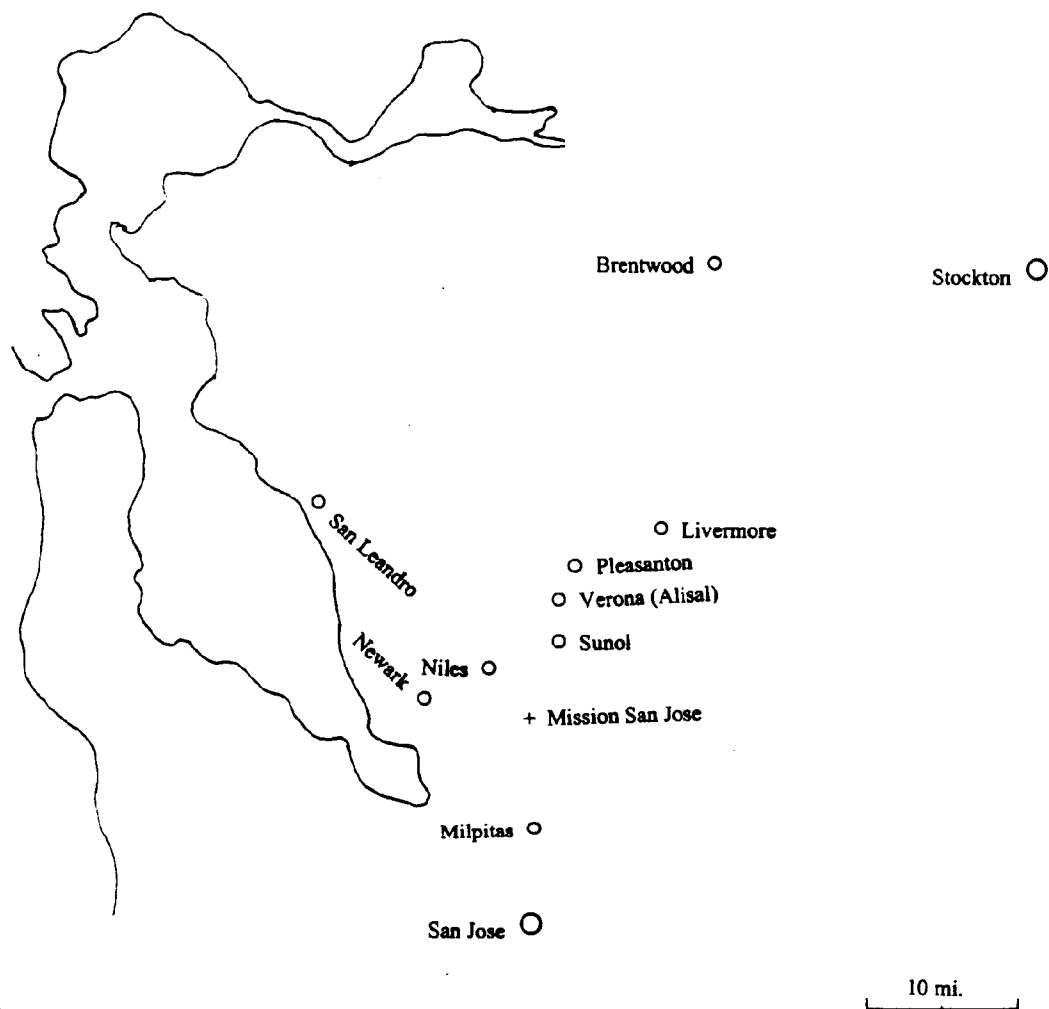
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## ACRONYMS AND ABBREVIATIONS

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

**Muwekma (#111): Proposed Finding**

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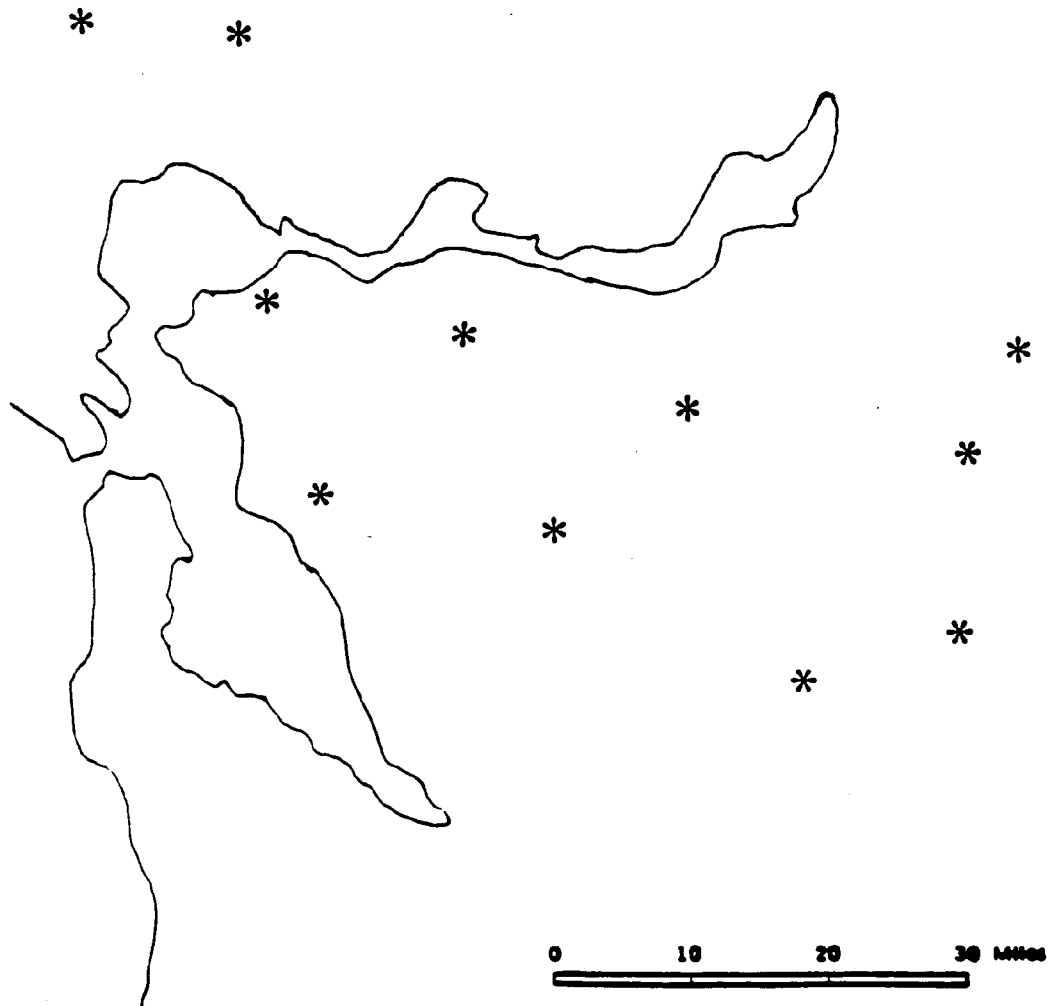
**FIGURE 1: AREA MAP, PLEASANTON, CALIFORNIA**

Source: Branch of Acknowledgment and Research

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**Muwekma (#111): Proposed Finding**

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

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

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Summary under the Criteria for the Proposed Finding

on the

OHLONE/COSTANOAN MUWEKMA TRIBE

**INTRODUCTION**

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

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

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

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

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

## **Muwekma: Proposed Finding - Summary under the Criteria**

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

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

### Administrative History of the Petition

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

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

### **Muwekma: Proposed Finding - Summary under the Criteria**

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

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

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

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

## **Muwekma: Proposed Finding - Summary under the Criteria**

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

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

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

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

## **Muwekma: Proposed Finding - Summary under the Criteria**

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

### Historical Overview of the Muwekma Petitioner

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

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

The petitioner also claims descent from Indians who were concentrated by the Spaniards before 1834 at the Mission San Jose. The Indians along the Pacific coast near San Francisco Bay have been labeled “Costanoan,” a term derived from the word “costeños,” meaning people of the coast, used by the Spaniards. The petitioner calls itself “Ohlone,” an alternative to Costanoan and a name apparently derived from a single village. Scholars agree that the Spaniards gathered more than Ohlone Indians at Mission San

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

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

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

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

## **Muwekma: Proposed Finding - Summary under the Criteria**

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

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

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

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

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

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

**CONCLUSIONS UNDER THE CRITERIA (25 CFR 83.7)**

Evidence for this proposed finding was submitted by the Muwekma petitioner and obtained through independent research by the staff of the Bureau of Indian Affairs, Branch of Acknowledgment and Research. This proposed finding is based on the evidence available, and, as such, does not preclude the submission of other evidence during the comment period that follows publication of this finding. Such new evidence may result in a modification or reversal in the conclusions reached in the proposed finding. The final determination, which will be published after the receipt of the comments, will be based on both the evidence used in formulating the proposed finding and any new evidence submitted in response to the proposed finding.

The evaluation of the evidence under the criteria for this proposed finding is supported by a more detailed Description and Analysis of the Evidence in the record (cited as Description). Specific source citations for the evidence relied upon in this Summary under the Criteria generally will be found in that Description, rather than in this Summary. Although the Assistant Secretary directed that certain “Changes in the Internal Processing of Federal Acknowledgment Petitions” be made, he provided that BIA researchers should continue to conduct a review of the petition in accordance with the professional standards of their disciplines, and to prepare their “report and recommendation for the decision makers. . . .” (AS-IA 2000).

In announcing those procedural changes, however, the Assistant Secretary directed the BIA that “technical reports such as have been prepared in the past shall no longer be prepared to accompany the summary under the criteria” (AS-IA 2000). For this reason, the previous practice in which a team of BIA researchers prepared separate anthropological, genealogical, and historical technical reports has been abandoned. The experiment of creating a single, detailed chronological narrative has not been repeated. Instead, the BIA researchers have prepared a Description and Analysis of the Evidence in the record, arranged by criterion.

The scope of the review of a petition for a proposed finding, the Assistant Secretary has directed, “shall be limited to that necessary to establish whether the petitioner has met its burden to establish by a reasonable likelihood of the validity of the facts that it meets all seven regulatory criteria” (AS-IA 2000). The acknowledgment regulations state that the petitioner must present “thorough explanations and supporting documentation in response to all of the criteria” (§ 83.6(c)). In defining the duties of the Department, the regulations state that the “Department shall not be responsible for the actual research on behalf of the petitioner” (§ 83.5(c)). The Assistant Secretary therefore advised the BIA that, in conducting its review of petitions, it was “not expected or required to locate new data in any substantial way” (AS-IA 2000). The appropriate remedy for deficiencies and

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weaknesses in the petition is for the petitioner and third parties to present additional evidence during the comment period (AS-IA 2000).

The Bureau of Indian Affairs has informed the petitioner that it would evaluate the Muwekma petition under the provisions of section 83.8(d) of the acknowledgment regulations based upon a preliminary finding that the petitioning group was a successor to a previously acknowledged Verona band which had been recognized as late as 1927 (BIA 10/30/2000). Therefore, the Muwekma petitioner must demonstrate that it meets the seven mandatory criteria, as modified by section 83.8(d), since 1927.

### **Criterion (a)**

- 83.7(a) The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. . . . Evidence to be relied upon in determining a group's Indian identity may include one or a combination of the following, as well as other evidence of identification by other than the petitioner itself or its members.**
- 83.8(d)(1) The group meets the requirements of the criterion in § 83.7(a), except that such identification shall be demonstrated since the point of last Federal acknowledgment. The group must further have been identified by such sources as the same tribal entity that was previously acknowledged or as a portion that has evolved from that entity.**

Section 83.8(d)(1), which modifies criterion 83.7(a) for groups with previous Federal acknowledgment, requires not only that the petitioning group has been identified as an Indian entity on a substantially continuous basis, but also that some identifications of the petitioning group have identified it "as the same tribal entity that was previously acknowledged or as a portion that has evolved from that entity." The petitioner's documentation contains only a single example between 1927 and 1995, when it submitted its first petition materials, of an identification of the petitioning group as one that had evolved from the Indian settlement at the Verona station (Description, 21). One example is not sufficient to meet this requirement. If a petitioner cannot meet the requirements of section 83.8(d)(1), the acknowledgment regulations provide that the petitioner may demonstrate alternatively that it meets the unmodified requirements of criterion 83.7(a) from the date of last Federal acknowledgment until the present (§ 83.8(d)(5)). It is a peculiarity of the regulations that there is a lower evidentiary

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burden on this petitioner if it is evaluated since 1927 under criterion 83.7(a) without modification by section 83.8(d)(1). Such an evaluation follows.

### Scholars, 1927 - 1995

The petitioner has submitted some of linguist J. P. Harrington's field notes from his visit to the Pleasanton, California, area in October 1929 (Description, 8). From his informants, Harrington recorded the information that Pleasanton rancheria, known as "El Alisal," was located on a ranch owned by Augustin Bernal and Juan Bernal. This information related to the period before the 1880's, when the ranch was purchased by the Hearst family. His notes also contain other references to that rancheria in the past, such as a statement that the deceased José Antonio had been the "captain" of the rancheria. A map included in his notes showed the current location of "Jose's [Guzman] place" just above a notation of the location of a former railroad station "named Berona [*sic*]," but it did not show his residence to be part of any larger settlement in 1929.

The petitioner claims that Harrington's 1929 field notes are an identification of the group by a scholar (Petitioner 2001, A:3, C:1). Harrington's field notes do contain first-hand observation of Indian individuals in the area of the former rancheria at Pleasanton in the years immediately after 1927. As in his interviews in the Pleasanton area earlier in the 1920's, however, in 1929 Harrington collected historical information about Indians and linguistic information about historical Indian languages. He did so by interviewing living Indians without identifying them as members of any Indian group or entity in existence at that time. For this reason, Harrington's 1929 field notes do not provide evidence of the identification of a contemporaneous Indian entity which meets the requirements of criterion 83.7(a).

The petitioner has cited, but not submitted, secondary scholarly sources relating to the historical Ohlone or their historical language (Description, 10-12). J. P. Harrington's 1942 publication was merely a checklist of Costanoan "culture elements" derived from his 1920's interviews about historical Indian culture, and did not comment on contemporary groups. Alfred Kroeber's essay published in 1962 was a general review of the nature of Indian groups in California as they existed in the 1700's before contact with non-Indians. Jack Forbes's 1969 publication classified historical Indian languages, and he used the term "Muwekma" as an Indian word, not as a reference to the petitioning group. Robert Heizer's references in 1974 to historical Costanoan Indians and their language were not contemporary identifications of the petitioner. Randall Milliken's monographs of 1983, 1991, and 1995 were ethnohistories of the Bay Area prior to 1810, and thus his scholarship did not identify an Indian entity after 1927. Richard Levy's 1978 article, which was largely about the historical Costanoan, did mention briefly that a "corporate entity," the Ohlone Indian Tribe, Inc., had been formed in 1971.

The petitioner claims these scholarly publications as identifications of the petitioning group (Petitioner 2001, 6, A:3, C:1, 3). Levy's 1978 reference to the Ohlone Indian Tribe was too insubstantial to link that 1971 entity to the petitioner, and therefore is

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insufficient to meet the criterion. Otherwise, these scholarly publications described the historical Ohlone, not the situation of living Ohlone descendants. They described an Indian society and culture which the authors had not observed first-hand. Therefore, these scholarly secondary sources published after 1927 do not provide evidence of an identification which meets the requirements of criterion 83.7(a) of a contemporaneous Indian entity after 1927.

The evidence submitted by the petitioner, or cited by the petitioner but not submitted as an exhibit, does not demonstrate that scholars have identified the petitioning group as an Indian entity in existence in the years after 1927. Although the field notes of J. P. Harrington in 1929 identified a Pleasanton rancheria that had existed before 1927, and mentioned several living Indian individuals who had been listed as part of that historical Indian settlement, his notes did not identify an Indian entity in 1929. The other scholarly literature cited by the petitioner was not based on first-hand observation. It concerned itself with a historical Costanoan or Ohlone group, or groups. Thus, the cited field notes and publications of scholars are not evidence that is sufficient to meet the requirements of criterion 83.7(a) since 1927.

### 1927 - 1964

The petitioner has submitted application forms for a share of any funds to be awarded under a 1928 act which allowed Indian claims to be made against the United States. The claims against the United States authorized by the 1928 act, as the petitioner acknowledges (Petitioner 2001, 5), were brought "on behalf of the 'Indians of California,'" not on behalf of a specific tribe or band. In preparing a census of California Indians, therefore, the BIA sought evidence of descent from an Indian who had resided in California in 1852. Some ancestors of the petitioner's members were accepted as having descent from a California Indian and were listed on the BIA's 1933 census (Description, 8). Other ancestors and members were added when that list was subsequently expanded.

The petitioner claims the inclusion of its ancestors on the BIA's 1933 census of the Indians of California, and revised lists produced in later years, as examples of external identification of the petitioning group (Petitioner 2001, 5). Applicants applied as individuals, and their statements about the historical tribe of their ancestors were a form of self-identification of an historical, not contemporary, entity. Because the census was one for the generic "Indians of California," there was no need for the BIA to identify any specific tribe or band of Indians for the approved applicants. In 1940 correspondence, a BIA superintendent made the point that the BIA's claims roll did not identify an individual on the roll as a member of a tribal group (Description, 8-9). These lists of generic "Indians of California" did not identify any specific Indian group or entity. Because these lists prepared for the claims case did not identify the petitioning group as an Indian entity, the evidence of the inclusion of individual ancestors of the petitioner on these lists is not sufficient to meet criterion 83.7(a).

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The evidence submitted by the petitioner for the period from 1927 to 1964, other than the application forms under the 1928 act, is minimal. The petitioner has submitted two documents from the 1940's which referred to an individual ancestor of its members (Description, 9-10). A 1945 letter by a local resident stated that an individual was "a descendant of the local Indian tribe." A 1947 membership card in a Bay Area Indian organization listed an individual as a "Mission" Indian. In addition, in response to a specific request for evidence of external identification of the Muwekma from the 1930's to the 1970's, the petitioner submitted data about the individual birth, death, baptismal, and marriage dates, or "life events," of its members and ancestors as part of a "skeletal timeline," or chronology (Description, 7-8). This evidence from the "timeline" and the 1940's, like the applications under the 1928 act, dealt with information about individuals.

The petitioner claims that the "timeline" and the two documents from the 1940's are evidence of external identification of an Indian entity (Petitioner 2001, 7, 9; Ex. J, II). The 1945 letter by the local resident referred to a tribe in the past, since one is a "descendant" of a tribe that existed in the past. The 1947 membership card was a form of self-identification which did not identify the petitioning group. The use of a general designation of "Mission" Indians was not capable of identifying the petitioning group as distinct from any other group of descendants from any other Spanish mission. Data about the "life events" of individuals, even if recorded by external observers, do not identify an Indian group. These data listed on the "timeline" and the examples of the 1945 letter and the 1947 membership card are not sufficient to meet the requirements of criterion (a) because they are evidence about *individual* Indians, not evidence of identification of an Indian *entity*.

Certain claims of the identification of an Indian entity before the 1960's have not been supported by the petitioner with adequate evidence. The petitioner refers to "patterns of attendance at BIA Boarding Schools" by its members (Petitioner 2001, A:1), but documents that claim only with one letter in which a member stated in 1969 that he and his sister had attended an Indian school in the early 1940's (Description, 9). The petitioner claims that obituaries since the 1930's have described "Ohlone" or "Muwekma" elders; that newspapers in the 1940's referred to World War II servicemen as "Muwekma Indians"; and that newspapers from the 1950's until the 1970's discussed "Muwekma" residential settlements (Petitioner 2001, A:30-31). However, the petitioner has submitted no obituaries from the 1930's, 1940's, 1950's, 1960's, or 1970's, and no newspaper articles from the 1940's, 1950's, or early 1960's in order to support these statements (Description, 9). The petitioner claims identification by local histories written since 1950 (Petitioner 2001, A:3, 31), but cites only text in the 1950 reprint of a township history which had been written in 1904 (Description, 10).

The attendance of an individual at an Indian school is not necessarily evidence of the identification of a tribe or group by the BIA, because some Indian students were accepted on the basis of their blood degree, rather than their tribal membership. The absence from the record in this case of BIA documents and school documents makes it impossible to know on what basis a few of the petitioner's members attended these schools. The petitioner has not submitted any contemporaneous evidence to substantiate its claims of

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external identification by newspapers during the 1930's, 1940's, 1950's, and early 1960's. Its claim for identification by a local history refers to 1904, not to the period after 1927. Thus, the record contains no contemporaneous evidence to support these various claims by the petitioner. The requirements of criterion 83.7(a) have not been met by the petitioner's unsupported assertions about external identification during these years.

The evidence submitted by the petitioner and additional evidence in the record does not include any examples of the identification of the petitioning group by external observers for at least one-third of a century after 1927. Between 1927 and 1964 individual ancestors of the petitioner's members sometimes were mentioned in Federal records or other documents, but these sources did not identify a contemporaneous Indian entity of which these ancestors were a part. Nor did these sources identify an Indian entity as existing in the years after 1927. Unsupported assertions by the petitioner do not satisfy the evidentiary requirements of the acknowledgment regulations (see § 83.6(c)). Therefore, the evidence relating to the period from 1927 to 1964 is not sufficient to meet the requirements of criterion 83.7(a).

#### 1965 - 1984

The activities of the American Indian Historical Society (AIHS) between 1965 and 1971 are the subject of most of the evidence submitted by the petitioner for the period between 1965 and the 1980's (Description, 12-14). Although the petitioner claims that the AIHS recognized the "Muwekma" as the aboriginal tribe of the region, "Muwekma" was not a tribal designation ever used by the AIHS. The AIHS took the position that descendants of the historical Mission San Jose or the descendants of the historical Ohlone Indians continued to live in the East Bay region, and it included them among its members and in its activities. The exhibits include an undated list of Ohlone "contacts" and an undated list of "members" of the Ohlone chapter of the AIHS, probably from about 1965. The journal of the AIHS reported in 1971 that the Society had found nearly 200 descendants of the "Ohlone Tribe," not that it had dealt with a pre-existing Ohlone entity.

The petitioner cites the American Indian Historical Society and its journal as examples of external identification of an Indian entity during the period from 1964 to 1978 (Petitioner 2001, 7, A:3, C:3). The list of members was a list of the AIHS's own members, not the AIHS's identification of a group external to it. The list of contacts did not identify those individuals as a group, as opposed to individuals of Indian descent. The AIHS identified some of the petitioner's members as Ohlone descendants in the 1960's, but it did not identify the petitioning group. This evidence does not constitute identification of the petitioner as an entity, as required by criterion 83.7(a).

Documentation submitted by the petitioner shows that in 1971 three Galvan siblings formed the Ohlone Indian Tribe, Inc., in order to receive title to the Ohlone Indian Cemetery from the American Indian Historical Society (Description, 13). Rupert Costo of the AIHS dealt with them as leaders of a "Native group." After the transfer of the cemetery to the Ohlone Indian Tribe, Inc., the Society's journal reported that the AIHS

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had offered Ohlone descendants the deed to the site on the stipulation that they “reconstruct themselves as a tribe.” The co-founders of the AIHS said that the incorporation had made that entity “the first authentic and identifiable American Indian tribe in the Bay Area,” and referred to “the newly reconstituted Ohlone Indian Tribe.” A newspaper report on the cemetery transfer referred to the new entity both by its corporate name and as an “East Bay Indian tribe.” The next year, a newspaper said that Costanoans or Ohlones had “recently re-grouped.” This “corporate entity” of Costanoan descendants was identified in a scholarly publication in 1978 (Description, 11).

While the record contains several examples of the identification of the Ohlone Indian Tribe, Inc., as an Indian entity in the 1970's, it is not clear that those sources identified the current petitioner. The petitioner's narrative refers to individuals having become members of its organization after “having repudiated formal and political relations with the Ohlone Indian Tribe” (Petitioner 1995, 22). This language implies that the Ohlone Indian Tribe, Inc., has been a rival entity rather than a precursor entity to the petitioner. Furthermore, the Ohlone Indian Tribe, Inc., continues to exist as an organization separate from the petitioner's organization (Description, 14). While these examples demonstrate that an Indian entity was identified after 1971, this evidence cannot be accepted as sufficient to meet the requirements of criterion 83.7(a) unless the petitioner provides new evidence that demonstrates its continuity *as a group* from the Ohlone Indian Tribe, Inc.

The petitioner cites a “Marine Family History,” which it dates about 1965, as an example of external identification (Petitioner 2001, A:3). However, since this family history was compiled about the petitioner's major family line by people the petitioner claims as members of its “lineages,” especially the family of Dolores (Marine) Galvan, it is not a document compiled by observers external to the petitioning group. This same observation applies to an article in the *Indian Historian* in 1968 by P. Michael Galvan, the grandson of Dolores (Marine) Galvan (Description, 12). Because the acknowledgment regulations indicate that criterion 83.7(a) is met only by an identification made by an observer external to the group, this evidence created by members of the petitioner's “lineages” is not sufficient to meet the criterion.

Some of the documents cited by the petitioner as examples of the identification of the petitioning group do not support the petitioner's representation of that evidence. Letters written by Representative Don Edwards in 1966 which the petitioner claims were “on behalf of the Muwekma Tribe” (Petitioner 2001, 5) only support a conclusion that he had made inquiries on behalf of the AIHS (Description, 13). Although the petitioner claims identification by the City of Fremont (Petitioner 2001, 8), the evidence shows only that its city manager supported preservation of an Indian cemetery in 1964, not that the city identified a group (Description, 14). The petitioner claims identification by Governor Edmund Brown in 1965 (Petitioner Ex. J, I:91). Although the word “Ohlone” was used in an invitation he received, the governor's letter merely declined to attend the ceremony (Description, 14). The petitioner appears to claim identification by the naming of a State junior college as “Ohlone College” in 1967 (Petitioner 2001, 9-10). The mere use of the word “Ohlone” in any context cannot be taken as a reference to the petitioner.

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Some of the evidence cited by the petitioner for the period between 1965 and 1984 related to Indian individuals, not to a contemporary Indian entity. A newspaper article in 1965 about a “survivor of the ancient Ohlone Indian tribe” is cited by the petitioner as an example of external identification (Petitioner 2001, 9). In this case, however, the tribal reference was clearly to the past, not to a contemporary Indian group (Description, 12). The petitioner notes that some of its members have been designated as “Most Likely Descendants” by California's Native American Heritage Commission (Description, 14). Although no petition exhibits document these designations, the first apparently was made in 1983. As the term “Most Likely Descendant” indicates, these were findings of individual descent, not of the existence of contemporary Indian entities. Although the petitioner claims these designations as examples of external identification of a group during the 1980's (Petitioner 2001, A:2), they all were individual designations. These examples of individual identification do not meet the requirements of criterion 83.7(a).

Although the Ohlone Indian Tribe, Inc., a corporation formed in 1971 by three Galvan siblings, was identified as an Indian entity during the early 1970's, the available evidence does not establish that this was a precursor entity to the petitioning group. Therefore, it has not been demonstrated that those identifications were identifications of the petitioner. The other evidence claimed as identifications of the petitioner between 1965 and 1984 did not identify an entity. Some evidence between 1965 and 1971 shows that individual Ohlone descendants were identified by the American Indian Historical Society and a local newspaper, but not that those individuals were identified as part of a contemporary Indian entity. The claimed identification of people after 1983 as “Most Likely Descendants” by the Native American Heritage Commission were identifications of individuals, not entities. Evidence submitted about State and municipal officials, such as Governor Brown and the city manager of Fremont, does not demonstrate their identification of an Indian entity. Therefore, the available evidence relating to the period from 1965 to 1984 is not sufficient to meet the requirements of criterion 83.7(a).

### 1985 - 1996

The first explicit identification of the petitioning group by an external observer appeared in a newspaper article in September 1985 (Description, 14-15). A San Jose paper referred to “a group of Ohlone Indians,” which it also called the “Muwekma Ohlones.” This local paper then printed a series of articles which repeated such references. In 1989, reporting on a decision of Stanford University to return human skeletal remains to Indian descendants, several newspapers referred to Rosemary Cambra as chairwoman or spokesman of an Ohlone “tribe” (Description, 16-17). In 1996, a pair of newspaper obituaries made explicit references to the petitioning group (Description, 21). During the decade of the 1990's, local newspapers consistently identified and reported on the petitioning group, often calling it the “Muwekma Tribe” (Description, 17-18).

The petitioner has submitted a series of resolutions by local governments which identified the petitioning group by offering it statements of support. The first of these resolutions was adopted by the Santa Clara County Board of Supervisors in 1989

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(Description, 16). Additional resolutions were issued in 1992 by the San Francisco Board of Supervisors and in 1994 by the mayor of the City of San Jose and by the Monterey County Board of Supervisors (Description, 19). California's Secretary of State also issued a proclamation in 1994 (Description, 19). There also is evidence that officials or agencies of the cities of San Francisco and San Jose have identified the petitioner as a group for purposes of consultation on archaeological projects and cultural demonstrations at festivals (Description, 19). In 1996, the City of Palo Alto made an agreement with the petitioner as the "Muwekma Ohlone Tribe" (Description, 19). It appears that by 1997 the Native American Heritage Commission of California had accepted the petitioner as a "tribal group" (Description, 20).

Documentation submitted by the petitioner shows that it has been identified for specific purposes by a congressional committee, elected Federal officials, and Federal agencies. The petitioner's chairwoman testified in 1989 before a U.S. Senate committee as a representative of the petitioner as an unrecognized Indian group (Description, 16). U.S. Representative Zoe Lofgren, who represents the San Jose area, has identified the petitioner by stating her support of its petition and writing on its behalf to the Department of the Interior (Description, 18). The Army Corps of Engineers has consulted with the petitioner's chairwoman as a representative of an Ohlone group on issues under the Native American Graves Protection and Repatriation Act (NAGPRA), and the Department of Energy has identified the petitioner as a NAGPRA contact (Description, 18). The congressionally created Advisory Council on California Indian Policy has identified the petitioner as an unrecognized Indian organization (Description, 18-19).

The petitioner has provided examples of its identification by several Indian organizations and other private organizations during the 1990's. Its petition for Federal acknowledgment has been supported by a 1992 letter by the International Indian Treaty Council and by a 1992 resolution of the 14th International Indian Treaty Conference. In addition, the petitioner has been identified as an Indian entity by a 1992 letter from the Confederation of Aboriginal Nations (Description, 20). A private organization, the Association of the United States Army, identified the petitioner with a resolution of support for Federal recognition in 1994, and an announcement by Stanford University in 1996 identified the petitioning group by referring to the "Muwekma Tribe of Ohlone Indians" (Description, 20-21). In 1996, Santa Clara University made an agreement with the petitioner as the "Muwekma Ohlone Tribe" (Description, 19).

All of the examples since 1985 listed above have been accepted as evidence of the external identification of the petitioning group as an Indian entity. In most of these examples, there was a direct link of the identification to the petitioning group by either the explicit use of the petitioner's name or the name of the petitioner's leader as the representative of a group. There is no requirement that the petitioner be identified by its formal name, only that an identification by any name or generic description refer to the petitioning group, but the use of the group's name made such identifications plain. All of these identifications were of a collective entity, rather than of individual descendants. All were identifications of an entity which was described as existing in the present, not in

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the past. All were made by observers who were not affiliated with the petitioning group. These types of identifications meet the requirements of the criterion.

The fact that these newspapers and other sources often merely repeated the name used by the petitioner and the representation of itself made by the petitioner, without having conducted any independent investigation, does not disqualify these examples as evidence of external identification. The regulations do not require any inquiry regarding the basis on which an identification was made; they require only that the petitioner has been identified by an external source. The regulations also do not require that the petitioner has been identified as an Indian "tribe"; they require only that it has been identified as an Indian "entity." Since 1985, the petitioner has been identified as an Indian entity by non-member observers.

Although the petitioner has been identified since 1985 as an Ohlone group, some observers noted that other Ohlone groups existed at the same time. For example, a newspaper article in 1995 cited the executive secretary of the Native American Heritage Commission as noting that there were more groups of Ohlones than had attended meetings at the White House of unrecognized Indian groups (Description, 18). There is no need under the acknowledgment regulations for the petitioner to have been identified as an entity representing all Ohlone descendants, and the evidence does not show that it has been so identified. The requirements of this criterion are satisfied since 1985 by evidence of the identification of the petitioner as a specific Indian group, even though other Ohlone groups also were identified during those years.

Some of the forms of evidence submitted by the petitioner, and some of the claims made about that evidence by the petitioner, have not been accepted as evidence of the external identification of the petitioning group as an Indian entity. Examples include self-identification, as in a form submitted to the Native American Heritage Commission by the petitioner; identification of a private business firm, as in BIA certification of the firm and city contracts with the firm; and references to presentations by the petitioner's chairwoman when she was identified only as an individual activist (Description, 15, 15-16, 20). The identification of individuals as Ohlone descendants, such as by Stanford University and the Native American Heritage Commission in 1990 during the repatriation of skeletal remains, has not been accepted as an identification of a contemporary Indian entity, especially since the descendants were described as "self-identified" (Description, 16-17). Claims not supported by petition exhibits, such as identification by the East Bay Regional Park District and the National Congress of American Indians, have not been accepted as evidence of the identification of the petitioner (Description, 16, 20).

The petitioner has been identified as an Indian entity by a variety of external observers on a consistent basis since 1985. Although not all of the petitioner's arguments and examples have been found to demonstrate external identification of the petitioning group as an Indian entity during those years, the documentation submitted by the petitioner provides ample evidence that newspapers, local governments, elected officials, Federal agencies, and private organizations have identified and dealt with the petitioner as an

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Indian entity for more than a decade. This evidence is sufficient to meet the requirements of criterion 83.7(a) for the period since 1985.

Conclusion

The petitioner has not presented sufficient evidence that it has been identified on a substantially continuous basis since 1927 and has also been identified “as the same tribal entity that was previously acknowledged or as a portion that has evolved from that entity.” Therefore, the petitioner does not meet the requirements of criterion 83.7(a) as modified by section 83.8(d)(1).

From 1927, when a Verona band of Alameda County was last identified by an official of the Indian Office, until 1985, when a “Muwekma Ohlone” group in San Jose was first identified by local newspapers, a period of more than half a century, there is insufficient evidence in the record for this case of the identification of the petitioning group as an Indian entity. Even should the petitioner make a persuasive case for its continuity from the Ohlone Indian Tribe, Inc., which was identified in 1971, there would still be a period of more than four decades during which the petitioning group was not identified as an Indian entity by external observers, plus a lack of such identifications for more than a decade between 1971 and 1985. Because the acknowledgment regulations for this criterion require that the petitioner has been identified as an Indian entity “on a substantially continuous basis,” the petitioner does not meet the unmodified requirements of criterion 83.7(a).

**Criterion (b)**

**83.7 (b) A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.**

**83.8(d)(2) The group meets the requirements of the criterion in §83.7(b) to demonstrate that it comprises a distinct community at present. However, it need not provide evidence to demonstrate existence as a community historically.**

Because the petitioner is proceeding under the provisions for petitioners with unambiguous previous Federal acknowledgment, it must meet §83.7(b) as modified by section 83.8(d)(2). This means that the petitioner is required only to

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demonstrate that it is a community at present, rather than from historical times until the present. To understand social processes and to have a comprehensive body of data to analyze, the community at present encompasses at least ten years before the date the petition is considered complete and put on the list awaiting active consideration. That decade would be 1988 to 1998 for this case. However, the evaluation often extends back more than a decade, so that the evolution of the current leadership and other issues are described and the context set for evaluating later activity. In this case, the petitioning group first asserted its claims to participate in repatriation and reburial in 1984. Therefore, 1984 will be the start date for the evaluation of the present community under section 83.7(b) as modified by section 83.8(d)(2).

### The Survey of Interaction and the Residence Distribution Analysis

The petitioner submitted as its primary evidence under section 83.7(b) a survey of members' participation in godparenting, funerals, weddings and other activities with one another. This evidence, depending on the levels of interaction shown by the survey, could be evidence under section 83.7(b)(1)(ii), "significant social relationships connecting individual members," or section 83.7(b)(2)(iii), "at least 50 percent of the group members maintain distinct cultural patterns such as, but not limited to language, kinship organization, or religious beliefs and practices." If evidence under (b)(1)(ii), it would also have had to provide other forms of evidence or supporting evidence to meet section 83.7(b). If the petitioner provides evidence under section 83.7(b)(2)(iii) of the regulations, no supporting evidence will be required as that level of evidence will be considered sufficient in itself to meet the regulations. The petitioner provided additional information in the form of an analysis of residence patterns for its membership.

The petitioner attempted to meet section 83.7(b)(2) by submitting a survey it had undertaken to track interactions among members. In June 1998, the petitioner submitted Exhibit K, a "supplement to the Muwekma Tribal petition" which it entitled "Muwekma Ohlone Tribal Social Networking: Data on Social Interactions and Genealogical Relationships Among Members of the Muwekma Tribe." This was basically a survey of members done in 1997. It solicited responses to questions about actual interactions in godparenting relationships, funeral, weddings, and information sharing.

Basic information concerning how the survey was administered was missing from the submission. However, it appears that data were abstracted from survey forms and entered into a database. A printout from this database was submitted by the petitioner. The printout indicates that the survey has major flaws. Principally, the respondents from one or two families were greatly over-represented and others were greatly under-represented. In one case, a family representing just 3 percent of the total Muwekma membership, supplied 30 percent of the responses. This means that the survey was relatively useless in defining possible patterns of

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interaction among petition members or a general network of interaction for the entire membership and could not be used as evidence under 83.7(b)(2).

Individual respondents reported personal networks. Practically none of the personal networks of these 36 individuals who responded extended beyond their own families. Parents' siblings and first cousins were highly likely to act as godparents or attend funerals and weddings. No instances of godparenting for other Muwekma members who were outside of one's own extended family were identified. The survey did not demonstrate broad-based patterns of interaction among the petitioner's families and is not evidence under 83.7(b)(2). The survey cannot be used in combination with other evidence to demonstrate that the petitioner meets criterion (b) under 83.7(b)(1).

In addition to the survey, the petitioner submitted a series of maps showing where its members reside in the present-day. The petitioner argued that the maps showed the majority of its members residing within fifty miles of San Jose. However, this map did not indicate any location where "more than 50 percent of the members reside[d] in a geographical area exclusively or almost exclusively composed of members of the group," as provided at section 83.7(b)(2)(i). The residence distribution of some 400 members in four counties among approximately five million non-Muwekma does not show the petitioner living "exclusively or almost exclusively" within a territory, which could be viewed as a "village-like setting." The widely distributed membership found for this petitioner does not allow the presumption that the members are in close contact with one another and interacting intensively, as would be the case if they lived in a village, neighborhood, or rancheria. Thus, the evidence does not demonstrate that the petitioner meets criterion (b) under 83.7(b)(2). The evidence also is not evidence under 83.7(b)(1) for evidence which combined with other evidence shows the petitioner meets criterion (b) under 83.7(b)(1).

The petitioner's evidence from a survey and a residence distribution study, alone or in combination, is not sufficient to meet section 83.7(b) and it does not rise to the level required to meet criterion section 83.7(c)(1) or section 83.7(c)(2) for the reasons discussed below. Thus, the petitioner is required to show that a predominant proportion of its members actually interact. It must provide some other form or combination of forms of evidence of interaction to demonstrate broadly based social interaction in the present.

### Evidence for Actual Interaction of Petition Members

The Description and Analysis of the Evidence under section 83.7(c) described the post-1984 chronology of events laid out in the petitioner's submissions. Little if any evidence referred directly or indirectly to a community behind the formal leaders and their public activities. Whether or not a community lay behind the official named leaders was key to understanding whether leadership existed under

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the regulations, which require that petitioners demonstrate not only that it can identify leaders within their ranks, but also that these leaders actually influence a broad base of members, who in turn influence the leaders through political and social processes. This requirement insures that a self-appointed leader does not seek acknowledgment without the knowledge of those people whom he or she claims to represent and without their active support. The more that the petitioner's members interact at myriad social functions, during informal get-togethers, in community institutions such as churches, places of entertainment, neighborhoods, or schools, and through personal communications of whatever kind, the more likely it is that the leaders' activities are well known to the members and the member's views are known to the leaders.

The analysis of the documentation under section 83.7(c) from 1984 to 1985, revealed that actions were taken only by a small family establishing their place in the competitive archaeology monitoring business and founding the Ohlone Families Consulting Services, or OFCS. The involved family members were selected descendants from three generations of the current chairwoman's mother. She was a granddaughter of Avelina (Cornates) Marine. Not a single document referred to a specific community associated with them. Evidence of this business venture or any other activities of these people dropped off between 1986 and 1989. Evidence was not submitted to show that a community existed even when the documentation for OFCS waned between 1986 and 1989. The petitioner provided no evidence of social interaction among current members other than the family of OFCS's president between 1984 and 1990. Interaction limited to, or within, a group of family members operating a family-run business is not evidence of community under criterion (b).

In 1990, documents referred to an organization named Muwekma Indian Cultural Association (MICA). Despite the similarity in name between this organization and the petitioner, no evidence submitted about the organization indicated that it was a community associated either with the earlier OFCS or the future petitioner. Instead, it brought together leaders and consultants of several petitioners. Any reference to MICA in the petition disappears after 1991. Evidence concerning the activities of MICA do not demonstrate that the petitioner meets section 83.7(b).

The petitioner cited a 1990 event referred to as Filipe Galvan's "gathering" as a community event. However, the petitioner did not submit detailed information about the event. Only fifteen people appeared in the photograph which was the only evidence from the event. They represented two closely related families: the Galvans and the Sanchezes. The original founders of each family are daughters of Avelina (Cornates) Marine named Ramona and Dolores. All of the people listed on the photograph's caption are descendants of either of these two sisters, and as a group they are not representative of the current membership as a whole. The assemblage is too limited a gathering to be used as the sole evidence that the petitioner meets section 83.7(b)(1) for this year.

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It was not until two years after this gathering that some of the Galvans began to participate with the Sanchezes, who were closely associated with the petitioner and OFCS. Between 1990 and 1992, virtually every document showing any activity named only the chairwoman and her close family (Sanchezes). Only in 1992, did Galvan family members begin to interact with the Sanchezes. Because the evidence only shows the participation of the Sanchez family before 1992, the interaction is not broad-based and not evidence useful to demonstrating that the petitioner meets section 83.7(b) before 1992.

In late 1992, other members of the chairwoman's immediate family not previously involved began working on OFCS archaeological digs. The OFCS consulting business has obtained some contracts and more individual workers are named. They appear to have been siblings of individuals already involved, including both Galvan and Sanchez siblings.

Documents concerning the Marine brothers' dancing in northern California at events in 1993 in a Miwok dance group were submitted as evidence, presumably under 83.7(b). However, there is no evidence that the Marines were participating in the petitioner's activities or even in contact with the petitioner's members at this time. Evidence of participation of relatives in another tribe's cultural activities, such as a Miwok dance, cannot be used as evidence that a petitioner's members are involved their own community under section 83.7(b).

The Description and Analysis of the Evidence for criterion (c) describes in detail the evolution of the petitioner's 1984 membership comprised of a small group of close relatives representing a single "core family," as defined by the petitioner, into a larger grouping of people from the same "core family" in 1995. All of the people who were actually shown in the evidence interacting in photographs, on sign-in sheets, in council minutes, and generally involved with the petitioner from 1984 through 1994 descended from only three daughters of Avelina (Cornates) Marine. The subgroup of people from this "core family" group who were actually participating was as small as 30. At least 163 Marine descendants were listed on the 1995 membership list, but no evidence was submitted to show that, except for the 30 active members, they actually interacted with each other or with the small cadre involved with the OFCS archaeological activities.

The record indicates that at least three families descending from the previously acknowledged Verona band currently operate cultural resource firms. The people associated with two of the firms are not listed on the petitioner's membership list, and thus raises doubt as to whether this petitioner is representative of the Verona Band. However, because the petitioner otherwise has not provided sufficient evidence to meet criterion (b), this question need not be decided now. The petitioner should address it in the response to the Proposed Finding (PF).

The petitioner argues that the reasons for the family divisions among these CRM firms may be a result of California repatriation and cultural heritage laws which

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encourage individual, rather than group, application for Most Likely Descendant (MLD) status under California's historic preservation laws. MLD is a designation bringing economic advantages. However, the petitioner did not submit documentation to indicate that informal interaction and social organization existed outside of the structure of one of the consulting firms, namely the Ohlone Families Consulting Firm before 1995. The "proprietor" of this business was originally Rosemary Cambra, the petitioner's chairwoman. She is the only named chairwoman ever associated with the petitioner.

The petitioner argues that its current organization coalesced around the consulting firm which was closely associated with a small group of close relatives. Most of the activities discussed in the petitioner's documents seem to be activities of the family-run OFSC rather than a community. The activities of a business owned and operated by a single family of the petitioner is not evidence for community under 83.7(b) if the business is not run by the petitioner.

Thus, to 1995, when the first membership list was submitted to the BIA, the petitioner was, for all purposes, comprised of the members of a single family and part of a related family involved in OFCS. (A part of this related family involved in another CRM firm was not involved with the petitioner). In addition, the evidence indicates that the patterns of interaction among the group's members was limited to a very small group of individuals and significant portions of the current membership were not involved. Without evidence of broad interaction among not only close and distant relatives but also non-related or distantly related individuals before 1995, the petitioner does not meet section 83.7(b).

After 1995, new non-Marine families showed up not only on the membership list, but also participating with the Marine descendants who had been involved before 1995. In 1995, the petitioner's population, as documented by the membership list, suddenly grew, and would double within three years. Later membership lists and the current membership list used in this analysis reflect this growth. People not known to be related to the Marines, and people descending from children of Avelina (Cornates) Marine not involved with the group before 1995, were added to subsequent lists. The petitioner had advertised among its own membership for the whereabouts of certain families just before the new families became involved with the petitioner. Statements were made in council meetings and elsewhere that the petitioner's members were reuniting after being separated. No evidence indicates that a majority of the current members interacted in any activities, formal or informal, before 1995.

No evidence was submitted demonstrating that before 1984 an informal community existed comprised of essentially the same people currently enrolled with the petitioner. Beginning in 1984, the record shows one small family group establishing a CRM firm, and progressively taking on an identity of the Muwekma Ohlone Tribe. Until 1992, this was the only family associated with the petitioner. The petitioner has not distinguished the activities of the CRM firm

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and the Muwekma Ohlone petitioner or clearly described their relationship. The creation of a formal organization in 1984 and the later changes in its membership after 1995 demonstrate that a predominant portion of the petitioner's members have not been part of a community as recently as seven years ago. There is insufficient evidence under 83.7(b) as modified by 83.8(d)(2) to demonstrate the existence of a community at present.

The interactions documented in the record focused on historical preservation and many commemorative events sponsored by municipalities, neighborhood associations, and others. The evidence showed that a small number of members repeatedly participated in symbolic displays of their Indian heritage for non-Indians, rather than interacting among themselves as a community motivated for reasons internal to their group. Purely symbolic displays of Indian heritage are not evidence that the petitioner meets criteria 83.7(b).

The petitioner claims that it cares for its members' welfare. But, only two times did evidence show the group performed a welfare function directly for a member, and both times it was the same member, and both times it involved purchase of equipment or services for the individual. Evidence was also provided that distant family members had arranged for the care of a disabled individual for more than 80 years. However, there was no indication that a group larger than his family was involved or that the petitioner as a whole monitored or took an active interest in the man's care. No evidence was submitted to show a pattern of caring for distant relatives existed within the group which could be considered to be evidence for a community under section 83.7(b). This evidence does not rise to the level required to show the petitioner meets section 83.7(b).

In 1998, the petitioner became involved in camping and other activities for children. However, the information provided was not detailed enough to determine if it was evidence under section 83.7(b). Many of the other activities for children, such as helping design a school curriculum, were directed at non-petitioner members. Like commemorative events, these kinds of activities are not evidence that the petitioner meets section 83.7(b), because they are actions of a few people which are directed outside of the petitioning group and do not, in themselves, demonstrate that significant interaction occurs within the petitioner at a level to meet section 83.7(b).

### **Conclusion**

The petitioner did not provide evidence to demonstrate that it meets criterion section 83.7(b) in the present-day. The evidence provided would seem to indicate that the petitioner was created within the last ten years. Participation levels are low and the same small group of people are shown interacting repeatedly. Even the survey on which the petitioner's response to this criterion rested was answered by a small number of people representing a handful of nuclear families. The vast majority of members apparently did not respond. Most of the documented

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activities were commemorative and/or directed to people outside the petitioner or were formal meetings, rather than informal social gatherings. In this regard, the petitioner's activities are not multi-faceted, involving many areas of member's lives.

The large extended families typical in this petitioner may contain members that interact extensively within the family, share economic interest in a family-run cultural resources management firm, and undertake family activities. Their activities and interactions are limited to their family. The petitioner did not demonstrate that these activities were broadly based among the various families and incorporate the entire petitioning group in a community during the last decade. The evidence about the activities did not present sufficient evidence to demonstrate distinct community and does not meet 83.7(b) as modified by 83.8(d)(2).

The evidence available does not show that a predominant portion of the petitioner's members comprise a distinct community at present, which has been considered for the purpose of this evaluation as the years since 1984. Therefore, the evidence available is insufficient to meet the requirements of criterion 83.7(b), as modified by section 83.8(d)(2).

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**Criterion (c)**

- 83.7(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.**
- 83.8(d)(3) The group meets the requirements of the criterion in § 83.7(c) to demonstrate that political influence or authority is exercised within the group at present. Sufficient evidence to meet the criterion in § 83.7(c) from the point of last Federal acknowledgment to the present may be provided by demonstration of substantially continuous historical identification, by authoritative, knowledgeable external sources, of leaders and/or a governing body who exercise political influence or authority, together with one form of evidence listed in § 83.7(c).**

§ 83.8(d) - Identification of a Governing Body or a Series of Leaders

There is no evidence in the petition documentation that any external sources identified leaders of an Indian group or entity that consisted of the petitioner's members or ancestors at any time between 1900 and 1989. There is no evidence in the record that any external sources identified a governing body for such a group at any time between 1900 and 1989. Because no external sources made such an identification of leadership or political organization, no "authoritative" or "knowledgeable" external sources did so. The petitioner has presented no explicit argument under the provisions of section 83.8(d)(3) that a series of political leaders of the group were identified by knowledgeable sources.

A local history published in 1904 identified the last "chief" of the local Indians as Jose Antonio, who had died about three years earlier (Description, 39). The historical leadership of this man, as a "captain," also was recorded by scholar J. P. Harrington in his field notes at Pleasanton in 1929. Thus external sources identified a leader of local Indians, probably at the Alisal rancheria near Pleasanton, up until about 1900. The petitioner has agreed that "the last recognized captain of the [Alisal] rancheria, Jose Antonio" died in 1900, and that "the community did not select a new captain" (Cambra *et al.* 1996, 12.23; see also Petitioner 1995, 16, and 2001, A:14, C:36).

Although the petitioner has asserted that various "elders" of the petitioning group acted as leaders of the group, or of their "lineages," at various times between 1927 and the 1980's, it has not presented evidence that authoritative or knowledgeable external sources identified such leadership or identified those

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elders as leaders. Linguist J. P. Harrington conducted field research near Pleasanton in 1929, but he did not identify contemporary Indian leaders (Description, 39, 41). The petitioner appears to agree that the “20th-century ethnography (1904-1934),” including Harrington’s field notes, “did not focus on the political or social organization of the Muwekma tribe of that era” (Petitioner 2001, A:31). Although the petitioner has presented a few letters from its ancestors to the Bureau of Indian Affairs (BIA) in 1936, 1950, and 1966 as examples of leadership, the evidence does not show that BIA officials replied to those individuals in any way that identified them as group leaders (Description, 42-44).

In 1971, Rupert Costo of the American Indian Historical Society (AIHS) located in San Francisco referred to three siblings of the Galvan family as the leaders of a “Native group” of Ohlone descendants (Description, 13). The AIHS encouraged the formation of a new corporate entity, the Ohlone Indian Tribe, Inc., and the three Galvan siblings became the three directors of that organization. Costo’s identification of the Galvans as leaders in 1971 was an identification of leaders by a knowledgeable source. The evidence available does not show that the Galvan siblings had followers or led more than a family. In addition, this identification may not be to leadership of the petitioner, because the petitioner has not demonstrated that it is a successor to the Ohlone Indian Tribe, Inc., formed by the Galvans. The petitioner did not submit subsequent identifications of this corporate entity as a governing body after 1972.

Local newspapers began to identify a local “Muwekma Ohlone” group in 1985, but they did not specifically identify a group leader. In 1989, newspapers began to refer to the petitioner’s current chairwoman, Rosemary Cambra, as a “tribal spokesman” or “tribal chairwoman,” and Cambra testified before a United States Senate committee in 1989 as the “spokeswoman” of the petitioning group (Description, 47-48). These kinds of superficial identifications made by people who had brief contacts with the petitioning group would not meet the standard of being “knowledgeable” sources. Such identifications of Cambra as a political leader of an Ohlone or “Muwekma” group have been made by a variety of external sources throughout the 1990’s. The petitioner does not contend that Cambra succeeded a leader who had been identified by external sources as its leader. There is no evidence in the record of the identification of a prior leader of the petitioning group.

Because the petitioner has not demonstrated “substantially continuous historical identification, by authoritative, knowledgeable external sources,” of named leaders who exercised political influence or authority within the group, or of a governing body which did so, it does not meet the requirements of the criterion as modified by section 83.8(d)(3) between 1927 and the present. In this situation, the acknowledgment regulations provide that if a petitioner which has demonstrated previous Federal acknowledgment cannot meet the requirements in section 83.8(d)(3), the petitioner may demonstrate alternatively that it meets the

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requirements of the criterion in section 83.7(c) from last Federal acknowledgment until the present (§ 83.8(d)(5)).

Therefore, for the period from the point of last Federal acknowledgment to the present, the petitioner must meet the unmodified standard requirements of criterion 83.7(c). An evaluation of the petitioner under section 83.7(c) from 1927 to the present follows below.

### § 83.7(c) - General considerations

In weighing the evidence under section 83.7(c), the regulations require that the evidence demonstrate that leadership and governing authority actually existed. Pertinent questions include: Did individuals, even though they were not identified as leaders by persons outside the group, actually take on the role of leaders and was this role recognized by the group members? Did the group as a whole share informal political processes for making decisions, resolving conflict, dealing with economic concerns, or dealing with other issues? Acknowledgment requires evidence of a bilateral political relationship between the leadership and the membership of a group. Members should have participated in a political process and influenced the actions of the group's leaders, while the group's leaders should have exercised political influence over the group's members.

### 1927 - 1965

Scholar J. P. Harrington conducted field research near Pleasanton in 1929, and thus was a potential observer of political leadership or political processes in the area of the former rancharia. Harrington did not acquire any information from his informants, however, about a successor to Jose Antonio or any current "captain" of an Indian group in 1929. While Harrington's field notes provided information about individual Indians, they did not contain any descriptions of Indian leaders, informal influence, group decision making, or any political process existing within a group (Description, 41). In its latest submission, the petitioner refers to Joe Guzman as a "Muwekma leader" who died in 1934 (Petitioner 2001, A:30). Guzman had been an informant for Harrington and other ethnologists, but the petitioner has provided no examples, from Harrington or any other sources, of Guzman's leadership or political influence.

The petitioner's argument that it meets criterion (c) between 1927 and 1965 is that leadership was exercised within "lineages," that elders organized members to apply under the 1928 claims act, that Dolores (Marine) Galvan wrote a letter to the BIA in 1936, that Ernest Thompson, Jr., became a member of the San Francisco Bay Area Indian Council in 1947, and that elders imposed a ban on marriages within the group in the 1950's (Petitioner 2001, 20-21; A:14-15; C:36-

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37). The evidence offered to support these contentions consist solely of the application forms completed during 1929-1932, a 1936 letter, a 1947 membership card, an assertion by the petitioner about an intermarriage ban in the 1950's, and assertions by the petitioner about the leadership of elders.

The petitioner listed the “Muwekma leaders” during the decades before World War II as “Dolores Marine Galvan, Dario Marine, Magdalena Thompson, Margarita Pinos, Susanna Nichols and the Guzmans” (Petitioner 1995, 21). However, the petitioner provided no specific examples of their leadership or influence. In response to a request from the BIA for additional documentation about the group in these years, the petitioner merely listed names of “elders” alive at the time and asserted that they had political influence and authority after 1927 (Petitioner Ex. J, I:87; see also 2001, A:15, C:36-37). The petitioner has provided no examples of the actual exercise of their political influence or authority. It has not submitted specific evidence to support its assertion that elders had authority in group decision making or other areas of tribal concern.

A claim that Dolores “Lola” (Marine) Galvan (or other elders) played a leadership role during the 1929-1932 application process might be supported by evidence that parties may submit during the comment period that she organized members of various families to submit applications. Such evidence might consist of documentation or recollections that she provided information to individuals outside of her immediate family, brought such people to the enrollment officer, or acted as a witness for their applications. The available evidence shows that Galvan submitted an application on March 18, 1932, and that her application was one of eight made by ancestors of the petitioner on two consecutive days (Description, 42). Six of these eight applications, however, claimed descent through Avelina (Cornates) Marine. If Galvan had brought these people to apply together, she had provided leadership for members of a single family, but not for a larger group which included people from different families.

The petitioner refers to Galvan's “letters of inquiry” about the claims case (Petitioner Ex. J, I:64; see also 2001, A:15, C:37), but it has submitted only one letter by Galvan. In that 1936 letter to the BIA, Galvan stated that, “A lot of people want to find out about it [Indian claims]. So they asked me to write to you” (Description, 42). The petitioner makes an assumption about who asked Galvan to write to the BIA. There is no evidence, however, that a group larger than her own family had asked Galvan to represent them as a result of any group decision. According to a State employee’s letter written to the BIA in January 1940, Galvan’s family had been “known” to the State Relief Administration “since February 1937.” Nothing in the correspondence to or from Galvan, or between State and Federal officials about her situation, indicated that she had inquired on behalf of anyone other than her own family.

The petitioner claims political influence within the group during the 1940's based solely upon a membership card in an Indian organization (Description, 43).

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According to the petitioner, in 1947, "Ernest Thompson, Jr. became a member of the California Indian Association representing the interests of the Muwekma families" (Petitioner Ex. J, I:87; also Ex. H, I:16, and 2001, A:15, C:37). The petitioner has submitted only a copy of Thompson's membership card. A membership card alone cannot demonstrate that an individual represented the interests of other people. Nor can it show that he interacted with other individuals as part of an informal political process.

The petitioner contends that, from the 1940's to the 1960's, Trina (Marine) Ruano played a leadership role for the group. The petitioner argues specifically that after 1948, when new applications were accepted for the judgment roll, Ruano assumed "the responsibility to distribute BIA enrollment application[s] to the Muwekma families" (Petitioner Ex. J, I:87). The petitioner supports this claim only with a 1950 letter by Ruano in which she specifically asked for a form on behalf of her own children. She also stated that she had passed on the forms she had received earlier to "other members of the family" (Description, 43). This reference, apparently to her own family, does not support the petitioner's contention that Ruano acted for a number of families or represented a group. The petitioner also presents evidence that Ruano and her children attended BIA meetings in 1964 and voted to accept the judgment award for the Indians of California (Description, 44). These activities were examples of individual participation, not of the representation of a group.

Other activities of some ancestors during the decades from the 1930's through the 1960's, as described in petition documentation, involved the welfare of orphaned or disabled family members, probate, or claims. Generally, women contacted the government concerning their close family members. The records concerned sporadic, unrelated events, such as an adoption, school attendance, care of a relative, or individual inquires to the BIA. No individuals or group of individuals who repeatedly appeared in the record were in a position of authority over people who were not close relatives and on that basis could be considered to have acted as group leaders. No individuals appeared to represent on a consistent basis the business or interests of other individuals who were not close relatives and on that basis could be considered to have acted as group leaders. No activities were described which reflected the interests of a group of Indians rather than individuals or a family. The documents from 1927 through 1984 concerned specific individuals, their immediate families, and their personal activities.

The collection of documents submitted by the petitioner for the period from 1927 to 1965 was sparse, fewer than 30 documents. The sporadic data about interactions between the group's members in these records could not be used to construct a political network, which would show the petitioner's ancestors linked together in a political community. The data also could not meaningfully be used to detect patterns of political interaction. For example, they did not contain repeated instances of an individual taking actions that in combination advanced an issue, a group or an entity. Nor could the records be used to describe a

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political structure in which leaders, if they existed, influenced the group's members and the group's members influenced leaders. Nor did the record include coherent sequences of documents showing step-by-step interactions and subsequent actions taken by members to resolve crises, deal with conflicts, or make decisions.

Some types of evidence submitted by the petitioner, such as Harrington's 1929 field notes, have the potential to contain evidence relevant to this criterion. However, the particular selections of Harrington's field notes submitted by the petitioner do not provide any actual observations of the existence of political leadership for a group or a political process within a group. The evidence in the record only documents individual and family activities, not group action or decision making. The petitioner's claims of leadership by elders are not supported by the evidence in the record, either by documents or oral interviews, and unsubstantiated claims by the petitioner do not satisfy the evidentiary requirements of the acknowledgment regulations (see § 83.6(c)). Therefore, evidence relating to the period from 1927 to 1964 has not been accepted as meeting the requirements of criterion 83.7(c).

### 1965 - 1984

The petitioner's argument that it meets criterion (c) between 1965 and 1984 is three pronged. First, the petitioner argues that various families were involved during the 1960's in saving an Ohlone Indian cemetery from destruction. Second, it claims that the American Indian Historical Society (AIHS) became "the first vehicle for formal organization" of the petitioning group. And third, it asserts that an Ohlone Indian Tribe, Inc., was formed in 1971 but that the petitioning group has broken away from that corporate entity because of the "exclusionary actions" of Philip Galvan, one of its directors (Petitioner 2001, 21, A:16, C:37-38). The evidence offered to support these contentions are documents from the collection of Rupert Costo, president of the AIHS, some newspaper accounts, an outline of the "Aveline Cornate family history," and assertions by the petitioner in its narrative.

The San Francisco-based AIHS took up the cause of the local descendants of the historical Mission San Jose and acquired title to the mission's Indian cemetery from the Catholic Church in 1965. The Galvan family became actively allied with Costo and the AIHS. The petitioner claims that two Marine siblings, Dario Marine and Dolores (Marine) Galvan, took "the responsibility to address" the issue of preserving the Indian cemetery beginning in 1964 (Petitioner Ex. J, I:97). "Due to the concerted efforts of the Muwekma Ohlone families and the AIHS," the petitioner writes, "the Ohlone Cemetery was saved from destruction" (Petitioner Ex. J, I:90). The petitioner, however, has not described those "concerted efforts" nor shown the participation of families other than that of Dolores (Marine) Galvan. The petitioner's account of the cemetery transfer issue,

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and its supporting documents, do not demonstrate any pattern of group efforts or of group meetings to discuss the issue (Description, 44-45).

Conflict among descendants may have occurred at that time because documents referred to a meeting of Ohlones who voiced dissatisfaction with some of Costo's forms and plans for the cemetery's use, and with acquisition of title by the AIHS (Description, 45). The Galvans referred to the opponents as a "few people." Costo expected the Galvans to control their "cousins and other relatives." It is not clear whether the Galvans met with the opponents, or only heard about the meeting. While the public role of the Galvans was laid out in the petition documentation, the non-public role of the Galvans and other mission descendants was not. No explanation was given in the petition of events underlying this dispute. The petitioner did not even submit information about who was involved in the cemetery dispute, who led the various sides in the dispute, and what the dispute was about. It is possible that a fuller explanation might show the existence of an informal political process beyond a single family.

A 1966 "Statement of an Ohlone Indian," presumably by Philip Galvan, included the declaration that, "We re-established our tribal entity under the banner of the American Indian Historical Society. . . ." (Galvan 1966). The petition narrative and exhibits do not describe how a group was "re-established." After receiving the deed to the cemetery, Costo attempted to return the land to the descendants of the mission. A number of descendants were located and listed, probably by the AIHS. Lists of "Ohlone Contacts" and members of the "Ohlone Chapter" were submitted by the petitioner without dates or contextual information about their production, origins, or chain of ownership, that is provenance. These lists appeared to date to summer 1965. Some of the families on the list have descendants in the petitioner, while others do not. The mere existence of a list of individuals does not, in itself, demonstrate that a political organization existed. More information about these lists is required to place them in historical context before they can be considered as a membership roll of an Indian organization.

In March 1971, Rupert Costo of the AIHS wrote to three children of Dolores (Marine) Galvan, referring to them as "the leaders of this Native group," to offer to turn over the cemetery to Ohlone Indians (Description, 45). The AIHS imposed the condition that the deed to the cemetery would be turned over only to a corporate body. The journal of the AIHS described this as a stipulation that the Ohlone "reconstruct themselves as a tribe." Then the AIHS or one of its lawyers provided Philip Galvan with a copy of articles of incorporation and directions on how to adopt and record them. In June 1971, the new Ohlone Indian Tribe, Inc., adopted articles of incorporation and was incorporated by the State. The three directors of the corporation were three Galvan siblings. The BIA's technical assistance letter noted that the 1971 incorporators of the Ohlone Indian Tribe, Inc., were three siblings and asked whether there was "wider participation than just this single family?" (BIA 10/10/1996, 8). The petitioner has not documented any wider participation.

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The petitioner's narrative and exhibits do not describe how a decision was made to form a corporation and to acquire title to the cemetery, or who was involved in such a decision-making process (Description, 45-46). The petitioner says that “[m]embers of the Marine/Galvan and Armija/Thompson family worked to secure the transfer . . . for the Tribe” (Petitioner Ex. B, 2). The petitioner does not explain why, if several families were involved in the process of acquiring the cemetery and forming the corporate entity, the only directors of the corporation were three children of Dolores (Marine) Galvan. Although the AIHS occasionally used language suggesting that it was dealing with a tribe, the available evidence indicates that it dealt only with a single nuclear family. The petitioner argues that, “The Ohlone Tribe, Inc. was never organized as a political entity that dealt with Muwekma tribal and community issues outside the preservation of the cemetery” (Petitioner Ex. H, I:16-17). This leaves unanswered the question of how those other “tribal and community issues” were dealt with by the petitioning group.

No subsequent information from 1971 to 1984 about the cemetery's use, the Ohlone Indian Tribe, Inc., and the possible continuation of an internal dispute over the cemetery was submitted by the petitioner. Virtually no documents were submitted from the period 1971 to 1984. The BIA pointed out to the petitioner in TA that it had not discussed the “interrelationship between the Muwekma Indian Tribe and the Ohlone Tribe Inc.” (BIA 6/30/1997). In a reply without documentation, the petitioner explains its disassociation from the Ohlone Indian Tribe, Inc., and the management of the Ohlone cemetery by contending that, “[a]fter some time, Phil Galvan became autocratic” and that his actions had the result of “alienating himself from his family and the other Muwekma families” (Petitioner Ex. J, I:90, 97). For these reasons, the petitioner argues, Philip Galvan's brother and sister resigned as board members of the corporation “sometime in the late 1970s” and then, “[y]ears after their resignations,” became members of the petitioner's organization (Petitioner Ex. J, I:102, 90). The petitioner thus argues that the Ohlone Indian Tribe, Inc., today is composed of a single family that has retained title over the Ohlone cemetery (Petitioner Ex. H, I:16; Ex. J, I:90; 2001, 22, A:16, C:38).

The petitioner does not directly address the issue of whether its members previously had been members of that corporate entity, or had participated in its affairs. The possibility exists either that the petitioner was not involved in the transfer of the cemetery to the Galvans, or that the people involved with Costo, the AIHS, the Galvans, and the corporate entity represented only a small part of the petitioner's current members. At least one of the Galvan lines is not involved currently with the petitioner, while another Galvan line was very involved until 1998. It is not the current separation of Philip Galvan from the petitioning group that is a problem, but the lack of evidence that the members of the petitioner had participated in Galvan's organization. In order for the petitioner to claim the activities of the AIHS and the Ohlone Indian Tribe, Inc., in the 1960's and early 1970's as the activities of a predecessor organization, it needs to submit evidence

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to link those activities and the people involved with the AIHS and the Ohlone Indian Tribe, Inc., to its current organization and members.

The petitioner claims that its “institutions of leadership” have retained certain “significant features” throughout the 20th century and that this demonstrates “continuity” to its present political organization. Specifically, it argues that “in the early part” of the 20th century “political authority shifted to the elders of each of the lineages” and that since then each of the “lineages” expected that it would be represented by a member “among the elders” (Petitioner 2001, 20). No evidence exists in the record to substantiate these assertions. The applications of 1929-1932 show that by 1928 the petitioner’s ancestors were dispersed in several counties and regions of California. The available evidence also shows that some people had lost touch with or were estranged from other group members, including close relatives. The evidence also indicates that many members today believe that the Muwekma petitioner was created in recent decades to reunite people who had not been involved with one another for several generations.

Additional evidence concerning the preservation of an Indian cemetery and the formation of a corporate entity between 1965 and 1971 might demonstrate the existence of a political process among the petitioner’s members and ancestors at that time, but the petitioner’s documentation to date provides evidence of the participation of only one family without group participation or decision making. Evidence might be available of the resolution of internal conflicts by a group political process, or the continuation of factionalism on the issue of the cemetery but it does not exist in the current record. Furthermore, the available evidence does not establish continuity between the 1971 organization and the petitioner’s organization. The petitioner’s claims of leadership by elders are not supported by the evidence in the record, either by documents or oral interviews, and unsubstantiated claims by the petitioner do not satisfy the evidentiary requirements of the acknowledgment regulations (see § 83.6(c)). Therefore, the evidence relating to the period from 1965 to 1984 is not sufficient to meet the requirements of criterion 83.7(c).

### 1984 - present

The petitioner states, in its most recent submission, that it “is currently organized under a formal tribal government that the members established in 1984” (Petitioner 2001, 20). The original petition narrative and documentation did not describe when and how a “Muwekma tribe” had organized, how it had chosen its leaders, or what organization or informal political process the new organization had replaced. In its technical assistance letter, the BIA asked the petitioner to “describe in detail how your group was organized as a political entity, [and] who was involved in its organization. . . .” (BIA 10/10/1996, 8). The petitioner replied that “Rosemary Cambra, the daughter of Dolores Sanchez sought out the blessings of the different families in order to pull the families together as an

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organized tribe” and that “the families agreed to formally constitute the Muwekma Indian Tribe in 1984” (Petitioner Ex. J, I:97). The petitioner has not submitted any documentation or interviews as petition exhibits to support this account. It has not described the political process by which Rosemary Cambra became the current petitioner's chairwoman.

In 1984, Rosemary Cambra began to participate in archaeological monitoring and other activities involving Indian issues. At first, there was no reference to an entity behind her. She was identified as “Ohlone.” Between 1984 to 1992, she either represented herself or the archaeological monitoring firm “Ohlone Families of Santa Clara Valley” or the “Ohlone Families Consulting Services,” shortened to OFCS. During this time period, there was no evidence that anyone other than a tiny cadre of her closest family members and non-Muwekma were working with OFCS. There was no evidence that a tribal entity was advising OFCS, directing their actions or profiting from their activities. To the contrary, some evidence indicated that other Ohlone alleged that Cambra represented only a handful of people, all close relatives.

The titles used by Cambra evolved between 1984 and 1992 from an individual Ohlone or Muwekma being identified as “a Muwekma Ohlone from San Jose” or “a San Jose Indian,” to a businesswoman, “president” or “proprietor” of a consulting firm, to the “Chairwoman of the Muwekma Tribe.” Between 1988 and 1991, the identifications appeared to fluctuate depending on the issue at hand. However, by 1991, Cambra uniformly identified herself as “Chairwoman.” No evidence was submitted to explain these variations in title and whether or not a group associated with her had influenced or approved the use of these titles.

The petitioner argued that the OFCS nurtured an existing informal Muwekma tribe and ignited the spark of formal political reorganization. From the little evidence available, the OFCS consulting business existed before the Muwekma petitioner's formal organization. Because the petitioner did not submit evidence concerning informal political relationships before the formation of OFCS, evidence was not submitted which demonstrates that the petitioner represents a formalization of an informal political entity, rather than a creation of a totally new organization where none had previously existed. The recreation of a political organization in the present, after many years without any such formal or informal organization, is not sufficient under the regulations which require that petitioners demonstrate continuous existence of their political entity from last acknowledgment.

The petitioner stated that the its council was able “to organize large numbers of people, related to cultural resources in the 1980's and 1990's,” and that it used OFCS to implement the tribe's policies on cultural resources protection (Petitioner 2001, 23). The submitted evidence did not support these statements. In fact, little is known about the relationship between the petitioner and OFCS. Cambra on several occasions, especially in the early 1990's, invoked her asserted

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position as chairwoman of a tribal entity in making pleas to outside agencies to give her special consideration in arguments concerning the disposition of archaeological remains. But no evidence was submitted to demonstrate that these arguments were made by Cambra based on a group's direction and according to a group's internal political processes. The evidence before 1992 only discusses Cambra's role vis-a-vis the public in cultural resources issues; no evidence relates to her internal political discussions with, directions from, or interactions with a group or community associated with the petitioner.

The petitioner notes that newspaper articles of the 1980's and 1990's reported on-going arguments between Andrew Galvan and Rosemary Cambra over Indian cultural resource issues. It declared that resolving the dispute "between Mr. Galvan and the tribe," at an unspecified date, showed that the petitioner settled disputes between members and subgroups. The petitioner also asserted that each "lineage" resolved disputes, although it did not discuss the details of such conflict resolution (Petitioner 2001, 25). There is an absence of information in the petition documentation, however, about such conflict resolution. In fact, it is unclear whether the "Mr. Galvan" referred to in the petitioner's statement is Andrew Galvan or his father Philip Galvan. There is also indication that these disputes concerning monitoring and repatriation of skeletal remains have not been resolved.

The documentation indicates that Cambra and her small circle of advisors, including active non-Muwekma consultants and employees, made decisions without consulting anyone, including the council. No meeting notes indicate discussion of tribal positions. The petitioner submitted no oral histories nor other evidence about member-to-member discussions or actions of people attempting to influence other members about archaeological or other issues it considered to be important. Evidence of such issues may include discussions leading to placing someone on the elder's list, nominating someone to the council, changing the council meeting agenda, or realigning the group's priorities concerning acknowledgment, cultural resource management, cultural activities, and seeking funding. These and similar issues were publically raised between 1992 and 1998. But no evidence was submitted to demonstrate how the group decided to manage these tasks and whether the membership had a role in influencing the group's direction. The petitioner submitted no letters, diaries, journals, notes, newsletters, or other documents which indicated the required internal decision-making processes which depended on the participation of a broad base of the membership.

During the 1990's, votes sometimes were taken in the council directing the staff to advance specific activities, such as to add someone to the list of elders or to close enrollment. Sometimes these directives did not happen. Nothing in the subsequent meeting minutes or documentation explained why the council vote was not actualized. Objections to the lack of action were not documented either. Because the council's actions were the only evidence submitted by the petitioner

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which could be interpreted as influence on the leaders, the fact that their actions were apparently ignored reinforces the view that the leaders acted alone and that the membership did not significantly influence the named leader's actions.

Elections procedures appeared irregular, following different procedures from one meeting to the next and occurring at different times each year. Secret ballots were first announced in a flyer for a meeting. At a later meeting, the small group of council members voted by vocal acclamation. Another year, the officers were elected at an annual meeting. It appears that sometimes council members were appointed without election. Although consistency in election procedures is not a requirement of acknowledgment, the changeable nature of the elections before 1996 indicates that these elections were not significant to members.

A small group of closely related people appeared to be the only active participants in the petitioner's activities to late 1995. They comprised the council and the elders group. Few people attended annual meetings, picnics, or other activities of the group. Until 1996, about 20 people attended many events. They were also the people involved in archaeological work. The rate of participation was well below 10 percent of the current membership list of 400 and near 15 percent of the 1995 membership of 167. These participants were generally close relatives. The majority of members did not attend any Muwekma events or activities.

The petitioner submitted evidence about individuals' godparenting, funeral attendance, and marriage. The petitioner claimed that this evidence would demonstrate that community interactions existed at a level which in itself would satisfy section 83.7(b)(2), and therefore, also satisfy section 83.7(c) under the provisions at section 83.7(c)(1)(iv) which provides that if a group meets the criterion in section 83.7(b)(2) at more than a minimal level, it also meets section 83.7(c).

Evidence which is sufficient by itself to demonstrate criterion (b) is described in the acknowledgment regulations under section 83.7(b)(2)(i)-(v). These five forms of evidence generally require that more than 50 percent of the group's members are involved in patterns of interaction, such as marriage, kinship organizations, economic cooperation, religious organizations, village residence, language use, or distinct cultural practices which demonstrate that interaction occurs broadly among the group's members. The evidence submitted by the petitioner concerning marriage, godparenting, residency, economic cooperation, marriage, etc., showed that the petitioner's members interacted almost exclusively with close kin within the same "core families," or extended families, and not with people from other extended families. This pattern of interaction only within one's own extended family does not meet the requirements of section 83.7(b)(2)(i)-(v) and therefore may not be transposed to provide a form of evidence under section 83.7(c)(iv).

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Broad-based participation is required if the tribe is to meet section 83.7(c). The evidence did not show participation by a representative number of members. Perhaps related to the lack of member participation is the active and important roles played by non-Indian staff. The petitioner relied on non-Muwekma to help advance its programs. The record indicates that non-Muwekma spearheaded the writing of the constitution, presented and perhaps made enrollment decisions, and may have been involved in other decision-making. Staff involvement is not a problem per se. The petitioner's difficulty in demonstrating it meets section 83.7(c) is because no evidence indicated that the staff or named leaders' actions were informed or influenced by the membership. No information was submitted about internal interactions.

After 1996, the petitioner's membership doubled, new "core families" joined, and activities diversified. The new people attended meetings, picnics, etc. One picnic was attended by 50 people or some 13 percent of the current membership. For the first time, documents indicated that the Muwekma leadership was challenged, the purported representation of families was questioned, and the dominance of the Marine families and non-Muwekma staff was debated. Eventually, the woman raising these issues left the petitioner, taking at least a part of her family with her, and she petitioned separately for acknowledgment. The impact these actions have had on the composition of the council, the representation of various families, and other governing issues should be explained by the petitioner in its response to the PF.

### Conclusion

The petitioner has not demonstrated "substantially continuous historical identification, by authoritative, knowledgeable external sources," of named leaders who exercised political influence or authority within the group, or of a governing body which did so, between 1927 and the present. Therefore, for the period before the present, the petitioner does not meet the requirements of criterion 83.7(c) as modified by 83.8(d)(3).

The evidence presented by the petitioner does not indicate that at any time after 1927 leaders or informal political authority existed which encompassed the group's members as a whole. The few sporadic actions that were documented between 1927 and the 1990's were generally taken on behalf of close family members, rather than on behalf of a larger entity. The petitioner has emphasized the activities of "elders," mostly women, who worked on behalf of their children and sisters and sometimes their sibling's children, but none of their documented activities demonstrated that they were acting on behalf of a tribal entity which included people from different families. The available evidence shows that during the 1990's the organization called the Muwekma Ohlone Tribe was run by a small group of individuals. Evidence of broad participation by members listed on the current membership list is absent from the record, as is any indication that

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members found the organization's activities significant or that informal political processes existed behind the public activities of the formal organization.

The petitioner has not demonstrated that it has "maintained political influence or authority over its members as an autonomous entity" between 1927 and the present, and it has not demonstrated that it does so at present. Therefore, the petitioner does not meet the requirements of criterion 83.7(c).

### **Criterion (d)**

- 83.7(d)**      **A copy of the group's present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.**
- 83.8(d)(4)**    **The group meets the requirements of the criteria in paragraphs 83.7 (d) through (g).**

### Constitution

The petitioner submitted a constitution entitled "Constitution of the Muwekma Indian Tribe of the San Francisco Bay" (Muwekma Tribe 4/18/1998b). The subheading specified an adoption date of April 21, 1991, and an amendment date of April 18, 1998, but the petitioner did not furnish minutes which support either date. Minutes provided by the petitioner for an April 2, 1994, meeting recorded the unanimous adoption of a constitution on April 2, 1994 (Muwekma Tribe 4/2/1994). Submitted minutes also show that an enrollment ordinance and constitutional amendments were proposed, but not voted upon, at the meeting held on April 18, 1998 (Muwekma Tribe 4/18/1998a).

### Membership Criteria

The petitioner's membership, as defined in Article II of their 1991 constitution and their 1998 amended constitution, shall consist of persons on the list of members submitted in its petition for Federal acknowledgment, and their lineal descendants, provided the applicants can "prove descendancy of Ohlone/Costanoan Muwekma blood and descendancy" (Section I, (a) and (b)). This criterion has not been applied, according to analysis of the various membership lists submitted in the course of the petition process. For example, 168 members on the membership list dated April 10, 1998, are not "lineal descendants" of the 167 members on the first membership list submitted by the petitioner, dated January 15, 1995. The second requirement, that prospective members

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“prove descendancy of Ohlone/Costanoan Muwekman blood” is ambiguous, in that the terms “Ohlone,” “Costanoan,” and “Muwekma” were not defined within the petitioner’s constitution.

The enrollment ordinance voted upon by the council on May 6, 1998, does not clarify the membership requirements. Instead, it paradoxically states that, in order to be eligible to become a member, an applicant must already be a member. That is, the ordinance states that an eligible member must “be named on the official tribal membership roll prepared pursuant to the requirements of Article II of the Constitution of the Muwekma Ohlone Tribe” (Article II, Section 1).

In providing technical assistance, the BIA inquired whether the petitioner would enroll any descendant of either a Mission San Jose Indian, or any approved applicant under the 1928 California Indian act (BIA 10/10/1996). The petitioner answered both queries negatively, and provided a written statement which said that they restricted membership to descendants of “one of the many historically known lineages that comprised the Verona Band community during the 19<sup>th</sup> and early 20<sup>th</sup> centuries” (Petitioner Ex. J, 1:99). However, neither the constitution nor the enrollment ordinance includes a list of such qualifying “historically known lineages” from which applicants must prove descent.

The petitioner’s written statement above allows for the enrollment of individuals who descend from ancestors last associating with the Alameda County band in the late 1800’s. Therefore, the statement made in 1998 is at odds with the 1998 constitution’s definition of eligibility.

The enrollment process is described in the current enrollment ordinance, and the petitioner furnished photocopies of the documentation involved in one actual enrollment in 1994 (Petitioner Ex. A, I, tab: Enrollment). The application form used at that time differed slightly from a more recent application form completed in 1995 (Petitioner Ex. L addendum). The later form provided a space for prospective members to furnish their roll numbers if they appeared on any of the 1928 or later rolls of California Indians. The later form also requested documentation pertaining to an applicant’s military service or appearance on the 1928 and later California Indian rolls.

Neither version of the petitioner’s application form, as submitted in its petition, presented the constitution’s stated policy forbidding membership to persons who were already enrolled in a federally recognized tribe. Neither version of the petitioner’s submitted application form included a space for the prospective member to confirm or deny enrollment elsewhere. The petitioner stated that enrollment in a federally recognized tribe is investigated during the enrollment process (Petitioner 2001, att. A, 50); however, that investigative activity was not specified in its enrollment ordinance (Article IV, Sections 1 and 3), nor described further elsewhere.

All members of the petitioner participated, or have ancestors who participated, as recently as 1969 in judgments stemming from the 1928 California Indian act, according to lineage information presented in the petitioner’s genealogical database. This may

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account for the paucity of vital records in the enrollment files submitted with this petition. That is, where the Bureau of Indian Affairs had previously accepted a California Indian applicant's presentation of dates and places of birth, marriage, and death, and claims of parentage, the petitioner has not required prospective members to provide documentary evidence for those same lines of descent. The petitioner's application form specified that applications "must be accompanied by at least one supporting document. This supporting document or documents must establish ancestry and parentage of the applicant" (Article III, Section 4). Documentation for each birth, marriage, and death in each generation was not requested.

The current enrollment ordinance defined the process and time limits on challenges to membership eligibility. While the newer ordinance dropped the older version's express provision (Article III, Section 6) for applications from prospective adoptees, it apparently retained the concept of permitting adoptions, as Article IV defines the processing of "enrollment applications and adoption petitions."

### Conclusion

The petitioner provided its present governing document, and its present enrollment ordinance, both of which describe its membership criteria and the procedures through which it governs its affairs and its members.

The subheading of the petitioner's constitution includes adoption and amendment dates which are not supported by petition documentation. The petitioner's enrollment ordinance lacks an approval date. The constitution and the enrollment ordinance lack clear definition of qualifying ancestors from whom prospective members must show descent. The inconsistencies and discrepancies noted here, if unchanged, may cause significant problems should the petitioner become acknowledged. Prior to the FD, the petitioner should have this constitution, or a new constitution, formally certified by the governing body.

However, the regulations require only the submission of governing documents and membership criteria, and the petitioner has done so. Therefore, the petitioner meets the requirements of criterion 83.7(d).

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**Criterion (e)**

- 83.7(e) The petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.**
- 83.7(e)(2) The petitioner must provide an official membership list, separately certified by the group's governing body, of all known current members of the group.**
- 83.8(d)(4) The group meets the requirements of the criteria in paragraphs 83.7 (d) through (g).**

Under the provisions of section 83.8(d)(4), the petitioner must demonstrate that it meets section 83.7(e). In view of the preliminary determination that the petitioner is the successor to the previously acknowledged "Verona Band," the petitioner must demonstrate that its membership descends from, in this case, the "Verona Band" which was last federally recognized between 1914 and 1927. However, the petitioner has not submitted a contemporary roll or similar accounting of the individuals in that band during that period. Therefore, this Proposed Finding has used two residential lists, specified below, as a proxy for the membership of the Verona Band just prior to that 1914-1927 period.

**Verona Band Proxy**

The BIA researchers' reconstruction began with the review of the petitioner's analysis of three enumerations authorized by the Federal Government, not of Alameda County Indian tribes or bands per se, but of Indians residing in Alameda County. Those three enumerations of Alameda County Indians come from the Indian Population schedules of the 1900 Federal Census, the "Schedule of Non-Reservation Indians of Northern California" made in 1905-1906 by Special Agent C. E. Kelsey, and the Indian Population schedules of the 1910 Federal Census.

The Description and Analysis of the Evidence report presents the BIA's analysis of the Indian Population schedules of the 1900 Federal Census, and why they were not used in the reconstruction of the band. Briefly, the analysis showed that the two 1900 Indian Population schedules recorded Indians residing in Murray and Washington Townships, but without evidence confirming these Indians were living in groups within those townships. Nearly half of the 53 Indian names enumerated in the two townships in 1900 could not be linked to names appearing on the later Kelsey Census or 1910 Federal Census of "Indian town."

Neither the petitioner nor the BIA view the Indian Population schedules of the 1900 Federal Census as representations of settlements, let alone settlements which continued

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into the period of last Federal acknowledgment. The Indian Population schedules of the 1900 Federal Census, made 14 years before the start of the period of last Federal acknowledgment, were not used to construct the proxy of the Verona Band. The information about "Indian" individuals appearing in those Indian Population schedules of 1900 who were identifiable were used, however, in other analyses, such as verifying family composition and vital data.

The Kelsey Census and the Indian Population schedule of the 1910 Federal Census were used to identify people who were most likely part of the previously acknowledged Verona Band. These sources were used because Kelsey grouped Indians according to what his 1913 final report called "settlements," and because the enumerator of the 1910 Indian schedule enumerated Indians living in "Indian town" on Sunol Road, that is, a specific settlement, and not simply a general geographic area.

The areas of Alameda County in which Indian settlements were recorded by Special Agent for the California Indians C. E. Kelsey and the 1910 Census enumerator — namely "Pleasanton," "Indian town" on Sunol Road, and "Niles" — adjoined a common railroad right-of-way for both the Southern Pacific Railroad and the Western Pacific Railroad. Census enumerations reckoned Pleasanton and Sunol within the boundaries of Murray Township from 1870 to 1900, and within the boundaries of Pleasanton Township at the times of the 1910 and 1920 Federal Census. Niles, however, was found within Washington Township from 1870 through 1920.

Kelsey enumerated non-reservation, landless Indians of Alameda County, whom he described as "Miwok stock," living in two settlements during the 1905-1906 period: 29 Indians in Pleasanton, and 13 Indians plus 1 "mixed-blood" in Niles (Kelsey 1906). Kelsey reported no Indians owning land in Alameda County, although he reported such figures for other northern California counties (Heizer ed. n.d.). A summary of Kelsey's findings included a listing of counties which "could not be visited on account of the special agent [Kelsey] being called to Washington" (Heizer ed. n.d.). The petitioner claimed this is why families in Sunol and Livermore were missed (Petitioner Ex. J, I:2); however, Alameda County was not on the listed of missed counties.

Kelsey's enumeration groups these Indians into households: 14 households in Pleasanton and 6 households in Niles. However, full names are given for only 15 of these 43 persons. The 1910 Federal Census of Alameda County included just one Indian Population schedule, taken in Pleasanton Township. It enumerated a settlement described as "Indian town," located on "Sunol Road." This schedule recorded 17 Indians and 1 "white" man, arranged in 8 households.

The lack of full names and of consistent identification of persons on and between the Kelsey Census and the Indian Population schedule was remedied somewhat by church-recorded baptismal and marriage records as researched by the petitioner, primarily from Mission San Jose (Petitioner Ex. A, II). Nevertheless, questions remained in some instances as to whether a person implied on the Kelsey Census was the same as or different from a person listed on the 1910 Indian schedule. As a result, the petitioner and

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the BIA reached different conclusions as to how many of the 43 persons on the Kelsey Census also appeared among the 17 Indians on the 1910 Census. BIA researchers also identified an individual on the Kelsey Census who was not identified by the petitioner. The petitioner concluded that the two lists represent a total of 51 persons, whereas the BIA views the total as 53 persons (see Appendix C).

The petitioner referred to interviews of Indians in the Pleasanton area conducted by linguists and ethnologists E. W. Gifford, J. Alden Mason, A. L. Kroeber, and J. P. Harrington in 1914, 1916, 1920, 1925, and 1929 (Petitioner Ex. B, 18, 36, 69, 78). The interviewees were Trinidad Gonzales, Celsa Santos, Catherine Peralta, Joe Guzman, Francisca (wife of Joe Guzman), Susan (Flores) Nichols, and Maria de los Angeles Colos. These individuals were not identified by the interviewers as "Verona Band" Indians, nor were the interviewers seeking to find Verona Band Indians. Nevertheless, all interviewees except for Susan (Flores) Nichols were found on the Kelsey Census or the 1910 Indian schedule. This supported the validity of these two records as a proxy list of the Verona Band to the extent that six individuals of the proxy continued to reside in the Pleasanton area during the period of prior acknowledgment. Out of 400 current members, only 16 trace their ancestry to four of those interviewees.

The petitioner presented arguments for other specific families to be considered as part of the Verona Band, despite their absence from both the Kelsey Census and Indian Population schedule of the 1910 Federal Census of Pleasanton. Evaluation of those arguments appears in the Description and Analysis of the Evidence report on criterion (e). Of these eight additional families, only the family of Avelina (Cornates) Marine has descendants in the current membership.

The Indian Population schedule of the 1910 Federal Census for Pleasanton included two siblings who were adult children of Avelina Cornates, then deceased, and foreign-born Raphael Marine. Dario Marine and his sister Mercedes Marine, who appear in the 1910 Indian schedule, had six (or possibly seven) other living siblings not enumerated on the Indian Population schedule. The petitioner submitted an entry from the general population schedule of 1910 showing two of those six siblings (also living in Pleasanton Township, in their father's household), but did not furnish entries for the remaining four siblings.

Seventy percent (281 of 400) of the current members claim descent from Avelina (Cornates) Marine. The Marine siblings who did not appear on the 1910 Indian schedule became an issue in constructing a proxy of the Verona Band because they were ancestral to 52 percent (209 of 400) of the current members. Like Dario and Mercedes Marine, other individuals listed on the Indian Population schedule of the 1910 Census may have had living siblings who were not recorded on that schedule.

The petitioner's evidence, submitted to demonstrate that Avelina was a part of the Verona Band, shows the following. Avelina (Cornates) Marine, who died in 1904, was in Pleasanton at least by 1877, and possibly was born in this area in 1863. Recollections of her oldest child, born in 1888, were transcribed in the 1960's, and these state that

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Avelina was raised by the chief of the rancheria, Jose Antonio. Baptisms found by the petitioner for eight of Avelina's nine children show some were recorded as Indian. The godparents for one of these children, Mercedes, were the aforesaid Jose Antonio (died circa 1900) and his last wife Jacoba, and the godfather for another of these children, Joseph, was Jose Binoco. Jacoba and Jose Binoco appear among the 53 individuals found on the Kelsey Census and 1910 Indian schedule, and it was in Jacoba's 1910 household in the Indian schedule that Dario and Mercedes Marine were enumerated. At the same time, two siblings of Dario and Mercedes (namely, Ramona and Lucas) resided nearby with their father Raphael, and were enumerated as "white." Recollections of one of Avelina's children provide supporting evidence of the family's attendance at tribal activities at the Alisal rancheria near Pleasanton in the 1890's.

Past decisions have assumed that parents, children, and siblings of members who can demonstrate involvement with tribal activities are also involved in those activities through their close kin. This thinking has been applied to evidence submitted under criteria 83.7(b) and 83.7(c) in past decisions. However, in those cases extensive documentation existed over generations, and there was little doubt as to the identity of group members. The issues in this case are distinct. In this case, the question to be resolved is one of defining the previously acknowledged Verona Band, from which descent is to be demonstrated under criterion (e), rather than determining whether political or social interaction existed under criteria (b) and (c).

In this case, there are no official rolls, only the residence lists being used as a proxy. The crucial ancestor does not herself appear on these residential lists. The BIA researchers have not been able to determine whether the Marine siblings' mother, Avelina (Cornates) Marine, was ever part of the Verona Band, or of any predecessor group that later came to be called the Verona Band. Avelina's entry in the 1880 Federal Census has not been submitted by the petitioner; at that time Avelina was not living with her first husband, who was enumerated by himself, or with Jose Antonio and Jacoba, who reportedly raised her. The petitioner's claim that Avelina (Cornates) Marine appeared in the Indian Population schedule of the 1900 Federal Census for Murray Township is not supportable. Avelina died in 1904 and therefore would not be on either the Kelsey or 1910 census, and the petitioner has submitted evidence presenting conflicting information as to the identities of her parents and siblings, her date and place of birth, and other vital data.

Residence at the "Indian town" settlement in 1910 need not necessarily reflect that those individuals were accepted as part of the band, as evidenced by the inclusion of the non-Indian enumerated there. The possibility remains that Avelina and those of her children who were not included in the two residence lists may not have been part of the Verona Band.

However, for purposes of constructing a proxy list of the previously acknowledged Verona Band, the assumption is made that descent from the historical band at the Verona station can be calculated through Marine siblings who were not actually listed on either the Kelsey Census of Pleasanton and Niles or the 1910 Federal Census of "Indian town" in Pleasanton Township. The assumption that Avelina (Cornates) Marine was a part of

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the Indian group at the Alisal rancheria prior to Kelsey's census of 1906, and that the siblings of her children on the 1910 Federal Census of "Indian town" were non-resident members of the Verona Band, are assumptions that can be rebutted during the comment period for this finding. These assumptions may also be strengthened, and the petitioner should provide additional evidence during the comment period to do so.

The remainder of this summary addresses the evaluation of whether the petitioner's membership consists of individuals who descend from the previously acknowledged Verona Band, as defined, using evidence acceptable to the Secretary.

#### Genealogical Database

The petitioner utilized a genealogical database to present vital and lineage information for current members and their ancestors, as well as current members' living relatives who are not themselves part of the petitioning group, and long-deceased individuals considered by the petitioner to be part of the Verona Band but who have no known descendants. In its Proposed Finding review, the BIA researchers used a converted format of the petitioner's database along with submitted documentation, and were able to add new information or comments upon discovery of new documentation. The database made it possible to view any member's ancestry, as well as to view any Verona Band member's descendants, as loaded into the database by the petitioner. However, information loaded into the database was not always linked to a source or a document in the petition.

#### Evidence of Descent: § 83.7(e)(1)(i) Judgment Rolls

To document the current membership's descent from the "Verona Band," the petitioner relied in part upon applications completed by their members or their ancestors for participation in enrollment for the benefits of the 1928 California Indian act (Petitioner Ex. A, I, tab: Enrollment). In order to be placed upon the roll from which future judgment awards would be made, individuals were required to identify their Indian ancestor(s) living in California on June 1, 1852, and to verify their own residence in California as of May 18, 1928, the date of the act. The six-page application requested other information, such as the names of spouses, children, parents, and grandparents. The tribal affiliation of the applicant, spouse, and 1852 ancestor(s) was requested as well; however, this information was not a requirement for approval. Most applicants ancestral to the petitioner gave "Mission San Jose" or "Mission Indian, San Jose Mission" as their own tribal affiliation. Only six applications noted the tribal affiliation of their 1852 ancestors; three of these stated "Mission Indian, Mission San Jose" or "belonged to Mission San Jose."

The petitioner presented photocopies of portions of 18 completed and approved 1928 California Indian applications. The petitioner views the 55 persons represented in these 18 applications as part of its group, all 55 of whom were approved and placed on the roll

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of California Indians approved in 1933. The petitioner further reports that 100 percent of its current members trace to or were on the 1933 roll. This finding concurs with that report, based on a sampling of enrollment files submitted by the petitioner. These documented lines of descent were requested by the BIA in order to complete a court-ordered task, prior to active consideration of this petition.

Appearance on the 1933 California Indian judgment roll is acceptable evidence of Indian ancestry under 83.7(e)(1)(i). However, any evidence to the contrary, submitted during the comment period, will be considered. In terms of supporting genealogical descent, the applications provide first-hand identifications of children, spouses, parents, and grandparents (and their vital data) by applicants living from 1929 to 1932, and thus constitute acceptable evidence under 83.7(e) of descent for those applicants from the parents or grandparents they identify. For those applicants whose named parents or grandparents are also found among the 53 persons on the combined Kelsey Census and 1910 Indian schedule of "Indian town," the applications provide acceptable evidence under 83.7(e) of descent from the proxy of the Verona Band. If the applicant was present on the Kelsey Census or the 1910 Indian schedule, his or her application provides acceptable evidence under 83.7(e) of descent for any children named on that application.

### Evidence of Descent: § 83.7(e)(1)(ii) State Vital Records

The petitioner claims to have verified its members' lines of descent through "BIA-maintained vital records of births, marriages, and deaths," as well as "public vital records of births, marriages, and deaths," among other records (Petitioner 2001, A:50). However, the petition did not contain photocopies of those vital records for all of the group's current members. Seven sample lines of descent were submitted, and these did include photocopies of vital records, and other documentation, used to verify descent. Other than those in this sampling, the BIA researchers were not able to review the vital records obtained by the petitioner. To the extent that vital records are cited in the petitioner's genealogical database, it is possible to make the following general observations.

The petitioner cited birth certificates (or baptism records) for most of its current members, but cited marriage records to a far lesser degree (61 citations among 167 members born before 1975). Some members who are otherwise indicated as married in the genealogical database have no marriage information entered, have approximated marriage information entered, or even full dates of marriage entered, with no citations to marriage certificates (or to any documentation proving those marriages). Death certificates are the least cited vital record of the three types discussed here (i.e., birth, marriage, and death certificates). A total of five death certificates are cited, although the petitioner provided two death certificates in its sample lines of descent which are not cited in the petitioner's database. It is possible that the genealogical database does not reflect all vital records found by the petitioner. If the petitioner sought, but did not find, vital records for its members and their ancestors, notations of such negative searches do not appear in its genealogical database. To the extent that vital records were furnished, they support the individuals' descent from persons on the reconstructed Verona Band.

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### Evidence of Descent: § 83.7(e)(1)(ii) Federal Records

The petitioner did not furnish any entries from the 1920 Federal Census, which is the only decennial census taken during the period of prior Federal acknowledgment. BIA researchers located 1920 Federal Census entries for seven individuals in the proxy of the Verona Band who were ancestral to 69 percent (244 of 400) of the current membership. Those seven ancestral individuals were then living in Pleasanton Township (Joe Guzman) and Washington Township, Alameda County (Dario and Catherine (Peralta) Marine, Victoria (Marine) Munoz, and Magdalena (Armija) Thompson); in Santa Clara County (Ramona (Marine) Sanchez); and in Santa Cruz County (Dolores (Marine) Alvarez).

Entries were not found for Maria Erolinda Santos, represented by 100 current members, or for Albert Arellano (son of then-deceased Mercedes Marine), represented by 56 current members. However, the data contained in the 1920 Federal Census entries which were found support the identifications and ages of individuals appearing in the petitioner's genealogical database.

The petitioner also submitted its analysis of selected entries from Federal Census schedules from 1860 through 1910. BIA researchers located other entries from those schedules as well. However, these earlier Federal Census records predate the period of previous acknowledgment, and therefore were not evidence under criterion 83.7(e) — documenting descent of the current membership from the historical band, in this case from 1914-1927 to the present — although they were utilized in the process of constructing the proxy of the Verona Band.

### Evidence of Descent: § 83.7(e)(1)(iii) Church Records

The petitioner obtained and submitted photocopies of Mission San Jose baptismal register entries dated 1803-1920, and marriages dated 1816-1914, Mission Santa Clara baptisms dated 1838-1857, and marriages dated 1836-1846, and Mission Dolores baptisms dated 1801, and one marriage dated 1808. Transcriptions of these photocopied entries and of other non-photocopied entries were also provided. The petitioner keyed information from these church records into its genealogical database for those persons it considered ancestral to its group (i.e., not all "Indians" who were baptized are in the petitioner's genealogical database).

The Mission San Jose church records noted tribal affiliation until about 1840, and thereafter often noted whether the named individuals were Indian without giving any tribal affiliation. The identifications as Indian were inconsistent, even among several baptisms for one given family. The names as recorded by the priests also varied so widely that it was not always reasonable to conclude whether two differing references might pertain to one person or two. Nevertheless, these records are supporting evidence for descent under 83.7(e).

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Despite their obvious shortcomings and problems, the Mission San Jose records, in particular, provided primary source evidence which was used by the petitioner to deduce the identities of most of the unnamed or partially named individuals recorded by C. E. Kelsey. It is not clear why the petitioner did not furnish photocopies and transcripts from the Mission San Jose death registers which it consulted, per footnoted citations. If photocopying was not permitted of the death registers specifically, no statement to that effect is apparent in the petition documentation. If they were searched without success, no notation to that effect appears in the petitioner's genealogical database.

The time span covered by the submitted church record photocopies and transcriptions, submitted as Exhibit A, made them more useful to the reconstruction of the Verona Band than to the documentation of the descent of current members. However, the petitioner did submit some church record photocopies or abstracts which were used to document the descent of six current members, as found in their sample enrollment files submitted by the petitioner upon request (Petitioner Ex. L addendum). The post-1910 church records in those six files include three baptisms from St. Joseph's Church of Mission San Jose, two baptisms from St. Augustine's Church in Pleasanton, one baptism from St. Edward's Church in Newark, and one marriage from St. Mary's Church in Stockton. These church records constitute acceptable evidence of the few individual events they document (with the exception of an ambiguous 1914 baptism), and therefore are considered supporting evidence of descent under 83.7(e).

### § 83.7(e)(2) Current Membership List

The most recent membership list submitted by the petitioner is dated May 29, 1998, and identifies 400 members, including adults and children (Petitioner Ex. K, II, attachment). The list was one of many items submitted under a cover letter from the group's chairwoman; however, it was not separately certified by all members of the governing body, as required under 83.7(e)(2). The categories of information recorded by the petitioner on the 1998 membership list included name, address, birth date and place, gender, roll number, information on one or both parents (including name, birth date, and birthplace), "tribal affiliation," and "1928 BIA App#." The petitioner needs to describe the preparation of this list as required by 83.7(e)(2).

### § 83.7(e)(2) Previous Membership Lists

The petitioner submitted three earlier membership lists which were generated by the group itself. The earliest of these was dated January 15, 1995, and listed 167 members, including adults and children (Petitioner Ex. A, I, tab: Enrollment). The same categories of information appeared on this list as appear on the current membership list just described. The petitioner did not describe the preparation of this list.

The second membership list, entitled "List of Currently Enrolled Muwekma Tribal Members as of January 12, 1998," identified 310 members, including adults and children

### **Muwekma: Proposed Finding - Summary under the Criteria**

(Petitioner Ex. J, II, sec. 1). A third membership list was dated April 10, 1998 (seven weeks prior to the current membership list), and presented the same 400 members as on the current membership list dated May 29, 1998 (Petitioner Ex. K, folder 6B). The petitioner did not describe the preparation of these lists.

Two other lists were submitted by the petitioner in response to the BIA's technical assistance request for previous lists of members (Petitioner Ex. J, I:102; Ex. J, I, app. A). However, the petitioner states that the lists were "developed" and "kept," respectively, by the American Indian Historical Society, as opposed to having been generated by the group itself. Both lists pertain to membership in the American Indian Historical Society. One of these lists is entitled, "Listing of Ohlone Contacts for the Records of the Ohlone Chapter, American Indian Historical Society," containing 63 names (including nine apparent spouses). The petitioner estimates that this list was developed in 1965.

The second list was entitled, "Listing of Members for the Records of the Ohlone Chapter, American Indian Historical Society," containing seven names marked as "Ohlone of California" (including one apparent spouse), one name without tribal affiliation, and one name marked as "Cherokee-Apache." The BIA researcher calculated that this list could have been created between April and September of 1965 (based upon the list's inclusion of a child who born in April 1965, and the non-inclusion of children born in September and November).

The petitioner described what it believed to be the purpose and content of both AIHS lists, but did not give further details describing the circumstances surrounding each one's preparation. Of the 72 names on the combined lists, 70 trace their ancestry to persons on 6 of the 18 submitted applications for placement on the 1933 California Indian roll. Some of the individuals and one family among the 70 are not represented in the current membership. Current members who descend from Maria Celsa Miranda, Jose Guzman, Francisca Nonessi, John "Jack" Paul Guzman, Catherine Peralta, and Dario Marine are not represented on these two lists. The evidence does not indicate that the petitioner generated these lists as membership lists, based on its own defined criteria, and thus these documents are not considered to be former lists of members as described in criterion 83.7(e)(2).

### Descent from the Verona Band

Two anomalies to this petition affected its evaluation under 83.7(e). First, no official roll existed for the 1914-1927 time period during which the band was presumed to have been federally acknowledged. This necessitated the construction of a proxy list of members in the time period as close to that 1914-1927 period as possible. This proxy of the Verona Band was based upon the 1905-1906 Kelsey Census of landless Indians in Niles and Pleasanton, and the Indian Population schedule of the 1910 Federal Census of Pleasanton marked as "Indian town." Together those two residential lists documented the presence of 53 Indians, by BIA's count, residing in settlements in the area of the "Verona" railroad stop from which the "Verona Band" of Indians took its name.

### **Muwekma: Proposed Finding - Summary under the Criteria**

It is reasonable to assume that some individuals who would be considered members of the band did not reside in the settlements or simply may not have been present on the days the enumerations were made. It is reasonable to assume that absent family members of those appearing on the settlement lists can be assumed to have been interacting with their family members of those lists. However, it is also reasonable to assume that the residence lists include Indians who were not necessarily members of the Verona Band. For purposes of the Proposed Finding, the BIA assumed that descent from a historical band at the Verona station can be calculated through siblings who were not actually listed on either the Kelsey Census of Pleasanton and Niles or the 1910 Federal Census of "Indian town" in Pleasanton Township. This consideration was undertaken because 52 percent of the petitioning group does not have direct descent from any person on these two residence lists, but instead have direct descent from three unlisted siblings of Dario and Mercedes Marine who were on the 1910 Federal Census of "Indian town."

The second anomaly affecting evaluation of this petition under 83.7(e) was the lack of a full review of the petitioner's enrollment files. The regulations do not require a petitioner to submit photocopies of all its members' enrollment files. However, the court's modification of the 12-month Proposed Finding review time to 5 months precluded a site visit to audit the files. Further, the directive issued by the AS-IA in February 2000 precludes BIA researchers from requesting documentation from the petitioner once the petition is under active consideration, but directs that additional documentation may be submitted during the comment period following the publication of the Proposed Finding (AS-IA 2000).

The petitioner provided a sample enrollment file in one of its exhibits, and six more in response to a BIA request made prior to active consideration. No instances were seen in this small sampling in which evidence supporting a link between generations was missing; however, not all parentage evidence was unambiguous. Marriage records and, to a lesser extent, death records were under-represented; these could provide the additional information needed to support any ambiguous links between generations. An over-reliance upon unsupported claims of birth and death as given in applications for claims distributions was noted.

In the absence of evidence to the contrary, the judgment rolls are considered sufficient evidence under criterion 83.7(e) of Indian descent and of genealogical descent for the individuals appearing on them who are ancestral to the petitioner. However, the petitioner's genealogical database indicates that 268 current members were born since September 22, 1969, which was the due date for applications under the most recent California Indian act (Petitioner Ex. L addendum, tab 6). These 268 members could not have appeared on any of the cited California Indian rolls, yet documentary evidence was not submitted which supports their lines of descent from forebears who do appear on such California Indian rolls. Therefore, this Proposed Finding makes the presumption, based on the sampling requested by BIA in response to the court order, that the petitioner's enrollment files, once reviewed by the BIA, will contain all the documentary evidence necessary to support the lines of descent as set forth in the genealogical database. If the enrollment files are found to contain evidence that the petitioner's

### **Muwekma: Proposed Finding - Summary under the Criteria**

members do not descent from the people currently claimed, or evidence which is insufficient to demonstrate descent, the Proposed Finding that the petitioner meets criterion (e) may be reversed in the Final Determination.

Those two anomalies explained, the analysis of the petitioner's membership under 83.7(e) finds the following. A total of 191 of 400 total members (or 48 percent) of the petitioner trace their ancestry to 10 (of 43 total) persons on the Kelsey Census and to 5 (of 17 total Indian) persons on the Indian Population schedule of the 1910 Federal Census of Pleasanton Township. Because 2 of those 5 persons enumerated in 1910 also appeared in the Kelsey Census, the total is 13 (of 53) individuals on those two enumerations who are represented by 191 current members.

A total of 209 of 400 members (or 52 percent) of the petitioner trace their ancestry to three children of Avelina (Cornates) Marine other than her two adult children on the aforementioned 1910 Indian Population schedule. Assuming descent through siblings of individuals of the Verona Band adds these 209 descendants of three additional children of Avelina (Cornates) Marine. Therefore, on the basis of this assumption, 100 percent of the current membership traces its ancestry to 13 of 53 individuals in the proxy of the Verona Band.

The BIA has no data on how many of the 40 other persons in the proxy of the Verona Band may have descendants living today. The petitioner would view this total as 39 other persons, and stated that no descendants of 36 of these 39 are known to it (in 18 cases, specifying that no "direct, living descendants" are known). The petitioner further specified that applications were pending for descendants of two others, and that descendants of one other were last located in the 1970's.

Therefore, no evidence was submitted nor located by the BIA researchers to support the likelihood of an as yet unknown group of living descendants of the Verona Band which may constitute a different successor entity, but that possibility remains. The number of living descendants of the other 40 Verona Band individuals who could become members of the petitioning group is similarly unquantifiable on the basis of the evidence reviewed. However, the petitioner's genealogical database includes numerous non-members who are closely related to current members, and these individuals represent the likelier source of possible future increases in the size of the group.

### **Conclusion**

The petitioner has submitted a current membership list. The official membership list must be separately certified, and the circumstances surrounding its preparation must be provided as required under criterion 83.7(e)(2) before the Final Determination. Insofar as 100 percent of the petitioner's members have generally demonstrated (although not individually documented) direct descent from a proxy of the "Verona Band" (as defined by the Kelsey Census and the Indian Population schedule of the 1910 Federal Census of Pleasanton Township) or from siblings of those individuals (three of Avelina (Cornates)

**Muwekma: Proposed Finding - Summary under the Criteria**

Marine's six children not on the 1910 Indian schedule but known to be living between 1905 and 1910), the petitioner meets the requirements of criterion 83.7(e).

**Criterion (f)**

- 83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe. However, under certain conditions, a petitioning group may be acknowledged even if its membership is composed principally of persons whose names have appeared on rolls of, or who have been otherwise associated with, an acknowledged Indian tribe. The conditions are that the group must establish that it has functioned throughout history until the present as a separate and autonomous Indian tribal entity, that its members do not maintain a bilateral political relationship with the acknowledged tribe, and that its members have provided written confirmation of their membership in the petitioning group.**
- 83.8(d)(4) The group meets the requirements of the criteria in paragraphs 83.7 (d) through (g).**

The petitioner states, "Enrollment practices of the MOIT [the petitioner] include checking for possible dual enrollment on the part of the applicant" (Petitioner 2001, A:50). The petitioner concludes, "No members of the Muwekma Tribe are currently enrolled in other federally recognized tribes" (Petitioner 2001, 26). The petitioner's constitution contains a proscription against membership for any applicant who is a member of a federally acknowledged tribe, band, or community, unless such membership is relinquished in writing (Article II, Section 2). However, its application form neither states this policy nor solicits statements from applicants about possible enrollment elsewhere.

One Marine had a wife (both now deceased, according to the petitioner) who was enrolled in a federally acknowledged tribe; three of their four children are not presently members of the petitioner. Their fourth child is a current member, and has children and grandchildren of his own who are also current members. There is no indication in the evidence submitted that this fourth child or his progeny are enrolled in a federally recognized tribe. The BIA genealogist checked a membership roll for one tribe of the same tribal affiliation as the Marine wife, but did not find listed there the aforementioned fourth child or his progeny (CCA 1975).

**Muwekma: Proposed Finding - Summary under the Criteria**

Conclusion

The membership of the petitioning group is principally composed of persons who are not members of any acknowledged North American Indian tribe. Therefore, the petitioner meets the requirements of criterion 83.7(f).

**Criterion (g)**

**83.7(g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.**

**83.8(d)(4) The group meets the requirements of the criteria in paragraphs 83.7 (d) through (g).**

A review of termination legislation for California, reports of the Bureau of Indian Affairs on termination in California, and *Federal Register* notices of the termination of California tribes and rancherias has revealed no evidence that the petitioning group was the subject of congressional legislation to terminate or prohibit a Federal relationship as an Indian tribe (Description, 148).

Conclusion

The petitioner meets the requirements of criterion 83.7(g).

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**Muwekma: Proposed Finding - Summary under the Criteria**

**Summary**

The evidence available for this proposed finding demonstrates that the Ohlone/Costanoan Muwekma Tribe petitioner does not meet all seven criteria required for Federal acknowledgment. Specifically, the petitioner does not meet criteria 83.7(a), (b), or (c). In accordance with the regulations set forth in 25 CFR Part 83, failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law. Therefore, the Department proposes to decline to acknowledge the Ohlone/Costanoan Muwekma Tribe as an Indian tribe.

Proposed Finding  
on the  
OHLONE/COSTANOAN MUWEKMA TRIBE

DESCRIPTION AND ANALYSIS  
OF THE  
EVIDENCE

Proposed Finding

OHLONE/COSTANOAN MUWEKMA TRIBE

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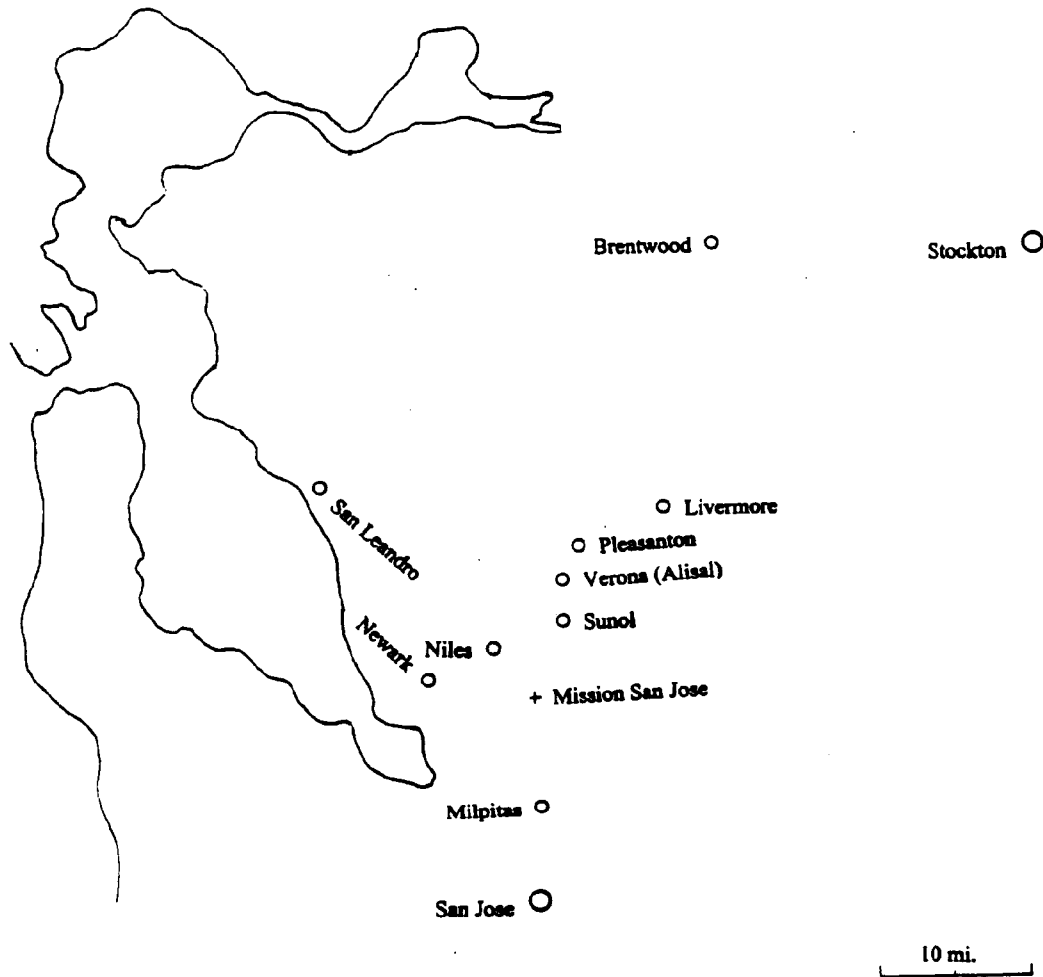
DESCRIPTION AND ANALYSIS OF THE EVIDENCE

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APPENDICES

**Muwekma (#111): Proposed Finding**

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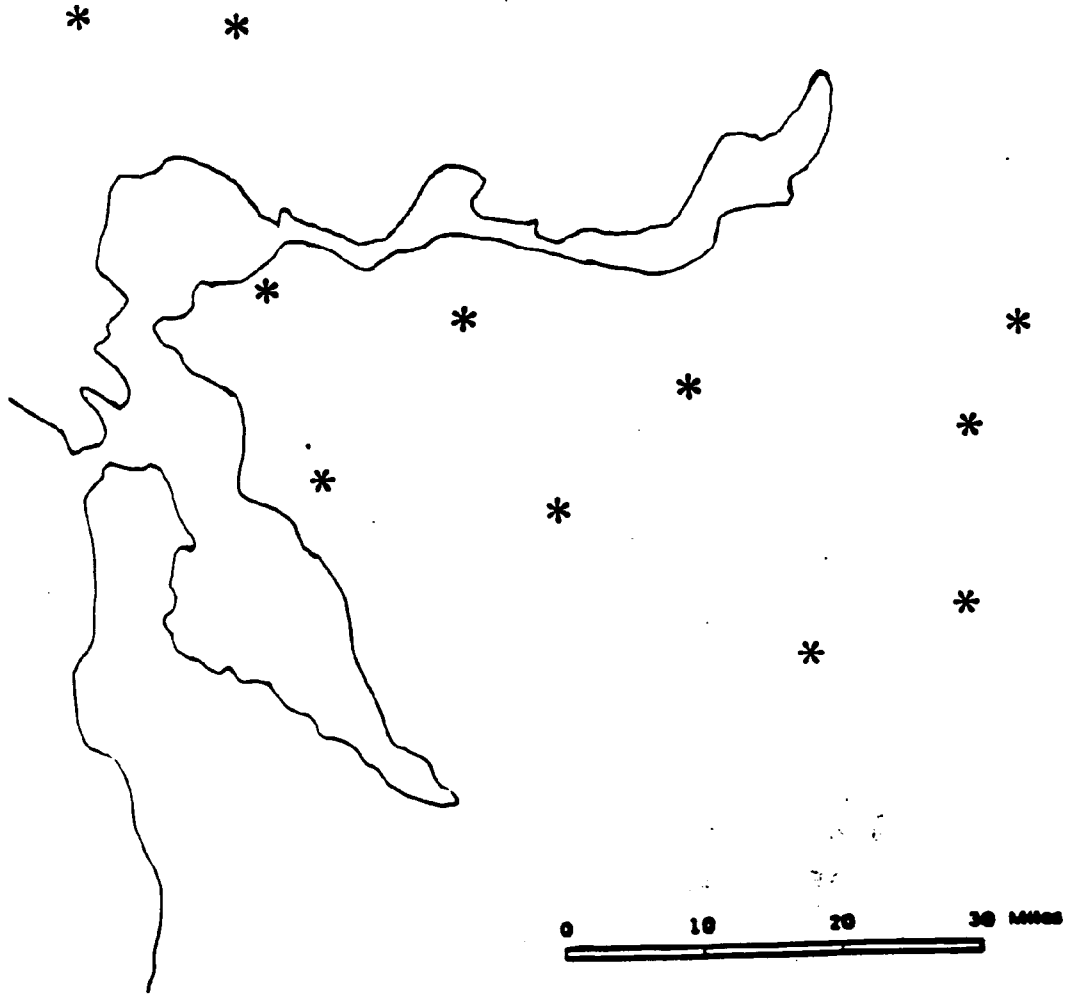
**FIGURE 1: AREA MAP, PLEASANTON, CALIFORNIA**

Source: Branch of Acknowledgment and Research

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**Muwekma (#111): Proposed Finding**

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

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

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## Muwekma: Proposed Finding - Description and Analysis

### Criterion (a)

#### 1900 - 1916: Indian Rancherias

Between 1900 and 1902, a series of news items in a local newspaper, the *Livermore Herald*, identified an "Indian rancheria," or settlement, which the paper described as being located "between Pleasanton and Sunol," or "west of Pleasanton," or "below Pleasanton" (*Livermore Herald* 3/10/1900, 11/24/1900, 10/19/1901, 2/15/1902). These brief news articles gave no details about the size or composition of this settlement, and did not explicitly label it as the Alisal rancheria at the Verona railroad station, but merely noted a settlement's existence. In 1904, the same newspaper noted the passing of "the oldest survivor of the tribe of Indians which has had its home for generations in the neighborhood of Sunol. . . ." (*Livermore Herald* 10/1/1904). This language implied the contemporary existence of a local group or settlement which had persisted since at least the early 19th century.

A local history published in 1904, the *History of Washington Township* in Alameda County, identified two Indian villages at that time. The local authors identified these two settlements as "El Molino" near Niles and "Alisal" near Pleasanton, and added that there were "perhaps half a hundred persons in each village" (Country Club of Washington Township 1950, 53). They described Alisal as being located "on Mrs. Phoebe Hearst's property," which other evidence places west of Pleasanton and northwest of the Verona railroad station. They described El Molino as being a "little cluster of rude houses just below the Niles bridge" (Country Club of Washington Township 1950, 53, 137). In addition, they noted the existence of an "Indian burying ground" west of old Mission San Jose, but described it as "forlorn and neglected" (Country Club of Washington Township 1950, 19). This 1904 local history also denied that there were any other Indian settlements in the area, contending that, "The only remaining Indian villages today in this part of the state are in this township" (Country Club of Washington Township 1950, 53).

A 1904 quadrangle map prepared by the U.S. Geological Survey does not identify any Indian settlement at these, or other, locations in the Pleasanton area (USGS 1904). It does provide evidence, however, which is supportive of other descriptions of the location of the Alisal rancheria (e.g., NAHC 1987). This map shows six or seven dwellings at the base of the hill to the west and northwest of Verona Station, plus two or three buildings in the vicinity of the station itself. According to an oral tradition, the rancheria at Verona Station "was composed of eleven houses" (P.M. Galvan 1968, 12). This Geological Survey map may show the location of the rancheria at Niles as well, but more information than a reference to "the Niles bridge" would be needed in order to use this map as confirmation of the location of the El Molino rancheria. That settlement may not

### **Muwekma: Proposed Finding - Description and Analysis**

have consisted of contiguous houses, for a later recollection by one of the petitioner's ancestors was that Indians had lived "all over Alvarado, Niles and Niles Creek" (Newspaper 1965).

In early 1904, Congress received a memorial from the Northern California Indian Association. This private organization attached to the memorial a schedule which showed "the location and population of each Indian settlement" known to the association. In Alameda County, the schedule included Pleasanton with a population of 70 and Niles with a population of 8 (Northern California Indian Association 1904, 4). The petitioner's initial narrative noted this identification of these two settlements (Petitioner 1995, 18). However, in a later submission, the petitioner claimed that this schedule identified "Muwekma/Verona Band families" (Petitioner Ex. H, I:13). Since the schedule simply gave a population figure for each settlement, it did not identify any families. Also, the schedule made no reference to "Muwekma" or "Verona band" Indians, but rather referred to both settlements as "Costanoan."

The scholar C. Hart Merriam visited the Pleasanton area in October 1904 in order to obtain linguistic information, or "vocabulary," from an elderly informant he referred to as "Anhelo," probably Maria de los Angeles (Angela) Colos. In November 1905 he returned and interviewed another informant "E'-non-nat-too-ya," or "Pow'-lah [Paula]." Merriam noted that he visited these women at a rancharia two miles west of Pleasanton (Merriam 1904; 1905; 1967, 367). Thus, although Merriam's interest was in aboriginal languages, he identified a contemporary Indian settlement. He did not, however, describe it. Merriam's photographs of the Alisal rancharia in 1905 are said to exist (Petitioner 1995, 19; Cambra *et al.* 1996, 12.24), but copies have not been submitted for the record. The petitioner says that anthropologist Alfred Kroeber also visited the Pleasanton rancharia in 1904 and interviewed several informants (Petitioner Ex. J, I:5), but it has not provided exhibits which document this visit or any observations Kroeber may have made about a contemporary Indian settlement or group at Pleasanton.

In August 1905, attorney C. E. Kelsey, who was an officer of the Northern California Indian Association, was appointed as a special agent of the Office of Indian Affairs to investigate the conditions among Indians in California (BIA 11/25/1912; Kelsey 7/25/1913). He served as a special agent for the next eight years while continuing as an officer of the association and as a private attorney. Special Agent Kelsey produced a "Schedule showing non-reservation Indians in Northern California," which was dated 1905-1906 (Kelsey 1906). As his title suggests, Kelsey listed Indians rather than bands. In his final report, however, he said that these landless Indians "were mostly found in small Indian settlements, called . . . rancherias" (Kelsey 7/25/1913). For Alameda County, Kelsey's census listed 43 individuals grouped under 19 family heads, and referred to them as of "Miwok" stock. Kelsey listed 29 individuals at "Pleasanton" and 14 at "Niles" (Kelsey 1906). The petitioner's claim that Kelsey's census "specifically identified" a group "as the 'Indians at Alisal Rancharia, Alameda County'" (Petitioner 2001, A:32) is not supported by the evidence in the record. There also is no basis for the petitioner's statement that Kelsey "described" these individuals "as Muwekma" (Petitioner 2001, A:32).

## **Muwekma: Proposed Finding - Description and Analysis**

An oral interview with a local non-Indian resident, Edgar Buttner, contains a recollection of "an Indian village just short of Pleasanton" at about 1908 to 1910. He remembered a "small" village of about 25 or 30 Indians. His description of a settlement in "a small canyon, which is off of the side of the road," is consistent with the Alisal rancheria at the Verona station, although his reference to "a small canyon that runs off to the east" of the highway may be inconsistent with the Alisal site (Buttner 1989, 15-18). Although the petitioner has claimed that Buttner remembered "the Verona Band families" in this interview (Petitioner 1995, 17), the pages it submitted contain no reference to any specific individuals or families. The petitioner has cited this interview as evidence that "the local people of Pleasanton referred to the Muwekma as the Verona Indians" (Petitioner Ex. H, I:13). However, Buttner did not use the phrase "Verona Indians" or refer to Verona at all. Indeed, he referred to the local railroad station as "Berni," not Verona (Buttner 1989, 3).

C. Hart Merriam returned to the Pleasanton area in November 1910 and, according to his notes, "visited the rancheria between Pleasanton and Mrs. Phoebe Hearst's place" (Merriam 1967, 368). In addition to identifying this rancheria, Merriam identified four individuals who had been listed on Kelsey's census of Pleasanton and commented on their diverse geographical origins. Most of the Indians at the Pleasanton rancheria, he concluded, "belong to tribes or bands of the Mewko family" (Merriam 1967, 368-369, quote at 368). Merriam noted that one of those Pleasanton Indians, Joe Benoko [Binoco], had "lived at Sunol rancheria," and concluded that a tribe from the San Joaquin Valley "had a rancheria near Sunol. . . ." (Merriam 1967, 369). Merriam clearly did not identify Sunol as a Costanoan or Ohlone settlement. Given his use of the past tense, it is unclear whether Merriam considered the historical rancheria at Sunol still to exist in 1910.

In 1916, J. Alden Mason published a study of the Mutsun dialect of the Costanoan language. As a postscript, he wrote that, "At Pleasanton, California, live a small number of Indians, members of various central California groups, gathered here by reason of community interest" (Mason 1916, 470; quoted by Petitioner 2001, A:1, 28; C:2). The petitioner has quoted from this work, but not submitted it as an exhibit. It is not clear when Mason conducted his field work, and, therefore, whether this observation may have applied to a period much earlier than 1916. Like Merriam, Mason did not see the Pleasanton rancheria as the continuation of a historical group, but as one formed from members of various earlier groups. Mason also was similar to Merriam in that, despite his interest in a historical language, he commented on the existence of a contemporary Indian community near Pleasanton.

The petitioner argues that the historical band at the beginning of the 20th century consisted of six geographically separate Indian rancherias or settlements. While the record contains contemporary identifications of Indian settlements near Pleasanton and near Niles, the evidence in the record does not support the petitioner's assertion that these six East Bay rancherias "were separately identified in Federal documents" (Petitioner 2001, A:28). Nor does the record contain any contemporary statement linking those rancherias together as a single group or band of Indians. The petitioner notes the absence of such evidence and grants that contemporary observers did not identify what it

## Muwekma: Proposed Finding - Description and Analysis

considers to have been the complete entity. The petitioner argues that the "paucity of descriptions of the full entity is considered to be a consequence of the historically dispersed residential pattern of the groups in the East Bay. . . ." (Petitioner 2001, A:29-30, 32, quote at 32). According to the petitioner, the Alisal rancheria came to an end about 1915 (Petitioner 1995, 18; see also Field *et al.* 1992, 426). Thus, early in the 20th century, contemporary observers identified separate Indian settlements near Pleasanton and Niles, and referred to a historical rancheria at Sunol, but did not identify a "Verona band," under any name or description, as it has been reconstructed by the petitioner.

### 1900 - 1927: Scholars and Newspapers

The petitioner argues that, since 1907, "Academics identified the Muwekma linguistically. . . ." (Petitioner 2001, 6). The petitioner's citations refer to scholars who sought to preserve or recapture aboriginal languages, and to classify and label them. The identification of a historical language, or languages, is not the same thing as the identification of a contemporary Indian group or entity. Even if such accounts described the petitioner's ancestors as the speakers of a particular language, it would not distinguish them from other groups or bands which also spoke that language. The petitioner is not a linguistic category, but a specific modern petitioning group with a claim of continuous existence from a specific historical tribal group. An account published after 1907 of the languages that existed in the 19th century or earlier is not an identification of the existence of the petitioning group as an entity after 1907.

The petitioner cites a 1907 publication by anthropologist Alfred Kroeber as an example of identification of an Indian entity (Petitioner 2001, 6, A:3, C:1), but it has neither identified this publication nor submitted it as a petition exhibit. The petitioner also cites a 1910 publication by Kroeber, on the Costanoan language, as an identification of an Indian entity (Petitioner 2001, A:3, C:1). In this publication, however, Kroeber did not mention any of the petitioner's ancestors or any Indian settlement or group existing in 1910 (Kroeber 1910, 239-242). The petitioner says that Kroeber conducted additional interviews to obtain linguistic information at Pleasanton in 1914 (Petitioner Ex. J, I:6), but has not provided a citation to this field work nor submitted documentation to show that this visit resulted in any identification of a group or entity.

The petitioner cites a publication by anthropologist Edward W. Gifford as an example of the identification of an Indian entity (Petitioner 2001, A:3, C:1). Although cited as if it were a 1914 publication, this appears to refer to 1914 field work which was published in 1927. One of Gifford's footnotes refers to "Pleasanton informants, in 1914," but the information he received at that time was about the 1870's (Gifford 1927, 220, n.7, and *passim*). In this 1927 study and another study published in 1926, Gifford referred to accounts by Miwok and Maidu informants about having received Indian missionaries and their ceremonies in the 1870's from Pleasanton (Gifford 1926, 399-402; 1927, 219-221). Thus, Gifford's publications did not refer to any contemporary Indian settlement or group at Pleasanton in 1914, or in the 1920's.

## **Muwekma: Proposed Finding - Description and Analysis**

The petitioner cites the field notes of linguist and ethnologist J. P. Harrington as an example of an identification of the petitioning group (Petitioner 2001, A:3, 32; C:1-3). The petitioner's explicit argument is only that Harrington "visited" the Pleasanton area and "interviewed" six informants (Petitioner 2001, A:3, C:2). A biographer has concluded that Harrington had an "obsession with searching out 'last survivors'" of various California tribes and recording their speech (Walsh 1976, 12, 16). Harrington visited Pleasanton in 1921, 1925, and 1929-1930 (Levy 1978, 487; Ortiz 1994, 103). The petitioner has submitted some of his 1925 field notes (Harrington 1925). Those notes record the information that several individuals had lived at the Pleasanton rancharia, thus identifying that rancharia in the past, but not necessarily in the present. His notes appear to refer to a surviving "footprint" of the former rancharia on a hill east of the highway. At one point, his notes state that "informant's mother lived at Pleasanton, but informant can give no info[rmation] about the Ind[ian] ra[ncharia]" (Harrington 1925, 71:423). Confirmation by Harrington that six Indian individuals were alive in the Pleasanton area in the 1920's is not the same as the identification by Harrington of a contemporary settlement or group.

The petitioner cites Alfred Kroeber's *Handbook of the Indians of California*, published in 1925, as an identification of the petitioning group (Petitioner 2001, A:3, C:1). Kroeber denied, however, that a Costanoan group continued to exist in 1925, despite his recognition that a "few scattered individuals survive. . . ." These individuals "of mixed tribal ancestry," he contended, had long ago "abandoned" the natives' "old habits of life" and were living "almost lost among other Indians or obscure Mexicans." In this view, the surviving Indian descendants had lost a distinct culture and any distinct settlements. Therefore, although he knew that individual descendants of the Costanoan existed, Kroeber concluded that, "The Costanoan group is extinct so far as all practical purposes are concerned" (Kroeber 1925, 464).

The petitioner has taken contradictory positions on the value of this scholarly research as identifications of a contemporary Indian group. It contends both that the field notes of Merriam and Harrington "provide a major external identification of the entity" for the first third of the 20th century (Petitioner 2001, A:32), and that, because linguists and ethnologists like Kroeber and Harrington dealt with individual informants about issues of the past, they "provided no systematic examination of the Muwekma as an . . . entity for purposes of 83.7(a)" (Petitioner 2001, A:31). A review of the evidence in the record relating to these scholars reveals that, in general, their interest was in languages rather than communities, in individual informants rather than in any group of which the informants may have been a part, and in the past rather than the present. However, both Merriam's 1910 field notes and Mason's 1916 publication did identify a contemporary Indian settlement or group near Pleasanton.

The petitioner claims that, "The evidence submitted . . . included numerous newspaper feature articles . . . published between the early 1900's through the late 1930's" in which "individuals and families were regularly described as Muwekma Indians and as members of the Muwekma Indian Tribe. . . ." (Petitioner 2001, A:30). The record, however, contains only five newspaper articles from the period between 1900 and 1939, all

## **Muwekma: Proposed Finding - Description and Analysis**

published between 1900 and 1904. They were all short news items, not "feature" articles. As specific examples, the petitioner cites not one of those articles but an 1899 issue of the *Livermore Herald* and, although they are not newspapers, a local history published in 1904 and the 1929 field notes of linguist J. P. Harrington (Petitioner 2001, A:30). The local history and newspaper articles from 1900 to 1904 identified Indian settlements, but neither the cited sources nor any evidence in the record between 1900 and 1939 described "Muwekma Indians" or a "Muwekma Indian Tribe."

### 1900 - 1927: Bureau of Indian Affairs

The petitioner argues that "the BIA identified the Muwekma families as the Verona Band from 1909/1913 until 1927" (Petitioner Ex. B, 2). Thus, the petitioner's claim is that BIA identification of the "Verona band" of Alameda County began with what the petitioner calls "an official Indian Service Bureau Map showing the distribution of tribes and bands in California in 1909 and again in 1913" (Petitioner 2001, A:1, 28). This "Indian Map of California" bears no author or date (Northern California Indian Association 1911). The best indication of the provenance of this map is that it was enclosed with a letter from Special Agent C. E. Kelsey to the Commissioner of Indian Affairs dated October 4, 1913. In this letter, Kelsey stated that the enclosed map had been "published by the Northern California Indian Association two years ago" (Kelsey 10/4/1913). Therefore, it was not an "official Indian Service" map. However, after receiving this map from Kelsey, the Indian Office did forward a copy of it to Representative John E. Raker of California (BIA 10/27/1913). This "Indian Map" shows a dot labeled "Verona 30" just north of "Mission San Jose." The key to the map suggests that this designated an "Indian rancheria" (Northern California Indian Association 1911).

Although the "Indian Map" had not been prepared by the Office of Indian Affairs, the BIA's researchers have found a similar map which was prepared by Kelsey in 1910 in his role as a Special Agent for the Indian Office. This larger and more detailed map also was labeled with a designation "Verona 30" in Alameda County just north of Mission San Jose. This 1910 BIA map bore a title which indicated that it was a map "showing location of Indians," not of bands. It included a legend which said: "The figures indicate the numbers of Indians in the district of which the place named is the center" (Kelsey 1910). Thus, this map did not claim to have identified Verona as a band, but as the geographical center of a cluster of Indian residents. The population estimate of 30 matches Kelsey's census figure of 29 individuals at Pleasanton, and thus appears to have referred only to the population of the rancheria at the Verona station.

In its latest submission, the petitioner makes the new assertion that the BIA "dealt with the Muwekma in connection with its attempt to get legislation authorizing the 'Muwekma Tribe of Indians' to submit claims to the Court of Claims, from 1912 through the mid-1940's" (Petitioner 2001, A:32). The petitioner neither cites nor submits any congressional bills, congressional hearings or reports, congressional debates, or BIA documents relating to such proposed legislation. The record contains no evidence of any attempt by any Indian entity to obtain a jurisdictional act authorizing the submission of a

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case to the Court of Claims, and certainly not to obtain legislation specifically on behalf of a "Muwekma Tribe of Indians."

Kelsey's successor as Indian agent in charge of a land purchase program for non-reservation Indians in California was C. H. Asbury, who was located in Reno, Nevada. Asbury naturally sought the data and information which Kelsey possessed. "The list as given to me by Mr. Kelsey," Asbury informed the Commissioner of Indian Affairs, included an entry for "Verona" with 30 Indians (BIA 12/7/1914). Asbury referred to Kelsey's submission as a list of "settlements." Asbury was able to discuss some of these settlements, but not Verona. By saying that he was "in no position to make any specific recommendations" on the "other bands," which would have included "Verona," he implied that Verona was a "band." Thus, solely on the basis of second-hand information and without having visited the Pleasanton area personally, in 1914 Asbury by implication referred to "Verona" as a "settlement" and as a "band."

The annual report of the BIA's Reno Agency in 1923 included "Verona," with a population of 30, on a list of Indian "communities" (BIA 1923). In 1927, Superintendent L.A. Dorrington of the Sacramento Agency reported that, "There is one band in Alameda County commonly known as the Verona Band, which consists of about thirty individuals, located near the town of Verona. . . ." (BIA 6/23/1927). Contrary to the petitioner's contention that "Dorrington identified the Muwekma on their East Bay rancherias" (Petitioner 2001, A:29), Dorrington made no mention either of the "Muwekma" or any "East Bay rancherias." The petitioner persuasively argues elsewhere, however, that his reference to the non-existent "town of Verona" reveals that "Dorrington never visited the Verona Band, but instead relied upon older census data gathered by Kelsey. . . ." (Petitioner Ex. B, 5; Ex. F, 12). There is no documentation in the record to reveal what sources the Reno or Sacramento Agencies relied upon in making these 1923 and 1927 statements, but it appears that they merely repeated information from Kelsey which had been used on the "Indian Map" about 1911 and by Asbury in 1914. Although apparently relying upon outdated information from their files, rather than upon personal knowledge, these BIA agencies identified a community or band of Indians at Verona as late as 1927.

### 1927 - 1964

In part, the petitioner has attempted to provide evidence of external identifications of an Indian entity by creating a "skeletal timeline," or chronology, from 1900 to 1987 (Petitioner Ex. J, II). It provided this timeline in response to a specific request for evidence of external identification of the Muwekma from the 1930's to the 1970's. This timeline includes individual birth, death, baptismal, and marriage dates, although, the petitioner notes, "not every Life event is listed. . . ." (Petitioner Ex. J, II:8). The petitioner may not have intended this listing of "life events" to document external identifications, because it says that this timeline "goes beyond the scope of merely

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presenting external identification" (Petitioner Ex. J, II:8). The petitioner's "skeletal timeline," however, appears to confuse evidence about an *individual* Indian with identification of an Indian *entity*. Data about the "life events" of individuals, even if recorded by external observers, do not identify an Indian group.

J. P. Harrington returned to the Pleasanton area in October 1929, and the petitioner has submitted some of his field notes from that visit. The petitioner claims those field notes as identification of the group by a scholar (Petitioner 2001, A:3, C:1). From his informants, Harrington recorded the information that Pleasanton rancheria, known as "El Alisal," was located on a ranch owned by Augustin Bernal and Juan Bernal (Harrington 1929, 36:579). This information related to the period before the 1880's, when the ranch was purchased by the Hearst family. His notes also contain other references to that rancheria in the past, such as a statement that the deceased José Antonio had been the "captain" of the rancheria (Harrington 1929, 37:102). Harrington also recorded that an unknown tribe had been located at a rancheria at Sunol (Harrington 1929, [10/14/29]). A map showed the current location of "Jose's [Guzman] place," just above a notation that there "used to be a rr [railroad] station here named Berona [*sic*]," but it did not show his residence to be part of any larger settlement (Harrington 1929, [n.d.]). As in his earlier interviews, Harrington collected historical information and linguistic information about historical languages. He did so by interviewing living Indians without identifying them as members of any Indian group in existence in 1929.

The petitioner notes that its members or their ancestors were listed by the Bureau of Indian Affairs pursuant to the Act of May 18, 1928, which allowed Indian claims to be made against the United States, and cites that as an example of external identification (Petitioner 2001, 5). It states that every one of its members either was listed on the census or judgment roll prepared pursuant to that act, or is directly descended from such an individual (Petitioner Ex. K, II:9). However, the claims against the United States authorized by that 1928 act, as the petitioner acknowledges, were brought "on behalf of the 'Indians of California'" (Petitioner 2001, 5). In preparing a census or judgment roll, therefore, the BIA sought evidence of descent from an Indian who resided in California in 1852. Applicants applied as individuals, and their statements about the historical tribe of their ancestors were a form of self-identification of an historical, not contemporary, entity. Because the census or judgment roll was one for the generic "Indians of California," there was no need for the BIA to identify any specific tribe or band of Indians for the accepted applicants. The various judgment rolls produced in 1933 and later years did not identify any contemporary Indian group or entity.

In 1936, Dolores (Lola) Marine Galvan, one of the petitioner's ancestors, wrote to the BIA to ask, "what happened about that Indian deal[?]" (D. Galvan 2/17/1936). The superintendent of the Sacramento Agency replied with information about the status of the Court of Claims case, and also informed Galvan that, "You do not have ward status. . . ." (BIA 2/21/1936). Because Galvan was included on the 1933 judgment roll as a California Indian, it is evident that the superintendent did not equate judgment eligibility with "ward status" or Federal recognition. He made that point explicitly in 1940, when he informed the State relief administration that, "Mrs. Galvan is shown on the Roll of

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California Indians . . . but does not have ward status and therefore, is not eligible for any aid from Federal funds through this agency." The superintendent added the observation that "there is no property whatsoever held by the United States in trust for any Indians in Alameda or Contra Costa Counties" (BIA 1/23/1940). In this correspondence, the superintendent made the point that the BIA's judgment roll did not identify Galvan as a member of a tribal group.

The attendance of several of its members as students at Indian boarding schools, the petitioner argues, is evidence of the BIA's identification of the petitioning group as an Indian entity (Petitioner 2001, 4). It also refers to "patterns of attendance at BIA Boarding Schools" by its members (Petitioner 2001, A:1), although it provides only two examples. The petitioner claims that Domingo "Lawrence" Marine attended the Sherman Institute "around 1936" and that John and Reyna Guzman attended Chemawa school from 1943 to 1945 (Petitioner 2001, 5; A:1-2). The petitioner has submitted no documentation from the BIA or these schools to support this contention. A 1969 letter by Guzman refers to his attendance, and his sister's attendance, at Chemawa, but no evidence supports Marine's attendance at Sherman (Guzman 8/31/1969). Although the petitioner refers to "Chemawa Indian school correspondence" (Petitioner 2001, A:32), no such evidence has been submitted for the record. Because the petition documentation does not include BIA records and school records, it is impossible to know on what basis these individuals attended these schools. Since some Indian students were accepted on the basis of their blood degree, rather than their tribal membership, attendance at these Indian schools was not necessarily based on identification of an Indian tribe or group.

The petitioner claims that obituaries provide evidence of the external identification of a group, or imply the existence of "an ethnically-distinct group." "Since 1930," the petitioner says, "the obituaries of certain elected leaders described them as elders of the Ohlones of San Jose Mission, or the Muwekma Indian Tribe" (Petitioner 2001, A:30). However, the petitioner has submitted no obituaries from the 1930's, 1940's, 1950's, 1960's, or 1970's in order to support this claim. In addition to obituaries, the petitioner argues, "The only other newspaper coverage from the 1940's was in connection with the World War II service of individuals who were identified as Muwekma Indians in the articles. While the articles discussed only individuals, they stated that they were 'members of the Ohlone Indian tribe'" (Petitioner 2001, A:30). The petitioner has submitted no newspaper articles from the 1940's to support this claim. To the extent that obituaries from the 1990's make statements about people who were alive in the 1930's and 1940's, such articles are evidence of the attitudes and observations of the 1990's, not of half-a-century earlier. The petitioner has not submitted contemporaneous evidence to substantiate these claims of external identification during the 1930's and 1940's.

Two items constitute external identification during the post-World War II years, according to the petitioner (Petitioner 2001, 7, 9). It has submitted a letter written in 1945 by a local resident to "Whom This May Concern" which stated that "Trina" of the "Marino" family was "a descendant of the local Indian tribe. . . ." (Wauhab 2/3/1945). Since one is a descendant of a person or tribe that existed in the past, this was a reference to a tribe in the past, not in 1945. Because it referred to one individual, it did not identify

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any contemporary Indian group. The petitioner also has submitted an individual membership card, dated 1947, in the "Bay Area California Indian [Federation or Council]" (Membership card 1947), and claimed that it "implicitly" recognized the petitioning group. In this case the membership was individual rather than tribal, and the tribal designation on the membership card probably recorded the individual's self-identification. In addition, the entry on the card stating that the individual belonged to the "Mission" tribe had the characteristics of a generic designation rather than a reference to the petitioning group as distinct from individuals descended from Indians who had been gathered at other Spanish Missions.

The petitioner contends that, "Local histories written since 1950 and newspaper feature articles published from the 1950's through the 1970's . . . discussed particular Muwekma families as members of specific local Muwekma Indian residential settlements. . . ." It argues that there is "some evidentiary value" in such "identifications of portions of the group as an Indian entity," but concedes that "none of them described the umbrella tribal organization. . . ." (Petitioner 2001, A:31). The petitioner cites the 1950 edition of the *History of Washington Township* (Petitioner 2001, A:3), but the specific text it cites was written in 1904, not 1950 (Country Club of Washington Township 1950, 53). The next "local history" it cites was written in 1968. The petitioner has not submitted as exhibits any newspaper articles from the 1950's or the first half of the 1960's. Thus, the record contains no contemporaneous evidence between 1950 and 1965 to support the petitioner's statement.

### 1942 - 1995: Scholars

In contrast to the petitioner's submission of excerpts of J. P. Harrington's field notes from the 1920's, the petitioner has cited, but not submitted, secondary sources written by scholars after the 1930's which described the historical Ohlone or their historical language. Harrington's 1942 publication cited by the petitioner (Petitioner 2001, 6) was merely a checklist of Costanoan "culture elements" derived from his 1920's interviews about historical Indian culture, and did not comment on contemporary groups (Harrington 1942). The petitioner cites a 1962 publication by anthropologist Alfred Kroeber as an example of identification of the petitioning group by a scholar (Petitioner 2001, A:3, C:1). The article had been written by Kroeber in 1954. It was a general review of the nature of Indian groups in California as they existed before contact with non-Indians, that is, in the 1700's (Kroeber 1962). Kroeber's argument in this essay was that linguistic stocks or "ethnic nationalities" were not political entities, and that much smaller "tribelets" were the aboriginal political units in California. Thus, his reference to "Costanoan" as one of the "California ethnic nationalities" was not an identification of an aboriginal political entity. In this article, Kroeber did not identify any specific Indian group in existence in 1954 or 1962.

A 1969 publication by scholar Jack Forbes is cited as an example of external identification by the petitioner because, "Forbes employed Muwekma as a designation" for a language classification (Petitioner 2001, 6, A:3, C:1, 3). In an appendix to his book,

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*Native Americans of California and Nevada: A Handbook*, Forbes classified the language families of the Indians of those two states. He listed a "Muwekma division" of the "Ohlonean (Costanoan) branch" of the "Penutian language family" (Forbes 1969, 183-184). Forbes used the term "Muwekma" as an Indian word, not as a reference to a contemporary group. Since the petitioning group had not yet begun to use the "Muwekma" name in 1969, Forbes did not adopt this terminology for his classification from the petitioner. He cautioned readers that these "linguistic divisions . . . seldom possessed political significance" (Forbes 1969, 181). Thus, even if use of the language or dialect continued to the present, which Forbes did not claim, he did not consider its users to be a political group. Forbes classified historical Indian languages in this appendix, but did not identify contemporary Indian groups.

The petitioner cites a 1974 publication by Robert F. Heizer as an example of having been "identified linguistically" by a scholar (Petitioner 2001, A:3; also 2001, 6). The petitioner has not submitted an exhibit to support this contention, nor has it cited a specific publication and page where such an identification can be found. The BIA's researchers are aware of two publications which could be cited as "Heizer 1974." One is an edited collection entitled *The Costanoan Indians*, and the other a collection of maps published in a volume of Indian Claims Commission testimony and exhibits. In his collection of maps, Heizer reprinted Kroeber's map of "Penutian languages" (Heizer in Horr 1974, 57). In his introduction to his edited volume, Heizer wrote that, "there was no sense of political unity by speakers of the Costanoan languages" (Heizer ed. 1974, 2). The petitioner is not a linguistic group, and a mere reference to "Costanoan" Indians is not an identification of the petitioning group. Nothing has been found in either of these sources that identified the petitioner in 1974, or at any other time.

An article in the Smithsonian Institution's *Handbook of North American Indians* in 1978 on the Costanoan Indians by Richard Levy is cited by the petitioner as an example of identification by an anthropologist (Petitioner 2001, A:3, C:1). The petitioner has neither submitted this article as an exhibit nor cited a specific quotation or page. Levy described the Costanoan language family and concluded that the aboriginal "Costanoan were neither a single ethnic group nor a political entity" (Levy 1978, 485, 494). He referred to Pleasanton as one of the "multiethnic Indian communities" which existed for a period of time after the secularization of the missions in 1834. He briefly noted the formation of a "corporate entity," the Ohlone Indian Tribe, Inc., in 1971 (Levy 1978, 487). That reference, however, was too insubstantial to link that entity to the petitioning group.

The petitioner cites works written by Randall Milliken in 1983 and 1991 as examples of having been "identified linguistically" by a scholar (Petitioner 2001, A:3). The petitioner has not submitted either of these items as exhibits. They appear to be Milliken's master's thesis and doctoral dissertation (Milliken 1983, 1991). The title of Milliken's dissertation was, "An Ethnohistory of the Indian People of the San Francisco Bay Area from 1770 to 1810." This dissertation was published as a book in 1995 with the title, *A Time of Little Choice: Disintegration of Tribal Culture in the San Francisco Bay Area, 1769-1810* (Milliken 1991, 1995). The titles of these works alone indicate that Milliken's scholarship did not discuss the 20th century or identify 20th-century groups. His

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reference to a "Costanoan (Ohlone)" contact-period language group was not an identification of the petitioning group (Milliken 1995, xiv). Milliken acknowledged the "financial and intellectual support" from individuals, including the petitioner's chairwoman Rosemary Cambra, "in their roles as representatives of various private companies and governmental agencies in California" (Milliken 1995, xv). This comment in 1995 was a reference to a private consulting business, not to the petitioner.

### 1965 - 1984

The petitioner notes that a newspaper article in 1965 about Dolores Marine Galvan, 75, an ancestor of members of the petitioning group, referred to her as a "survivor of the ancient Ohlone Indian tribe that once populated the Fremont area" (Newspaper 1965, photo caption), and cites this article as an example of external identification (Petitioner 2001, 9). In this case the tribal reference was clearly to the past, not the present. The newspaper identified Galvan as an individual of Indian descent, but did not identify a contemporary Indian group. The petitioner cites a "Marine Family History," which is a document entitled the "Avelina Cornate family history" (Cornate n.d.) and dated by the petitioner as about 1965, as an example of external identification (Petitioner 2001, A:3). However, since this family history was compiled about the petitioner's major family line by people the petitioner claims as members of its "lineages," especially the family of Dolores Marine Galvan, it is not a document compiled by observers external to the petitioning group. This same observation applies to an article in the *Indian Historian* in 1968, entitled "The Ohlone Story," by P. Michael Galvan (P.M. Galvan 1968), the grandson of Dolores Marine Galvan.

The petitioner cites the American Indian Historical Society (AIHS) and its journal *The Indian Historian* as examples of external identification for the period from 1964 to 1978 (Petitioner 2001, 7, A:3). The AIHS was led by Rupert Costo, a Cahuilla Indian from southern California. The petitioner claims that the AIHS recognized the "Muwekma" as the aboriginal tribe of the region (Petitioner 2001, C:3). However, "Muwekma" was not a tribal designation ever used by the AIHS. In a 1965 letter, Jeannette Henry Costo of the AIHS referred to an upcoming meeting with "the executive committee of the Ohlone Band of the Miwuk Indians. . . ." (J. Costo 5/17/1965). When the AIHS sought support for its position in opposition to a proposed right-of-way across a portion of the Indian cemetery to which it had received title, however, it prepared a resolution to be adopted by "the Ohlone Indian Historians," not an Ohlone Band (AIHS 1965). In 1967, *The Indian Historian* commented that, "The Ohlone Tribe is one which was believed to be extinct until the Indian Society acquired title to the Ohlone Indian Cemetery in Fremont" (*Indian Historian* 1967). On the one hand, this remark implied that no Ohlone group had been identified by anyone for some time. On the other hand, while not explicitly identifying a group, it stated that people of Ohlone descent were alive at present.

The petitioner also appears to consider lists of "members" of the Ohlone chapter of the AIHS and "Ohlone contacts" of the AIHS as examples of external identification (Petitioner 2001, 7). The undated list of "contacts" listed individuals or family heads, but

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did not identify them as a group, as opposed to individuals of Indian descent (AIHS ca. 1966b). The AIHS explicitly stated that it did not accept tribal, group, or organizational membership, and therefore it was founded on the principle that "[m]embership is individual" (AIHS 1968). An undated list of "members" of the Ohlone chapter consisted of a single family, not a group. It also was a list of the AIHS's own members, not the AIHS's identification of a group external to it (AIHS ca. 1966a).

The cooperation with the AIHS by Representative Don Edwards is cited by the petitioner as another example of external identification. According to the petitioner, Congressman Edwards "inquired on behalf of the Muwekma Tribe with the National Park Service and Bureau of Indian Affairs on the possibility of designating the Ohlone Cemetery a landmark" (Petitioner 2001, 5). While it is clear that Representative Edwards made inquiries about how to protect an Ohlone cemetery (see Edwards 7/29/1966), the reply he received from the National Park Service said that it knew of no way it could be of assistance to the American Indian Historical Society, implying that the inquiry had been made at the request of that organization, which held title to the cemetery (NPS 8/9/1966). This conclusion is supported by the fact that Edwards forwarded the material he received from the Park Service to Rupert Costo of the AIHS (Edwards 8/11/1966). The available evidence does not support the contention that Representative Edwards made inquiries "on behalf of the Muwekma Tribe," or at the request of a group of Ohlone descendants.

In early 1971, the American Indian Historical Society proposed to transfer its recently acquired title to an Ohlone cemetery to Ohlone Indians, and contacted three Galvan siblings on behalf of "this Native group" (R. Costo 3/8/1971). The AIHS then passed a resolution that it "negotiate with the Ohlone Tribal Council . . . with one representative each of the three leading Ohlone families," but to transfer title only to a "corporate body" (AIHS 4/2/1971). After the transfer of the cemetery from the AIHS to the Ohlone Indian Tribe, Inc., whose directors were the three Galvan siblings, the journal of the AIHS reported that the "Society did uncover nearly 200 descendants of the Ohlone Tribe" and offer them the deed to the site on the stipulation "that they reconstruct themselves as a tribe" (*Indian Historian* 1971). Although the AIHS referred to 200 descendants and 75 members, it dealt with only three siblings from a single family. The AIHS used language which implied the identification of a contemporary group in 1971, but of a group which had only recently become a group. Jeannette Henry Costo told a local newspaper that the Ohlones had incorporated two weeks earlier, making them "the first authentic and identifiable American Indian tribe in the Bay Area" (Newspaper 1971). Rupert Costo referred to "the newly reconstituted Ohlone Indian Tribe" (R. Costo 8/25/1971).

The petitioner cites a newspaper report on the transfer of the title of the Ohlone cemetery from the AIHS to the Ohlone Indian Tribe, Inc., as an example of external identification (Petitioner 2001, 9). Although the newspaper used the corporate name -- "Ohlone Indians [*sic*] Tribe, Inc." -- of the entity that had "received the deed to a 250 year old Indian cemetery in Fremont from the American Indian Historical Society," it also referred to that entity as an "East Bay Indian tribe" (Newspaper 1971). The next year, a newspaper said that Costanoans or Ohlones had "recently re-grouped" and were now known "as the Ohlone Indian Tribe" (*San Jose Mercury* 8/6/1972). The Ohlone Indian

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Tribe has been identified by a scholar as a "corporate entity" of Costanoan descendants formed in 1971 (Levy 1978, 487). While there are several examples of the identification of this corporate entity, it is not clear that they identified the petitioner. The petitioner's narrative refers to individuals having become members of its organization after "having repudiated formal and political relations with the Ohlone Indian Tribe. . . ." (Petitioner 1995, 22). This language implies that the Ohlone Indian Tribe, Inc., has been a rival entity rather than a precursor entity to the petitioner. The Ohlone Indian Tribe, Inc., continues to exist as an organization separate from the petitioner's organization (Petitioner Ex. H, I:16).

As an example of external identification by a municipal government, the petitioner contends that the "support" of the City of Fremont for the transfer of the Ohlone Cemetery in 1971 constituted identification (Petitioner 2001, 8). The evidence it cites, a newspaper clipping on the cemetery transfer, made no mention of the city government (Newspaper 1971). A 1964 letter to Rupert Costo from Fremont's city manager about the cemetery site did not identify an Indian group, but did include the statement that, "I sincerely hope this historic park spot can be preserved" (Reese 7/15/1964). However, this was before the City of Fremont proposed acquiring a right-of-way for a major road across a corner of the cemetery property (see R. Costo 6/21/1965 and AIHS 1965). As an example of external identification by the State government, the petitioner lists Governor Edmund G. Brown's reference to an Ohlone Indian Memorial dedication in 1965 (Petitioner Ex. J, I:91, II sec.3). However, Governor Brown's letter was a routine refusal to accept an invitation to attend a ceremony (Brown 3/17/1965). The petitioner also appears to cite the naming of a State junior college as "Ohlone College" in 1967 as an external identification (Petitioner 2001, 9-10). The mere use of the word "Ohlone" in any context, as in these two examples, cannot be taken as a reference to the petitioner.

Some of the petitioner's members have been designated as "Most Likely Descendants" by California's Native American Heritage Commission, which was created in 1976. The petitioner has not given the years in which its members received their "Most Likely Descendant" designations, but suggests that Rosemary Cambra was listed in 1983 and that others followed in the mid-1980's (Petitioner Ex. J, I:91; 2001, A:2). The petitioner notes that individual "members applied to represent the interest of the Tribe's heritage," thus granting that a single leader alone did not represent either a contemporary or historical group. As the term "Most Likely Descendant" indicates, these were findings of individual descent, not of the existence of contemporary groups or entities. Although the petitioner claims these designations as examples of external identification of a group during the 1980's (Petitioner 2001, A:2), they all were individual designations.

### 1985 - 1996

The first explicit identification of the petitioning group by external observers appeared in a series of newspaper articles in 1985. In September 1985, the San Jose paper reported that "a group of Ohlone Indians," which it also referred to as the "Muwekma Ohlones," charged that city officials had not taken adequate care to watch for human remains and

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artifacts at a downtown construction site, and were not using the "most qualified" Indian observers. The paper reported that the "Muwekmas" were native to the Santa Clara Valley and at present "number about 75 in San Jose. . . ." (*San Jose Mercury News* 9/13/1985; see also 9/14/1985). An undated clipping, probably from September 1985, reported that a construction project had been delayed by a "standoff" which had "pitted a group of Muwekma Ohlone Indians against a team of archeologists and their Indian helpers" in downtown San Jose (Newspaper 1985).

As a result of this conflict, the San Jose paper reported, the "[r]epresentatives of a Santa Clara Valley group of Ohlone Indians" obtained promises from the San Jose City Council "that the Muwekma Ohlones will have a bigger role in archaeological evaluation of city construction sites" (*San Jose Mercury News* 9/18/1985). In late September, the paper reported the resolution of a dispute between the City of San Jose "and Muwekma Ohlone Indians" over human remains found at a redevelopment site, which were reburied nearby (*San Jose Mercury News* 9/24/1985). Some of these articles in September 1985 also mentioned Rosemary Cambra, the petitioner's current chairwoman. Thus, both the use of a group name and the reference to an individual representative provide a direct link of these 1985 newspaper articles to the petitioning group.

The petitioner cites as an example of external identification (Petitioner 2001, A:2) a form it says it submitted in 1987 to the State of California's Native American Heritage Commission to record the site of the Alisal or Pleasanton rancheria (NAHC 1987). The "recorder" of the information was Alan Leventhal, Anthropology Lab Director at San Jose State University, who also has been the petitioner's researcher. Since this information was provided by the petitioner's researcher, at its request, it was not an observation by an external observer. The Commission's position on this inventory form submitted to it is unclear. To the extent that the Commission accepted the recorded information, it identified a historical site, which Leventhal stated had been "abandoned by about 1915" (NAHC 1987), not a contemporary group in 1987.

A certification by the Bureau of Indian Affairs in 1988 of "Ohlone Family Consulting Services" as a "Buy Indian firm" (BIA 3/17/1988) is cited by the petitioner as an example of external identification (Petitioner 2001, 5, A:2). This was a certification of a private business firm. Nothing in that letter suggested that the BIA identified a social group, political entity, band, or tribe larger than the firm. The petitioner also cites this consulting firm's contracts with local governments as examples of external identification of the petitioning group (Petitioner 2001, 8). The documents submitted by the petitioner, however, show that cities and counties dealt with this firm as a contractor, and did not identify the firm as an entity other than as a private business. For example, a City of Santa Clara report in 1988 referred only to "Ohlone Families Consulting Services," the firm name (City of Santa Clara 1988). Perhaps the first newspaper account about the firm was an undated item, dated as 1988 by the petitioner, which reported that "Ohlone Families Consulting Services" was "a San Jose business that monitors and advises governmental agencies or private developers on what to do with prehistoric remains. . . ." (Newspaper 1988).

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Thus, some of the early newspaper accounts of the activities of Rosemary Cambra identified her not as a group leader but as the owner of a consulting business. In 1989, a local newspaper said that Cambra "owns Ohlone Families Consulting service [*sic*] in San Jose" (*Peninsula Times Tribune* 7/2/1989). When she appeared as a participant in a lecture series at the University of California, Berkeley, she was identified as the "President, Ohlone Families Consulting Services" (U.C. Berkeley 1989). Although the petitioner cites a letter of appreciation from a faculty or staff member to Cambra, with her honorarium for her participation in the lecture series, as identification of the petitioning group by the university (Petitioner 2001, 7), this letter did not identify an Indian entity or group and was addressed to Cambra at Ohlone Families Consulting Services (LaVelle 11/29/1989). A 1990 newspaper report on an archaeological excavation of an Indian burial site in San Jose also referred to Cambra as "president" of the consulting firm (*San Francisco Chronicle* 9/24/1990). A scholar who has acknowledged support from Cambra has done so in the context of support from her consulting business (Milliken 1995, xv).

On the other hand, by early 1989 Rosemary Cambra also was being identified as a spokesperson for a "Muwekma" group, and the group achieved its first identification by a local government. The Santa Clara County Board of Supervisors resolved in April 1989 to "support the Olhone [*sic*] / Costanoan Muwekma Tribe for its effort on behalf of local Native Americans to seek recognition by the Federal Government" (Santa Clara County 1989). In 1989, Cambra testified before the U.S. Senate Select Committee on Indian Affairs as one of thirty witnesses representing unrecognized Indian groups in California. On the committee's witness list, she was identified as the "Spokeswoman, Muwekma Tribe" (U.S. Senate 1989). This listing implied the existence of an Indian entity which was represented by Cambra. The petitioner claims identification by the East Bay Regional Park District in 1989 through consultation "to adopt policies for the treatment of Native American remains in construction projects" (Petitioner 2001, 8). The exhibit the petitioner has submitted documents the adoption of a policy on the handling of burial remains, but makes no mention of the petitioning group (EBRPD 1989).

Stanford University made a decision in 1989 to allow the reburial of the prehistoric human skeletal remains in its possession, and implemented that decision in 1990 with a signed agreement and transfer of the remains. The petitioner has submitted a copy of that agreement and many newspaper accounts of the decision and transfer. Stanford's announcement of the agreement in 1990 referred to the return of ancestral remains "to representatives of the Ohlone / Costanoan people" (Stanford 1990). The agreement listed nine Ohlone representatives and was signed by five of them, including Rosemary Cambra. No group affiliation was listed for the signatories except "Ohlone Representatives." Thus, the agreement reflected the fact that the university had not identified a contemporary Indian entity as the negotiating party or recipient of the remains, but rather had dealt with individual representatives of the presumed Indian descendants of the people whose remains were being transferred.

Some of the newspaper accounts reflected that position that the remains were returned to individual Indian representatives, but others were written as though the remains had been

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given to an Indian group, or groups. The *San Jose Mercury News* stated that "the tribe asked that the remains be returned," and referred to Rosemary Cambra as tribal chairwoman (*San Jose Mercury News* 6/22/1989). The *Los Angeles Times* referred to negotiations between Stanford and the "Ohlone tribe," and described Cambra as the "tribal spokesman" (*Los Angeles Times* 6/22/1989). The *Washington Post* referred to the return of the remains to "descendants" and described Cambra as "a representative of the Ohlone-Costanoan people," but its headline described a transfer to a "tribe" (*Washington Post* 6/23/1989). The local *Peninsula Times Tribune* raised doubts about the representativeness of the negotiations with Stanford. It reported that "many in the Ohlone community . . . resented being excluded from the discussions" and that the "majority of the local Ohlone representatives are only now being notified" of the results (*Peninsula Times Tribune* 7/2/1989; see also 4/10/1990). Local papers also reported the dissent of Andrew Galvan, a member of the petitioner's "lineages," who informed Stanford that it had not reached an agreement with the majority of Ohlone people (*San Jose Mercury News* 4/23/1990).

The petitioner claims that the Native American Heritage Commission identified it as an entity during the Stanford negotiations (Petitioner 2001, 7). The evidence it cites, the newspaper articles of 1989 and the 1990 agreement, reveal that the Commission's role was to certify for Stanford the Ohlone descent of the recipients of the remains. A Stanford professor noted that, by relying on the Native American Heritage Commission, "Stanford decided not to decide the issue" of descendance (*Stanford Campus Report* 5/2/1990). The Commission identified Ohlone representatives, but not a contemporary Indian group or entity (see *San Jose Mercury News* 4/23/1990). Indeed, a Stanford campus newspaper quoted the director of the Commission as having said that "the Ohlone people who have participated in this agreement were in essence self-identified" (*Stanford Campus Report* 5/2/1990).

During the 1990's, local newspapers have consistently identified and reported on the petitioning group. An Oakland newspaper referred to Rosemary Cambra in 1990 as "chairwoman of the Muwekma Tribe of Ohlone Indians" (*Oakland Tribune* 5/13/1990). In 1991, a San Jose newspaper referred to Cambra as the "chairwoman of the Muwekma Tribe of the Ohlone," although noting a rivalry with Andrew Galvan to be recognized as the group's legitimate representative (*San Jose Mercury News* 4/10/1991). The same paper ran a profile of Rosemary Cambra in 1992 as "spokeswoman and chairwoman for the Muwekma tribe" (*San Jose Mercury News* 3/18/1992). Later in the year, an editorial in the paper referred to the "Muwekma Ohlone" as one of the unrecognized "California tribes" (*San Jose Mercury News* 7/24/1992). In 1992, a San Francisco newspaper said that the "Muwekma Ohlone Indian Tribe" had asked the Federal Government to turn over the land of Hunter's Point naval shipyard to them. Although the paper referred to tribal representatives, it reported only on Espanoal Jackson, who referred to this request as "her proposal" (*San Francisco Independent* 8/16/1992). The *California News* referred to Cambra in 1992 as "chairwoman of the Muwekma Indian tribe of San Jose," which it described as "a small San Jose-based Indian tribe" (*California News* 6/20/1992).

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A 1993 article in the San Jose paper linked "the Muwekma Ohlone Indians" to a burial site on a San Jose area housing development (*San Jose Mercury News* 3/3/1993). The San Jose paper also quoted Cambra in 1993 as "chairwoman of the South Bay's Muwekma Ohlone tribe" (*San Jose Mercury News* 8/14/1993). A local paper or newsletter reported in 1994 that "three tribes" of Costanoans had attended a White House meeting of unrecognized Indian groups, and referred to Rosemary Cambra as "the elected tribal chair of the Muwekma tribe" (*Alianza News* 12/21/1994). A newspaper article in 1995 reported that several groups of Ohlone people from the Bay Area had attended meetings at the White House of unrecognized Indian groups. This article referred to Rosemary Cambra as "the chairwoman of one Ohlone group," and cited the executive secretary of the Native American Heritage Commission as noting that there were more groups of Ohlone than had attended those meetings (Newspaper 1995).

The petitioning group has been identified in various ways by Federal sources during the 1990's. Elected Federal officeholders have contacted or supported the group. In 1991, Representative George Miller invited Cambra to testify before a House committee. In contrast to her earlier Senate testimony, in this instance she was not explicitly asked to testify on behalf of a group, and the invitation was addressed to her ambiguously as "Ms. Rosemary Cambra, Muwekma-Ohlone" (Miller 10/2/1991). In 1994, Cambra was invited by Representative Charlie Rose of North Carolina to attend "a White House Meeting for Nonfederally Recognized Indian Tribes." He wrote to Cambra in care of the "Muwekma Ohlone Tribe" (Rose 10/18/1994). Although the petitioner claims that the President "worked with the Tribe on tribal issues" (Petitioner 2001, 5-6), citing a presidential letter, President Clinton's letter to Cambra merely thanked her for her "thoughtful letter" to him (Clinton 2/16/1995). A local newspaper mentioned that Cambra had met "briefly" with the president at the White House meeting in 1994. The paper cited Representative Zoe Lofgren of California as saying in 1995 that "she supports the Muwekma petition. . . ." (Newspaper 1995). Lofgren also wrote to the Assistant Secretary - Indian Affairs "on behalf of the Muwekma Ohlone Tribe" to request a meeting (Lofgren 10/10/1995).

Some Federal agencies have dealt with the petitioning group for certain specific purposes. In 1994 the U.S. Army Corps of Engineers consulted with Rosemary Cambra on a Native American Grave Protection and Repatriation Act (NAGPRA) issue as one of "three Ohlone groups," and addressed her as the chairwoman of the "Muwekma Indian Tribe." The Corps also consulted with Andrew Galvan, apparently as the representative of the "Ohlone Indian Tribe" (COE 1/31/1994). In 1996, the local office of the Department of Energy recognized "the Muekma [*sic*] / Ohlone Tribe" as a NAGPRA "contact" and its chairperson Rosemary Cambra as an official "Native American Reviewer" for the department (DOE 1996).

The petitioner claims that the Advisory Council on California Indian Policy (ACCIP), which was established by an act of Congress, prepared draft legislation "that Congress reaffirm the status of Muwekma as a federally recognized tribe" (Petitioner 2001, 6). The petitioner has not submitted such a document for the record, and cites its location as a non-existent "Appendix B" to its letter. The petitioner also cites a letter by ACCIP

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chair Joseph Saulque as support of this contention. This letter has been submitted, but in it Saulque made no mention of any recommendation to "reaffirm" the petitioner's status, or any mention of draft legislation (Saulque 2/22/1996). The letter, however, did mention that the ACCIP's assistance had been requested by the "Muwekma Tribal Council," thus identifying such an organization.

During the 1990's, the petitioning group has been identified by various city, county, and state governments or government agencies in California. It has collected a series of resolutions of support. In 1992, the San Francisco Board of Supervisors resolved to "support the Muwekma Ohlone Tribe and other California tribes and bands in their efforts to obtain recognition at the Federal level and by the United States Congress" (San Francisco 1992; see also Human Rights Commission 1992). In 1994, California's Secretary of State issued a proclamation to commend and congratulate "the Muwekma / Ohlone Tribe" and all other unacknowledged California tribes "for their efforts to preserve their cultural heritage and to gain reinstatement and recognition by the Federal Government. . . ." (Eu 1994). This carefully worded proclamation praised the groups's efforts without actually endorsing their cause. In 1994, the mayor of the City of San Jose issued a proclamation which stated that the "City of San Jose recognizes the Muwekma / Ohlone Tribe for its efforts to preserve its cultural heritage" (Hammer 5/13/1994). The Monterey County Board of Supervisors passed a resolution in 1994 to "acknowledge and commend" the "Muwekma Ohlone / Costanoan" tribe, and other local groups, "in their effort to obtain formal reinstatement and recognition at the Federal level. . . ." (Monterey County 1994).

Local cities have dealt with the petitioner in various ways. The Department of City Planning of the City and County of San Francisco in 1991 responded to a letter from the petitioner's chairwoman by stating that it would "elevate the concerns of the Ohlone Indian group" into its policy for a South Bayshore Plan (LaBrie 10/10/1991). In 1993, a press release put out by the San Jose America Festival, an event apparently sponsored by the San Jose Downtown Association and the City of San Jose, announced that "the Muwekma tribe" would construct "authentic replicas of their ancestors' homes" and "instruct the public in Ohlone techniques" as part of the festival. It added that there were "currently 300 members of the Muwekma living in Santa Clara Valley" (San Jose America Festival 3/31/1993). In 1994, the mayor of San Jose said that she had been approached in September 1991 by "members of the Muwekma Indian Tribe" to discuss the development of a city policy concerning the reburial of Native American remains (Hammer 9/19/1994).

In 1996, Santa Clara University entered into an agreement with "the Muwekma Ohlone Tribe" in order to establish guidelines for the treatment and reburial of ancestral human remains discovered on its campus (Santa Clara University 1996). A very similar agreement was made later in 1996 with the City of Palo Alto to cover a construction project for a bicycle path and bridge in that city (City of Palo Alto 1996). Unlike earlier contracts between the Ohlone Families Consulting Services and local governments (see County of Santa Clara 1992, 1993), which did not describe the consulting firm as a tribe or Indian group, the agreements made in 1996 were not business contracts for

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archaeological and reburial services with the private firm, but agreements with the petitioning group.

The petitioner contends that the Native American Heritage Commission of the State of California changed its position on "Most Likely Descendants" (MLD) after 1990, and that it "removed the individual Muwekma Most Likely Descendants and formally recognized 'The Muwekma Indian Tribe'," with the exception of Phillip Galvan and his son Andy who continued to be listed as individuals (Petitioner Ex. J, I:91). It says that Rosemary Cambra has been listed by the Commission not merely as a "Most Likely Descendant," but also as a tribal chairperson (Petitioner 2001, A:2). The petitioner does not indicate when this change occurred, and has provided no direct evidence of such an identification. Indirect evidence, in the form of a letter from a staff member of the Commission to a Muwekma council member, however, does indicate that the Commission had adopted a policy by 1997 under which Cambra had been designated as the lone MLD for the members of the Muwekma Tribe, which had been accepted as a "tribal group" (NAHC 4/24/1997).

Several Indian organizations have identified the petitioning group during the 1990's. The petitioner claims to have had membership in the National Congress of American Indians since 1991 (Petitioner 2001, 7), but has not provided evidence to support this contention. An individual member of the Hoopa Valley Tribal Council wrote to the Redevelopment Agency of the City of San Jose in 1991 to urge it to acknowledge "the Muwekma Olone [*sic*] people in sensitive areas of cultural significance" (Sherman 12/13/1991). In 1992, the International Indian Treaty Council wrote an open letter to indicate its support "for federal recognition for the Muwekma Ohlone Tribe. . . ." (Means 4/6/1992). Also in 1992, the 14th International Indian Treaty Conference passed a resolution "to support the Muwekma Ohlone's claim to the Presidio" and to Federal recognition (Indian Treaty Conference 1992). The Confederation of Aboriginal Nations of California wrote to Rosemary Cambra in 1992 to ask her to host a meeting, and addressed her as "Chairwoman of the Muwekma Tribe" (Franco 12/22/1992).

The petitioner cites several examples of external identification by universities during the 1990's (Petitioner 2001, 7). In these examples, the letters were written by individual academics and thus cannot be characterized, as the petitioner does, as identification by a university. Also, these examples were references to Rosemary Cambra as an individual activist, although some of the letters used a tribal address. Professor Lowell J. Bean wrote to inform Cambra that the C.E. Smith Museum of Anthropology intended "to mount a Muwekma exhibit," but he addressed Cambra as head of a consulting firm, not as the leader of a group (Bean 3/13/1992). This museum presented a conference in November 1992 which included a presentation by Cambra and others, but did not identify them other than as individual speakers (C.E. Smith Museum 1992). In 1994, Cambra was invited, as an "environmental leader," to attend a series of seminars at the University of California, Berkeley. Although the invitation made no reference to an Indian group or entity, it was addressed to Cambra in care of the "Mawekma-Ohlone [*sic*] Tribe" (Dobin 8/10/1994). In 1996, Cambra was invited to speak to a class on "Bay Area American

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Indian History" at Stanford by the "co-teacher" of the course. The letter was addressed to Cambra as chairwoman of the "Muwekma Tribe" (Ramirez 4/5/1996).

The petitioning group has been identified during the 1990's by private organizations. In 1994, an organization known as the Association of the United States Army issued a resolution to pledge "its continued support to the effort to gain federal recognition for . . . the Muwekma / Ohlone Tribe," and the other unacknowledged tribes of the state (Association of the U.S. Army 1994). In 1996, Stanford University issued an announcement with invited "members of the Muwekma Tribe of Ohlone Indians" to a reburial of ancestral human remains (Stanford 1996). However, the petitioner's citation of Stanford having renamed one of its residence halls "Muwekma-tah-ruk" (Petitioner 2001, 7, A:4) as an example of identification of the petitioning group cannot be taken seriously. The petitioner cites this as an example of identification by an Indian organization, which the university is not. The relevant newspaper clipping indicates that the name was chosen by the residents of an Indian theme house, not by the university. The article suggests that the name was chosen as an Ohlone word, but not from an association with the petitioner's organization (Newspaper 1990).

The Petitioner cites four obituaries published since 1982 as external identification because of their references to "Ohlone Indians" (Petitioner 2001, 10). Three of these four obituaries have been submitted by the petitioner, but not the 1986 obituary for Trinidad Marine Ruano. An obituary for Dolores Marine Galvan, who died in 1982, referred to her as "a descendant of the Ohlone Indians" (Newspaper 1982). This reference identified Galvan as an individual of Indian ancestry, but its reference to the Ohlone Indians was to a group which had existed in the past. This obituary did not identify a contemporary Indian group or entity. A 1996 obituary for Dolores Sanchez, by contrast, referred to her as a "tribal elder" and to her daughter as "chairwoman of the Muwekma Ohlone tribe" (*San Jose Mercury News* 8/24/1996), while a 1996 obituary for Robert Corral stated that he "was a member of the Muwekma / Ohlone Tribe" (Newspaper 1996). These 1996 obituaries explicitly referred to an Indian entity in existence at the time of publication, and explicitly identified the petitioner's organization.

Although the petitioner as a group, as distinct from a business firm or individual, has been consistently identified by a variety of external observers since 1985, these observers have described the petitioner in the present without linking it historically to a Verona band or the Mission San Jose. A few sources offered inaccurate historical retrospectives based on the petitioner's contemporary claims, not its actual history. A San Jose newspaper in 1985 said that the "Muwekmas are the Ohlones who made the Santa Clara Valley their home until the 19th century" (*San Jose Mercury News* 9/13/1985). In 1993, that paper reported that the group had "a registered burial site" on a tract of land south of San Jose (*San Jose Mercury News* 3/3/1993). When some local military bases were designated for closure, an Indian organization described San Francisco's Presidio as the "traditional lands" of the Muwekma Ohlone (Means 4/6/1992). The San Francisco Board of Supervisors in 1992 called the petitioning group the "aboriginal Native American Tribe of San Francisco" (San Francisco 1992). In contrast to such statements, the petitioner's documentation for the decade following 1985 contains only one external

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source, the San Jose America Festival, which linked its identification of the petitioning group with a statement of the group's derivation from the "last Ohlone settlement, located near Pleasanton. . . ." (San Jose America Festival 3/31/1993).

### **Criterion (b)**

#### §83.7(b) as modified by §83.8(d)(2)

The petitioner is here evaluated under §83.7(b) for the present-day because they have qualified to be considered under §83.7(b) as modified by §83.8(d)(2), for previously acknowledged petitioners. Unlike petitioners not previously acknowledged who must show continuous existence of a community from the point of first sustained contact with non-Indians, this petitioner must only demonstrate that they exist as a community in the present-day.

#### Meaning of Present Day Community

To understand community issues involving cause and effect, or social processes, and to have a comprehensive body of data to analyze, the present-day community covers at least ten years before the date when the petition was considered complete and put on the list awaiting active consideration. In this case, that period would cover 1988 to 1998. In practice, some issues of social organization and community are better understood when the community is described in earlier years also, so that the evaluation may include the evolution of the current leadership, factions, and/or subgroups, and the introduction of current issues, methods of governance, sequences of decision-making, etc. Therefore, the analysis of criterion (b) under §83.8(d)(2) has sometimes been extended backward twenty years or even more.

In this case, the people most active in the petitioning group were first identified while asserting their claims to participate in repatriation and reburial in 1984. This is also the approximate time the petitioner identifies as the beginning of the Ohlone Families Consulting Services (OFCS). This cultural resource management firm played a role in the modern establishment of the petitioner. Therefore, 1984 will be the start date for the evaluation of the present-day community under §83.7(b) as modified by §83.8(d)(2).

#### Background

The petitioner's current composition is primarily made up of the descendants of two women, Maria Erolinda Santos (1898 - 1963) and Avelina (Cornates) Marine (? - 1904). Almost all of the membership descends from one of these women. Many references to these women are made throughout this report, so background discussion may help the reader. A short overview of their relationships to the previously acknowledged band

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follows. Because Santos was only six years old when Marine died, interactions between Santos and Marine's children or Marine and Santos' parents, aunts and uncles would indicate that these families had crossed paths historically. This discussion is only meant to provide a foundation to the description of evidence relating to the community at present. The petitioner is not required to demonstrate that Santos and Marine participated in a historical community to meet §83.7(b) as modified by §83.8(d)(2).

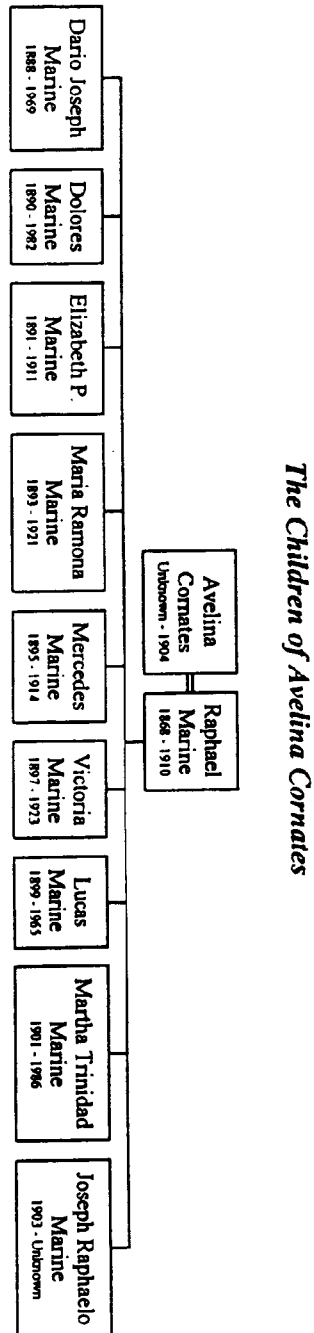
Maria Erolinda Santos lived at Niles with her father George Santos and mother Peregrina Pinos Santos. She is probably shown, but unnamed, on the Kelsey Census of Niles in 1905/06. She had sons by four different fathers, according to the petitioner. (See Description and Analysis of the Evidence for (e) for a discussion of her children's parentage.) She died in 1963. Her mother's sister Margareta Pinos Juarez included both Erolinda and her children on her own claims application in 1932. About 100 descendants of Maria Erolinda Santos joined the current petitioner after 1995; none had officially joined before then.

Unlike Maria Erolinda Santos, Avelina (Cornates) Marine had just died in 1904 before Kelsey's census was compiled, and neither she nor any of her children were on it. At her death, she left nine children and her foreign-born husband, who would die only six years later. It is unclear who her parents were. After her death, little contemporary evidence was submitted which places her children with others who were identified as part of the Pleasanton or Niles Indian communities. Records did not show Avelina (Cornates) Marine godparenting other Indians' children. One woman named Jacoba had godparented Mercedes Marine. Both Dario and Mercedes appeared on the 1910 census of "Indiantown" in Pleasanton township. They resided with or near to Mercedes' godmother Jacoba. In addition to Jacoba godparenting Mercedes Marine, only one other of the Marine siblings had an Indian godparent. Joseph Rafael Marine's godfather was Joseph Binoco, who appeared as Jose Wenoco on the Kelsey census in Pleasanton. Joseph Rafael Marine may have died as a child, as he has no descendants in the petitioner.

Recollections by Marine children made in the 1960's described the family's movements before their mother's death. Avelina (Cornates) Marine's oldest daughter Dolores (Marine) Galvan, was born in 1890. In a 1965 newspaper interview, she stated that her family had left the Mission community when she was a child. She said, "My father did not want us to be raised in the Indian ways so he took us out to Livermore. There were a great many Ohlones around the Mission then" (Newspaper 1965). The condition of the Indian residents of Alameda County during this period was described by Indians and others as difficult. Mrs. Galvan said in the 1965 interview, "... it was a wild country. People used to get drunk and really unwind. They used to kill one another. Oh, it was terrible" (Newspaper 1965).<sup>1</sup>

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<sup>1</sup> Reports of fights and brawls were corroborated in contemporary newspaper articles submitted by the petitioner. However, court documents which would have named the individuals involved were not submitted. If located, such documents may contribute more factual information to what is currently known about Niles and Pleasanton, including the names of residents and their relationships to one another.



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Galvan, herself, remembered visiting the Alisal rancheria in Pleasanton for Indian ceremonies and events, which indicates that her family had some interaction with the Pleasanton rancheria. (This is not the same community of Niles where Maria Erolinda Santos' family was enumerated living in 1905/06.) Galvan described the rancheria:

When she was a girl, she remembers, she was brought down to Fremont to visit. Many of the Indians lived up on the rancheria between Pleasanton and Sunol and there was an underground enclosure called a 'roundhouse' where gatherings were held, she says.

"It was made out of mud, a great, big thing underground that held more than 100 people. It was nice and dry and there were holes in top to let air and fir smoke out."

"They'd get together once a month there and sleep and hold ceremonial dances. We wore beaded and feathered costumes and had music from a wooden drum made out of hides. Some people even had violins and accordions."

"Our tribal relatives used to come down from Tuolumne and ask help and trade. They'd come dressed in feathers and plumes and skins. . ." (Newspaper 1965).

Her reference to Tuolumne relatives is not explained in the petition. On the same date as Galvan was cited in the newspaper, interview notes quoted her older brother Dario Marine. He also described the rancheria's "eleven *casitas* with the *temascal* in the center. In the *temascal* various ceremonies were held" (Cornate family history, n.d.). These childhood remembrances by the two oldest Marine siblings probably dated to the 1890's, when Dario and Dolores would have been between four and twelve years old, or 1892 and 1900. The Marines were rarely named in early 20<sup>th</sup> century documents submitted by the petitioner, probably because they did not live in Niles or Pleasanton.

The grandchildren of Avelina (Cornates) Marine were born from about 1910 through 1940. However, 25 out of a total of 39 grandchildren, were born before 1920. The evidence submitted showed that approximately five of the grandchildren born before 1920 had a godparent who had appeared on the Kelsey Census or the 1910 "Indiantown" census. One grandchild, who was born in 1912 to Mercedes Marine, had Phoebe Inigo as a godmother. Inigo appeared herself on the 1910 Federal Census of "Indiantown," as did Mercedes. One of Ramona Marine's children had Francisca Guzman as a godmother. She was listed on the Kelsey Census at Pleasanton.<sup>2</sup>

Three of these five children were born to Dario Marine and Catherine Peralta. Dario

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<sup>2</sup> The petitioner has identified some other of the godparents in this generation as Indians, but some of these identifications have not yet been accepted by the BIA genealogist.

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Marine was on the 1910 Federal census of Indiantown and his wife Catherine was on both censuses at Pleasanton. Thus four out of five of these examples of godparenting by individuals on the Kelsey or Indiantown censuses were for the children of Dario and Mercedes Marine, the only Marine siblings to appear on either census. Because these baptisms took place primarily between 1910 to 1920, the relatively low rate of godparenting by individuals known to be on the Kelsey and "Indiantown" censuses of Avelina's Cornates Marine's grandchildren indicates that her children, other than Mercedes or Dario, may not have been closely associated with the Verona Band during the time of previous acknowledgment.

In addition, three children of Ramona Marine had Margarita Pinos as a godmother. Pinos cannot be definitively placed on either the Kelsey census or the 1910 Federal Census of "Indiantown," although the BIA genealogist has accepted the petitioner's claim that she is on the Kelsey Census as "Marthelina" in Pleasanton. In 1910, Ramona Marine is 17, living with her non-Indian father in Pleasanton Township. Her race is enumerated as "W" and she does not appear on the "Indiantown" census. She and Margarita Pinos were accepted on the 1933 California Indian Roll, as were the Marine grandchildren. Pinos applied on the same day in 1932 as most of the Marines. Two years later she is said to have adopted one of Victoria Marine's grandchildren. Margarita Pinos had no children, herself. As the granddaughter of Maria Soledad Castro, she provides a link between her adopted children and godchildren and the Santos and Armija families. However, her role in caring for Avelina's grandchildren has not been well documented and her connection to the Verona Band is also not clear.

Other evidence was not provided to describe the context of the Marine family's relationship to the previously acknowledged tribe although a substantial portion of petitioner's members descend from the Marine siblings not listed on the Kelsey census or the 1910 Federal census of "Indiantown." The Marine children were not interviewed by linguists Harrington or Merriam, which may indicate only that they did not speak an Indian language.

Other documents may link the Marine siblings to Pleasanton, but they were not submitted. Court documents were not submitted. No obituaries from the early decades of the 1900's were submitted. School records were not submitted. No transcripts or notes from recent interviews with Indians and non-Indians discussing the early 20<sup>th</sup> century were submitted. No civil death records or birth records were submitted which could have provided information about residence and occupation. Payrolls or other documents from ranches, orchards, and vineyards which could possibly show migrant labor patterns were not submitted.

The majority of the petitioner's current members descend from Avelina (Cornates) Marine and her husband Raphael Marine. Some 98 percent of the 1995 membership basically descended from three of the Marine siblings, Ramona Marine, Victoria Marine and Dolores Marine. A few of Victoria Marine's descendants who also descended from

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Dolores were on the 1995 membership list.<sup>3</sup> Ramona, Dolores and Victoria did not appear on the 1905/06 Kelsey census or on the 1910 Federal Census of "Indiantown." On the petitioner's current role are 56 descendants of Mercedes Marine, enumerated at Indiantown in 1910. None of the descendants of Trinidad Marine are on the current role, although a large group of her descendants are known to state, local and regional park officials. Descendants of Dario Marine, also enumerated at Indiantown in 1910, joined the petitioner's membership after 1995.

One of the 1932 claims applications submitted by the petitioner shows a descendant of Avelina (Cornates) Marine, her son Lucas Marine, witnessing for Maggie Juarez (Margarita Pinos Juarez), the aunt (mother's sister) of Santos. Included on Juarez's application form are Maria Erolinda Santos and three of her children. This is the only document showing a connection between the Santos and Marine families between 1927 and 1965. In 1965 descendants of both women are listed among "Ohlone Contacts" by an arm of the American Indian Historical Society. No other documents show members of these two families together on a record until 1995, when the Santos descendants sign in at a December meeting of the petitioner. The discussion below will refer often to the two groups of descendants from these two woman as the "Santoses" and the "Marines."

#### Evidence under §83.7(b) for the present-day

The petitioner submitted as their primary evidence under §83.7(b) a survey of members' participation in godparenting, funerals, weddings, and other activities with one another. This evidence, depending on the levels of interaction shown by the survey, could be evidence under §83.7(b)(1)(ii), "significant social relationships connecting individual members," or §83.7(b)(2)(iii), "at least 50 percent of the group members maintain distinct cultural patterns such as, but not limited to language, kinship organization, or religious beliefs and practices." If evidence under (b)(1)(ii), the petitioner would also have had to provide other forms of evidence or supporting evidence to meet §83.7(b). If the petitioner had met 83.7(b)(2), no supporting evidence would be required as that level of evidence would be considered sufficient in itself to meet the regulations. The petitioner did provide additional information in the form of an analysis of residence patterns for their membership.

The petitioner holds that they meet the criterion in §83.7(b) at more than a minimal level, which refers to the kinds of evidence listed at §83.7(b)(2) (Petitioner 2001, 24). To meet 83.7(b) at more than a minimal level, the petitioner must demonstrate any one of the following: that more than 50 percent of the members resided in a geographical community, that at least 50 percent of the members are married to other members, that 50 percent or more of members maintain distinct cultural patterns, or that there are distinct institutions incorporating most of the members.

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<sup>3</sup> Ramona (76) Dolores only (12) Victoria only (62), Dolores and Victoria (13) = 163

## Muwekma: Proposed Finding - Description and Analysis

### An Evaluation of the Petitioner's Survey

To show levels of interaction incorporating a predominant portion of the membership, the petitioner undertook a survey to find out with whom its members interacted. They were especially interested in godparenting which they felt was an important social institution for their members in both past and present. In June 1998, the petitioner submitted Exhibit K, a "Supplement to the Muwekma Tribal Petition," which they entitled "Muwekma Ohlone Tribal Social Networking: Data on Social Interactions and Genealogical Relationships Among Members of the Muwekma Tribe." These documents were in "Response to the June 30, 1997, and October 10, 1996, TA letters prepared by The Branch of Acknowledgment and Research, Bureau of Indian Affairs. . ."

The survey apparently asked members about godparenting, funeral, and wedding attendance. It also questioned them about participation in the petitioner's activities and social activities in general. It inquired how respondents kept informed about what was happening in meetings and petitioner activities. The respondents were asked to name individuals with whom they interacted. These interactions appeared to refer both to actual situations and to general everyday relationships. Other questions concerning general relationships required the respondent to name a close friend or the person generally supplying them with information about the petitioner or their meetings.

The petitioner did not submit copies of the "interview form" or transcripts of interviews, which the BIA would have used to evaluate their methodology and appraise their handling of the data. They submitted only an abstract of the data with little accompanying explanation. The petitioner states, "The personal genealogical and interview data cited in the individual notes for current Muwekma members' entries must remain confidential" (Petitioner Ex. K, I). For this reason, the BIA does not have any information on how questions were phrased, nor on how the survey was designed and applied. Did individuals fill in their own forms, parents and grandparents fill in forms for their younger relatives, or interviewers fill in forms? Because the original forms were not submitted, any notations or explanations which may have been written on them were also not submitted.

In addition, the petitioner did not submit the instructions which may have been supplied with the forms. Variation occurred in filling out the forms. Some individuals included their own children or parents; others did not. Some respondents referred to events that had occurred fifty years ago; others did not. Some respondents included individuals who were no longer living; others did not. The petitioner emphasized that responding to the questionnaire was voluntary. Some of the group's council members did not respond. Also their family members did not respond. Stockton area residents and Santos descendants participated at a higher level than did others.<sup>4</sup>

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<sup>4</sup> Other documents in the record from this period refer to a workshop led by Kathy Perez in Stockton. This workshop had the purpose of helping individuals fill out the form.

## Muwekma: Proposed Finding - Description and Analysis

The data were abstracted from the survey forms and entered into a database. The document submitted to the BIA was a printout from this database. Some problems occurred during this entry process, as a number of obvious mistakes appeared in the printout submitted to the BIA. For example, younger individuals responded that they had attended funerals before their birth, and other impossible claims were made. The names of two women prefaced by the appellation "grandmother" repeated on many entries, including the entries of people who were not their grandchildren. On occasion, non-Muwekma were identified as part of the petitioner's group.

Some 36 members, or 9 percent of the membership, responded. These responses were not representative of the membership because a few families were over-represented. For example, the Pena, Corral, Perez and related families descending from Maria Erolinda Santos represented 23, or 50 percent, of the respondents.<sup>5</sup> They make up 25 percent of the membership submitted by the petitioner. The remaining 23 respondents descended from Avelina (Cornates) Marine. Almost one half (11 individuals) of the Marine respondents were named Massiatt/Lents, and basically represented a single family. This family represented three percent of the total petitioner membership, but just under thirty percent of the people surveyed. The number of respondents is so small and unrepresentative, it cannot be used to describe a pattern or network of interaction characterizing the petitioner's membership as a whole.

This data set could be used to reveal whether any of the individual respondents reported personal networks which extended to the various families in the petitioner's membership. Practically none of the personal networks of these 36 individuals extended beyond their own extended families. Parents' siblings and first cousins were highly likely to act as godparents. No instances of godparenting for other petitioner members who were outside of one's own extended family were reported.

The respondents represented two of the four main families in the petitioner – the Marines and the Santos. Reports of interactions between Marine descendants and Santos descendants were rare. In fact, all but one of two such interactions were recent and involved the 1996 funerals of Robert Pena Corral and Dolores Sanchez-Franco. The division between these two extended families was well illustrated by the petitioner's printout. Individuals' names are printed in either tan or blue colored ink. Blue represented the Marines, and tan represented the Santos. Each respondent had an entry devoted to their replies. An entry which included names printed in both blue and tan would theoretically indicate that the respondent interacted across the Marine and Santos divisions.

Entries containing both blue (for Marines) and tan (for Santos) names occurred in seven, or about 23 percent, of the entries. On closer inspection, however, an apparent mistake had caused Mary Archuleta and Lupe Massiatt to be listed erroneously in several Corral entries. These errors were immediately picked out because family relationships were

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<sup>5</sup> Several of the Marie Erolinda Santos descendants have also signed a letter of intent from another petitioner.

## **Muwekma: Proposed Finding - Description and Analysis**

given for Archuleta and Massiatt which were not accurate, making them grandmothers to several Corral-Pena individuals with whom they have no close kin relationships. In addition, it appeared that the names of some individuals who are not part of the petitioner were given in response to some questions. Their names appeared in blue ink, implying that they are Cornates, when they were not even on the petitioner's roll. These critical mistakes were probably caused by a data-entry error or a glitch in a database program. Such mistakes suggested that the abstract of the data made by the petitioner may be unreliable in other areas. The actual number of respondents who reported interacting even once across the Santos-Marine family division were only one or two, or fewer than six percent.

Within each line, interactions were reported primarily between close relatives, including parents, siblings, children, and grandparents. Individuals also reported, but less frequently, interacting with first cousins, nieces, nephews, aunts and uncles. Finally, a few individuals also reported interacting with more distant relatives such as second cousins, great-aunts and uncles, their children and grandchildren, and great-grandmothers. Individuals did not report interacting between the major families (e.g., the Santos and the Marines) or with sub-families outside of their own. The data submitted in Exhibit K does not demonstrate high-levels of interaction among the petitioner's present-day members, outside of their own extended families.

### **The Petitioner's Analysis of Residence Patterns**

The petitioner submitted a series of maps showing where their members reside in the present-day. They argued that the maps showed that their members lived in four counties within fifty miles of San Jose. The petitioner did not argue, and this map did not indicate, that any location existed where "more than 50 percent of the members reside[d] in a geographical area exclusively or almost exclusively composed of members of the group," as provided at §83.7(b)(2)(i). The requirements of using this type of geographical evidence have been explained in the official guidelines for the regulations and elsewhere. (See reconsidered decision, Ramapough Mountain Indians.) Such a distribution means that "exclusively or almost exclusively" would refer to a "village-like setting."

The actual pattern of residence of the petitioner's membership is that they live widely dispersed throughout some four counties in central California, where they are geographically integrated among several million non-Muwekma who are not part of the petitioning group. There is no way that this distribution may be interpreted as a "village-like setting." The widely distributed population found for this petitioner does not allow evaluators to presume that the members are in close contact with one another and interacting intensively, as would be the case if they lived in a village, segregated neighborhood or rancharia.

Because the survey and residence pattern analysis was not successful in providing evidence to meet criteria §83.7(b), utilizing evidence that is sufficient in itself to meet

## **Muwekma: Proposed Finding - Description and Analysis**

83.7(b)(2)(iii), an evaluation under 83.7(b)(1) must be made to determine if actual interaction occurred among the petition members at a level to meet 83.7(b) for community under the regulations.

### **The Petitioner's Extended Families**

The survey data analysis precipitated understanding about the composition of the petitioner's families. The petitioner's important families are large and multi-generational, often tracing to an important matriarch who married several times and had many children. The survey at first seemed to cover two complex extended families, which displayed similarity in form. The two families which were first identified from the survey data lived in or near Stockton in the Central Valley. But soon other historical and present-day families were also identified which displayed this form. Similarly composed families were located in Santa Clara and Alameda Counties.<sup>6</sup>

Members of these extended families interact over several generations. For example, a number of godparents were second cousins, and respondents reported interacting with third cousins, great-aunts and uncles, etc. However, the interaction reported by individuals in these surveys was almost exclusively within these extended families. No cases of godparenting outside of one's own extended family were reported, although two cases of godparenting were reported in which the godparents could not be identified from among the petitioner's membership. They may have been non-Indian in-laws.

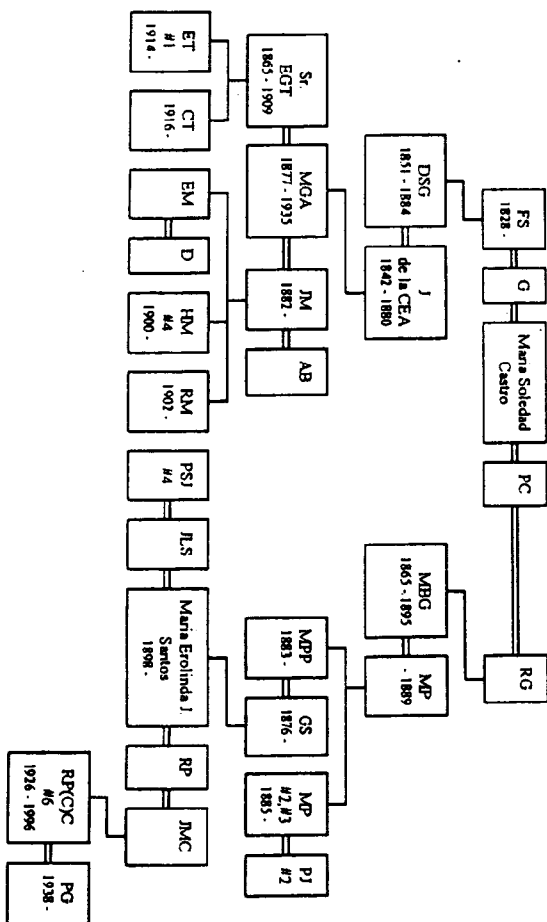
The petitioner claimed that marriage combined with godparenting creates cross-cutting connections for the petitioner's members. The petitioner's survey, although limited in application, showed that parent's siblings and their spouses — a married couple — often godparented a child. If today marriages were occurring between the group's various extended families, affinal ties would clearly create a network of obligations among families. If the petitioner's members were marrying one another, the practice of godparenting one's siblings-in-law's children would create binding ties among different families. However, they do not marry into the other petitioner families in the present day. The ties created by the godparent-godchild relationship tie together family ("blood") kin and non-petitioner ("in-law") kin.

There is some evidence that the extended family organization identified in the survey has been typical of the petitioner for several generations. One elderly man who has been disabled since childhood descended from the Armija family. Although he had no descendants himself, he now appears to interact with Santos descendants who live in Stockton at present. He reported that he attended their funerals as early as 1963 and as late as 1996.

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<sup>6</sup> The composition of Niles and Pleasanton also included some multigenerational extended families.

*Kin Relationships among Individuals Caring for Disabled Relative: Maria Soledad Castro Descendants*



Disabled Man (ET) - 1      Partially raised ET - 2  
 Gifted ET's brother - 3  
 Housed ET 1933 document - 4      Housed ET 1935 document - 5  
 Housed ET 1908 document... 6

## **Muwekma: Proposed Finding - Description and Analysis**

Correspondence from the 1950's concerning this man showed that he was living then with his sister and other siblings, who had few descendants themselves. He and his siblings shared a great-grandmother (Maria Soledad Castro) with Marie Erolinda Santos, his second cousin. Therefore, as a child he would have been part of the extended family founded by Maria Soledad Castro. His relationship with Maria Erolinda Santos' descendants has been maintained through several generations. This man's situation is unique in the petitioner. His longevity, his disability, and lack of descendants (or closer relatives) may explain in part why he has maintained significant contact with his second and third cousins since childhood, and why they continue to include him as part of their family. Their continued attachments would appear to be a remnant of a 19th century extended family headed by Maria Soledad Castro.

The extended family appears from the survey evidence to be the basic social building block for the petitioner's members. To meet the acknowledgment regulations, patterned interrelationships among these families tying together the petitioner's members is required to demonstrate that the petitioner meets §83.7(b). The godparenting and other data from the survey did not provide evidence that showed these families interacting on a broad basis under §83.7(b) as modified by §83.8(d)(2). Therefore, a review of other evidence submitted by the petitioner for meeting the criteria will be evaluated below.

### **Other Evidence and Arguments Submitted by the Petitioner and Evidence for Actual Interaction**

The discussion of evidence under §83.7(c) below describes in detail the chronology of public activities and events involving the petitioner since 1984.<sup>7</sup> Little evidence referred directly or indirectly to a community behind the purported leadership and their public activities. Whether or not an entity existed behind the current official leadership was key to understanding whether leadership existed under the regulations. This is because the regulations have required that petitioners demonstrate not only that they can identify leaders within their ranks, but also that these leaders actually influence a broad base of members, who in turn influence the leaders through political and social processes. This requirement ensures that a self-appointed leader does not seek acknowledgment without the knowledge of those people whom he or she purports to represent and without their active support. The more that the petitioner's members interact at myriad social functions, during informal get-togethers or in community institutions such as churches, places of entertainment, neighborhoods, or schools, and through personal communications of whatever kind, the more likely it is that the leadership's activities are well known to the petitioner's members, and the member's views are known to the petitioner's leaders.

From 1984 to 1985, the evidence revealed actions by only a small family devoted to establishing its place in the competitive archaeology monitoring business by establishing the Ohlone Families Consulting Services (OFCS.) Documents did not refer to a larger community on whose behalf they worked. Evidence of this business venture soon

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<sup>7</sup> Readers may want to read the report for §83.7(c) before continuing on with this report.

## **Muwekma: Proposed Finding - Description and Analysis**

dropped off, as reflected in the record of submissions. The petitioner submitted no contemporary documents for either 1986 or 1987 and very few records for the years 1988 and 1989. None of these records indicated that a community which was the petitioner existed behind the public actions discussed in these documents.

In 1990, the documents referred to an organization named Muwekma Indian Cultural Association, or MICA, which was not an archaeology monitoring business. However, despite the similarity in name between this organization and the petitioner, no evidence about the organization indicated that it was a community of people associated with the earlier OFCS or the future petitioner. The people who were named involved with MICA included non-Muwekma.

Neither OFCS nor MICA represented a community. OFCS was exclusively an archaeological monitoring firm run by the family of Dolores Sanchez. The documents do not demonstrate that anyone else was involved with this group. MICA, on the other hand, appears to have been an attempt to create a pan-Ohlone organization. Its main function may have been to support acknowledgment petitions. Its meetings included various researchers who have continued to be involved in petitioner research. The topic of discussion was acknowledgment. Its name appeared in the record just after the petitioner's letter of intent was submitted to the BIA in 1989. Any reference to MICA in the petition disappears after 1991.

The petitioner submitted photographs taken in 1990 with recent captions of an event they later referred to as Filipe Galvan's "gathering." Filipe, sometimes referred to as "Philip" was a son of Dolores (Marine) Galvan, one of Avelina's Cornates Marine's children. The petitioner did not submit detailed information about the event. Only fifteen people appeared in the photograph, and they seemed to represent two families: the Galvans and the Sanchezes, all of whom descend from Ramona or Dolores Marine. The people in the photograph represent only a small portion of the petitioning group, and they are not representative of the membership.

The petitioner would later imply, in 2001, that this 1990 event signaled a healing of the Marine family. It is true that, to this point, the petitioner's materials have exclusively dealt with the children and grandchildren of Dolores Franco-Sanchez, a daughter of Ramona Marine Sanchez, also one of Avelina's children. This gathering joined individuals descending from three of Avelina's children: Dolores, Ramona and Victoria. This is the first time that these descendants of Avelina Cornates appear together in petition documents.

However, it was not until two years after the gathering that some of the Galvans began to participate with the Sanchezes in activities of a group which would evolve into the current petitioner. Between 1990 and 1992, virtually every document showing any activity named only Rosemary Cambra (a Sanchez descendant), until 1992 when Hank Alvarez and the family of Jennie Galvan began to interact with the Sanchezes. Until 1992, however, with the exception of the people named at Philip Galvan's gathering, the Sanchezes were the only people named. Because the evidence shows the participation of

### **Muwekma: Proposed Finding - Description and Analysis**

the Sanchez family only, the interaction is not broad-based to include the people who are in the petitioner today, and does not provide evidence that a community existed in 1992.

In late 1992, other Ramona Marine descendants, including the Rodriguezes, showed up in the record working on archaeological digs. These crew members were Rosemary Cambra's sister and her family. The consulting business had obtained some contracts and more individuals were named. They appeared to be the siblings of individuals already involved, including both Galvan and Sanchez siblings, such as Julia Lopez and Dotty Lamiera. Non-Muwekma also appeared often in the record. A newsletter article discussed two Marines who were part of a Miwok dance troop, but nothing in the record indicates that the Miwok dancers were participating in the petitioner's activities at this time. These dancers would join the petitioner after 1995.

The first time that the record shows a non-Marine attending an event of the petitioner is in December 1995, when descendants of Maria Erolinda Santos sign in at an "Annual Meeting." Four of her descendants had also been listed on the membership list submitted to the BIA, dated January 15, 1995. But the first documentation of their actually being in the same place as the Marines does not occur until the end of that year. After 1995, the petitioner's population appears to double.

The accompanying section of this Description and Analysis of the Evidence submitted for criterion (c) details the evolution of the petitioner's 1984 membership, comprised of a small group of close relatives representing a single "core family," as defined by the petitioner, into a larger grouping of people from the same "core family" in 1995. All of the people who were actually shown in the evidence submitted interacting in photographs, sign-in sheets, council minutes, etc., involved with the petitioner from 1984 through 1994 descended from sisters Ramona, Victoria, and Dolores Marine. These sisters are daughters of Avelina (Cornates) Marine, who had nine children and died in 1904. The subgroup of people from this "core family" group who were actually participating was also quite small, under 20. Some 120 others were listed on the 1995 membership list, but no evidence was submitted to show that they actually interacted with each other or were connected in a community.

Some descendants of the previously acknowledged band, whose members have been identified through proxy (see "Description and Analysis of the Evidence" for criterion (e)) from the Kelsey census of 1905/6 and the 1910 Federal Census of "Indiantown" are not part of the petitioning group. They have been identified by the petitioner or self-identified in the documents submitted by the petitioner. These include the families of Andrew Galvan and Ruth Orta, both of whom may be involved in archaeological site monitoring. Non-Marines, including Katherine (Corral) Perez, and perhaps Kenny Marquez<sup>8</sup> and others, also claim to be doing site-monitoring. None of these individuals or their families are part of the petitioner's group, with the exception of Perez, who,

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<sup>8</sup> Kenny Marquez was quoted in newspaper articles in the 1980's as an archaeological contractor. The petitioner in 1995 asked its membership if any knew the whereabouts of the Marquis family. Whether or not these Marquises are related is not known.

## **Muwekma: Proposed Finding - Description and Analysis**

between 1996 and 2001, was part of the petitioner. Some of their close relatives are involved, including Andrew Galvan's sister.

The petitioner argues that the reasons for the fragmentation between families may be a result of California repatriation and cultural heritage laws which would seem to encourage individual, rather than group, application for Most Likely Descendant (MLD) status, a designation bringing economic advantages. However, the petitioner did not submit documentation to indicate that informal interaction and social organization existed outside of the structure of one of the consulting firms, namely the Ohlone Families Consulting Firm, before 1995. The primary owner of this business was originally Rosemary Cambra, the petitioner's chairwoman. The petitioner argues that their current organization coalesced around the consulting firm which was closely associated with a small group of close relatives.

Thus, to 1995, when the first membership list was submitted to the BIA, the petitioner was for all purposes, comprised of the descendants of a single family involved in an archeological monitoring firm. In addition, the evidence indicates that the patterns and incidence of interaction among the group's purported members was limited to a very small group of individuals. However, after 1995, new lines of descent from the previously acknowledged tribe showed up not only on the membership list, but also participating with the original group of Marine descendants.

In 1995, the petitioner's population, as documented by the membership list, suddenly grew, and would double within three years. Later membership lists reflect this growth. People not known to be related to the Marines, and people descending from children of Avelina (Cornates) Marine not involved with the group before 1995, were added to subsequent lists.

Qualitative analysis of the submitted data demonstrated that the participation of individuals from the Marine family occurred between 1984 and the present, but all other families began interacting with the petitioner only in late 1995.<sup>9</sup> The BIA anthropologist created a database. Names, activities of individuals, dates of activities, places of activities, etc., mentioned in the documents submitted by the petitioner were entered into this database. Some 2,000 instances of individuals being mentioned by name were entered into the database. These 2,000 entries were taken from the submissions of the petitioner, most dating after 1990. The individuals' names were taken from the letterhead, newspaper articles, contracts, minutes, newsletters, letters, photograph captions, and any other document which would name individuals involved with the petitioner's activities.

The anthropologist then inserted, by cross-referencing the petitioner's Family Origins genealogical database files (which BIA converted into Family Tree Maker for Windows, or FTW), the base ancestors of the individuals named in the documents, very often

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<sup>9</sup> Four members of the non-Marine Thompson family were on the 1995 list submitted by the petitioner but no indications that they were participating were found.

### **Muwekma: Proposed Finding - Description and Analysis**

Avelina (Cornates) Marine or Maria Erolinda Santos. Some wrong attributions may have occurred due to name duplications (three and four people with the same name). The context in which the name appeared, birth and death dates, etc., informed the analysis for individuals with duplicate names. Other names were not in the database because documents had been submitted mentioning individuals who were not Muwekma members or their ancestors.

In the submitted documents, approximately 832 mentions of Avelina (Cornates) Marine's descendants' names occurred between 1990 and 1999, almost all the descendants of two of her daughters, Dolores and Ramona Marine. This analysis showed that the petitioner's modern organization before 1996 primarily encompassed a select group of Avelina (Cornates) Marine's descendants, specifically the descendants of two of her daughters.

Other families appeared for the first time in the modern petitioner's records in 1995. Beginning in late 1995, mentions of descendants of Avelina (Cornates) Marine's children, who married two women from families living in Pleasanton in 1905/06 and on the Kelsey census ("core family lines" "4" and "5" in the petitioner's analysis). Their names appeared in the record 41 times. Additionally in 1995, an extended family which descended from Maria Erolinda Santos first appeared on records for the modern period, except for a brief 1966 citation (family lines "6", "7", "8", "8A", and "9" in the petitioner's analysis.) Between 1995 and 1998, the names of Maria Erolinda Santos descendants appeared 139 times.

As the qualitative discussion and the quantitative analysis demonstrate, the petitioner did not submit evidence to show that representative proportions of the petitioner's current membership participated in the petitioner's activities, especially before 1996. Until 1996, the petitioner was comprised almost exclusively of Ramona Marine's descendants and parts of Dolores and Victoria's descendants, all of whom descend from a single Indian woman named Avelina (Cornates) Marine. Their activities in an archeological resource firm (OFCS) were undertaken as a family, which does not indicate that a community existed of which this family was a part. Only after 1995 did other families join the petitioner's organization.

It is unclear whether the post-1995 changes to the membership lists represent increasingly accurate accountings of people who have interacted in a community even before 1995 but who just did not appear on the lists, or whether additions to the list are new people who have not been associated with one another or the petitioner's members for generations. The latter interpretation appears more accurate or likely for the following reasons.

First, the kin background of the people appearing on the membership list before 1995 was the same as the kin background of the group shown actually interacting with one another before 1995. When only Marines were shown interacting in the documents, only Marines were listed on the 1995 list. Before 1995, no individuals who were not on the 1995 membership list were identified actually participating in petitioner functions such as archaeological digs, repatriation ceremonies, council meetings, etc. This data would lead

### **Muwekma: Proposed Finding - Description and Analysis**

one to believe that the 1995 membership lists reflected the actual membership of the petitioner and were essentially a fairly complete record of families associated with the petitioner at that time. In addition, the sequence of numbering on the membership list reflects the order in which families appeared at annual meetings, on council, etc. Second, the growth of the petitioner follows announcements in the petitioner's newsletter asking if any members know the whereabouts of certain people. This would imply that the petitioner was searching for members from distant relatives with whom they had lost touch. Third, people talked about their group coming together after being separated. Based on these findings, no evidence exists that the majority of current members had anything to do with, or were part of, the petitioner's community as recently as 10 or 15 years ago.

The evidence demonstrated that the petitioner before 1995 focused on historical preservation and many commemorative events sponsored by municipalities, neighborhood associations, and others. The evidence showed that small numbers repeatedly participated in symbolic displays of their Indian heritage for non-Indians, rather than interacting as an Indian community for their own community's defined reasons. Purely symbolic displays of Indian heritage have not been considered in past decisions as evidence for community. In this case the limited set of individuals participating indicates that the events were not significant to a large proportion of the petitioner's members.

The petitioner claimed that members were informed of events by newsletter, bulletin, and telephone tree (Petitioner 2001, 24). Although recently a newsletter appears to go out sometimes, it is unclear what "bulletin" refers to. No evidence of the existence of a telephone tree was submitted. In fact, the uneven response to the survey would indicate that if a telephone tree exists, only small branches of it are actually working – those incorporating the people who responded to the survey such as the Massietts and Corralls, for example. No reference was made to a telephone tree in the documents. No evidence was submitted from the Muwekma petitioner showing that a telephone tree not only was in place but also was successfully activated on important occasions to mobilize the membership.

The petitioner claimed that they care for their members' welfare. But only two times did evidence show the group performed a welfare function directly for a member, and both times, it was the same member, and both times it involved an expenditure on behalf of the individual. No indication of a process for providing help was submitted. No evidence was submitted to demonstrate that institutions such as a food bank, welfare support office, or community garden existed.

Evidence was also provided in one case that distant family members had arranged for the care of a disabled individual for more than 80 years. However, there was no indication that a group larger than his family was involved or that the petitioner as a whole monitored or took an active interest in the man's care. No evidence was submitted to show there was a pattern of caring for distant relatives within the group.

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Most recently, the petitioner has become involved in camping and other activities for children. However, the information provided was not detailed enough to determine if it provided evidence under §83.7(b), the involvement of the petitioner's community was not laid out. Furthermore, many of the other activities for children such as helping design a school curriculum were directed at non-petitioner members.

### Summary Discussion

The petitioner relied on a survey to describe its community. Therefore, it did not submit evidence discussing informal activities of individuals, especially informal get-togethers, weddings, funerals, christenings, gossip, knowledge, etc. Evidence about such activities could show that members know one another and interact on a broad basis across family lines. Documents like wedding and funeral sign-in books, journals, diaries, letters, and other unofficial documents can be used to describe a community. Oral histories have provided necessary demonstrations of informal social interactions. Petitioners who have been recognized have been able to use this kind of documentation to define their communities and social processes not only in the present but also in the remote past. With previous acknowledgment, this petitioner needs to demonstrate community only at present. The lack of any documentation for a period that is so recent and about which people should still have numerous documents at home and should have clear memories is telling. It raises questions about whether they have interacted with one another in recent years.

The evidence provided indicates that the petitioner was created within the last decade. Participation levels are low, and the same small group of people are shown interacting repeatedly. Significant interaction among the extended families is not demonstrated. Even the survey, on which the petitioner's response to this criterion rested, was answered by a small number of people representing a handful of nuclear families. The vast majority of members apparently did not respond. Most of the documented activities were commemorative and/or directed to people outside the petitioner or were formal meetings, rather than informal or other social gatherings. In this regard, the petitioner's activities are not multi-faceted and did not involve significant areas of member's lives.

### **Criterion (c)**

#### Overview

*1900 - 1927*

The last time at which the Alisal rancheria near Pleasanton or the El Molino rancheria near Niles had a recognized "chief" or headman was 1900. According to a local history published in 1904, the last "chief" of the local Indians was José Antonio, who had died

## Muwekma: Proposed Finding - Description and Analysis

about three years earlier. This *History of Washington Township* also offered the opinion that "[t]here will never be another chief" (Country Club of Washington Township Research Committee 1950, 53). Although the petitioner says that Antonio died at the Alisal rancheria, the local history said that he died at El Molino and that his wife was living at Alisal (Petitioner 1995, 16, and Country Club of Washington Township 1950, 53). At Pleasanton in 1929, linguist J. P. Harrington recorded in his field notes the information that José Antonio, who was deceased, had been a "captain" of the rancheria "here," which implied Alisal near Pleasanton (Harrington 1929, 37:102). An archaeological report authored by the petitioner's chairwoman and researchers stated that "the last recognized captain of the [Alisal] rancheria, José Antonio" died in 1900. That report also concluded that, "the community did not select a new captain" (Cambra *et al.* 1996, 12.23; see also Petitioner 1995, 16, and 2001, A:14, C:36; and Field *et al.* 1992, 426).

Although the petitioner has emphasized that a number of ethnologists conducted field work in the Pleasanton area during the first three decades of the 20th century, it has not claimed that those scholars identified community leaders or described a group decision-making process. Indeed, the petitioner admits that the "20th-century ethnography (1904-1934)," including studies by Alfred Kroeber and J. P. Harrington, "did not focus on the political or social organization of the Muwekma tribe of that era" (Petitioner 2001, A:31). The petitioner has cited Kroeber but has not submitted field notes of his work at Pleasanton. C. Hart Merriam's 1910 field notes at Pleasanton did not describe any political leaders of the Indian individuals he interviewed, nor any political process among them (Merriam 1967). He provided no examples or anecdotes of decision-making, leadership, influence, or authority. The petitioner quoted linguist James Alden Mason's 1916 publication about a settlement of Indians at Pleasanton, but did not quote him as having described any political influence or authority at the settlement (Petitioner 2001, A:1, 28; C:2).

Although a series of United States Indian agents carried out a land purchase program for the landless Indians of California, and some of them identified a settlement of landless Indians near Pleasanton as a potential beneficiary of that program, there is no available evidence that these agents ever discussed a potential land purchase with leaders of, or members of, a settlement of Indians at Pleasanton, or any group which had evolved from that settlement. There is no evidence in the record that these agents identified any Indian political leaders of a band at Verona, or had any correspondence or meetings with any leaders of such a band. Despite the references to a "Verona band" by Indian agents C. H. Asbury in 1914 and L.A. Dorrington in 1927, the petitioner has submitted no evidence of any consultation or meetings between any leaders of such a band and Federal agents between 1906 and 1927.

The petitioner's researcher has written that, after the Alisal rancheria was abandoned during the 1910's, its Ohlone families kept in touch "with the informal leadership of charismatic individuals. . . ." (Leventhal *et al.* 1994, 310). This assertion was not supported with any examples of such leadership. Although the petitioner responded to a request from the BIA for additional documentation about the group with a few examples

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of visiting among ancestors during the 1920's, it provided no examples of group decision-making or leadership during that decade (Petitioner Ex. J, I:87). In a 1925 publication, anthropologist Alfred Kroeber wrote that, although individuals of Costanoan descent had survived to the present, the Costanoan group was extinct and its old habits of life had been abandoned (Kroeber 1925, 464). Thus, this scholar did not attribute the exercise of political influence and authority to any Costanoan group in the 1920's. The 1925 field notes of J. P. Harrington provided information about living Indian individuals, but did not describe any leadership of a group or any existing political process among a group at that time (Harrington 1925).

Other petitioners have demonstrated political influence through consistent group efforts to maintain distinct institutions, such as an Indian cemetery. In this case, the petitioner cites a single retrospective reference to an attempt in 1926 by "our parents" to clean up the Indian cemetery west of Mission San Jose (P. Galvan 1966). It is not clear from that text whether the reference was to the efforts of a single set of parents, and thus of a single family, or to a larger group of parents. It cannot be concluded from that text alone that the clean up effort was a continuing group activity. This is the case both because the text stated that the cemetery "was overrun with weeds and rubbish," indicating that there had been no past activity, and because it stated that "we knew then there was nothing further we could do," implying that no activity continued after the 1926 visit. Thus, that 1966 statement does not document the existence of an informal group political process of organizing the maintenance of a group cemetery over time.

The petitioner's argument about the political leadership of a "Verona band" during the first half of the 20th century, and the political influence of a group over its members, is to assert that such leadership and influence were exercised by "elders" of the band. For example, after a reference to "the 1900s, the depression, and W.W.II.," or the first half of the 20th century, the petitioner states that, "[t]he tribal bond was strong enough at the time to keep the group together under the leadership of the then elders . . . of the tribe" (Petitioner 1995, 17). It lists seven individuals as elders. The petitioner offers no examples or anecdotes about the political leadership of these elders or the informal forms of political influence they may have used in the years before 1927.

### 1927 - 1964

The petition narrative asserted that, during the years before World War II, "the family heads still maintained important . . . political ties with each other" (Petitioner 1995, 21; repeated in Cambra *et al.* 1996, 12.27). The petitioner listed the "Muwekma leaders" during that time as "Dolores (Marine) Galvan, Dario Marine, Magdalena Thompson, Margarita Pinos, Susanna Nichols and the Guzmans" (Petitioner 1995, 21). However, the petitioner provided no specific examples of their leadership or influence. In response to a request from the BIA for additional documentation about the group in these years, the petitioner merely listed names of "elders" alive at the time and asserted that they had political influence and authority after 1927 (Petitioner Ex. J, I:87; see also Petitioner 2001, A:15, C:36-37). The petitioner has provided no examples of the actual exercise of their political influence or authority.

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At Pleasanton in 1929, J. P. Harrington did not acquire any information from his informants about a successor to José Antonio or any current "captain" of an Indian group in 1929. While Harrington's field notes provided information about individual Indians, they did not contain any descriptions of Indian leaders, informal influence, group decision-making, or any political process existing within a group (Harrington 1929). In its latest submission, the petitioner refers to Joe (or José ) Guzman as a "Muwekma leader" who died in 1934 (Petitioner 2001, A:30). Guzman had been an informant for Harrington and other ethnologists, but the petitioner has provided no examples of Guzman's leadership or political influence.

The BIA's technical assistance review letter to the petitioner noted that the petition cited only one person as a leader between 1928 and 1940, and cited only one example of her activity, which was on behalf of her nieces and nephews (BIA 10/10/1996, 8). In its response, the petitioner repeated the claim that during "the late 1930s to 1940, Dolores (Marine) Galvan, representing the Muwekma families," had contacted the BIA about judgment funds for "tribal members" (Petitioner Ex. J, I:87), presumably eligible "Indians of California" in the claims case authorized by the 1928 act. It asserted that Galvan "took on the role of a *Mayen* [the "high lineage" wife of a "captain" (Petitioner 2001, A:13)], by representing the vital interests of the surviving larger Verona Band community" (Petitioner Ex. J, I:64).

The petitioner claims that elders organized members to apply under the 1928 claims act (Petitioner 2001, 21). A claim that Dolores (Lola) Marine Galvan (or other elders) played a leadership role during the 1929-1932 application process might be supported by evidence that she organized members of various families to submit applications. Such evidence might consist of documentation or recollections that she provided information to individuals outside of her immediate family, brought such people to the enrollment officer, or acted as witness for their applications. The available evidence in the record shows only that Galvan submitted an application on March 18, 1932, and that her application was one of eight made on two consecutive days (see applications in Petitioner Ex. A, I:1928, and Ex. L, II:VII-B). Six of these eight applications, however, claimed descent through Avelina (Cornates) Marine. If Galvan had brought these people to apply together, she had provided leadership for members of a single family, but not for a larger group which included people from different families.

The petitioner refers to Galvan's "letters of inquiry" about the claims case (Petitioner Ex. J, I:64; see also Petitioner 2001, A:15, C:37), but it has submitted only one letter by Galvan. In that 1936 letter, Dolores (Lola) Galvan wrote to the BIA to ask, "what happened about that Indian deal," because "[we] heard there was something about Indian claims." Galvan stated that, "[a] lot of people want to find out about it. So they asked me to write to you" (D. Galvan 2/17/1936). The petitioner makes an assumption about who asked Galvan to write to the BIA. There is no evidence, however, that a group larger than her own family had asked Galvan to represent them as a result of any group decision.

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The petitioner's chairwoman and researchers have claimed that in the early 1940's, "[l]eadership was still in the hands of Muwekma adults and elders," and they named eleven individuals, although at least one of them had died prior to the 1940's (Cambra *et al.* 1996, 12.27). That report provided no examples, documentation, or citations to support this statement. Despite a BIA request for more information about the 1940's, the petitioner relies upon two documents. The first document from the 1940's was a membership card in an Indian organization (Membership card 1947). According to the petitioner, in 1947, "Ernest Thompson, Jr. became a member of the California Indian Association representing the interests of the Muwekma families" (Petitioner Ex. J, I:87; also Ex. H, I:16, and 2001, A:15, C:37). The petitioner has submitted only a copy of Thompson's membership card. A membership card alone cannot demonstrate that an individual represented the interests of other people.

The other document about the 1940's was a 1950 letter. The petitioner argues that Trina (Marine) Ruano assumed "the responsibility to distribute BIA enrollment application[s] to the Muwekma families" (Petitioner Ex. J, I:87). It also states, more accurately, that she distributed claims application forms to "family relatives" (Petitioner Ex. J, II(3):7). Although the petitioner dated this action as about 1946, it admitted that this date was "somewhat arbitrary" (Petitioner Ex. J, II(3):n.67). This activity would appear to relate to the addition of children born since 1928 to the census of California Indians, an addition authorized by an Act of 1948, and thus to have taken place after 1948. The petitioner has submitted only a 1950 letter by Ruano to support its claim that she acted for "Muwekma families." In that letter, Ruano specifically asked for a form on behalf of her own children. She also stated that she had passed on the forms she had received earlier to "other members of the family" (Ruano 2/10/1950). This reference, apparently to her own family, does not support the petitioner's contention that Ruano acted for a number of families or represented a group.

The petition narrative stated that "[d]uring the 1950s the families became very active under the leadership of Dolores (Marine) Galvan and her brothers Lucas and Dario Marine and her younger sister, Trina Marine Thompson" (Petition 1995, 21-22). Noting that it was possible to add children born since 1928 to an updated claims roll, the petitioner claimed that the "[f]amilies contacted and helped each other to go to Sacramento to enroll the children" (Petition 1995, 22). These claims were repeated in an archaeological report written by the petitioner's chairwoman and researchers (Cambra *et al.* 1996, 12.27). That report listed names of individuals the authors claimed exercised leadership over tribal affairs during the 1950's. The report specifically referred, however, only to activities related to the claims case and the preparation of an updated judgment roll in 1951.

The BIA's technical assistance letter noted that the petitioner had provided "neither narrative description of the activities nor documentation" of the claimed activities of the "families" in the 1950's (BIA 10/10/1996, 8). The petitioner responded by stating that "it was principally" five of the surviving elders "who had political influence and authority within the community" during the 1950's (Petitioner Ex. J, I:97). The petitioner simply named the five individuals and provided no examples of their influence during the

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1950's. Instead, the petitioner cited events, which began in the mid-1960's and related to the preservation of an Indian cemetery, in which at least three of the five played no documented role.

For the 1960's, the petitioner notes that Trina (Marine) Ruano attended a BIA meeting in February 1964 and voted on whether to accept the judgment award for the Indians of California. It says that her children attended a BIA meeting on the judgment fund the next month (Petitioner Ex. J, I:88; also Ex. J, II(3)). The petitioner documents these statements with a letter written by Ruano to the BIA in 1966 in which she said that she had attended a meeting and "voted for the money," and that her children had attended a separate meeting (Ruano 1/30/1966). These activities are examples of individual participation, not of the representation of a group or of any group political process. The petitioner does not claim that these activities were on behalf of the petitioning group.

### 1965 - 1992

The petitioner claims that, beginning in 1964, two Marine siblings, Dario Marine and Dolores (Marine) Galvan, took "the responsibility to address" the issue of preserving an Indian cemetery associated with the historical Mission San Jose. It says that leadership shifted to the children of Dolores (Marine) Galvan from 1965 to 1971 (Petitioner Ex. J, I:97). The petitioner stated originally that "[m]embers of the Marine/Galvan and Armija/Thompson family worked to secure the transfer of the title to the Ohlone Indian Cemetery for the Tribe" (Petitioner Ex. B, 2). Although the BIA noted as a deficiency in the petition that the acquisition of title to the Ohlone Cemetery was "mentioned, but not described or documented" (BIA 6/30/1997), the petitioner's response largely repeats its earlier generalizations. "Due to the concerted efforts of the Muwekma Ohlone families" and the American Indian Historical Society (AIHS), the petitioner writes, "the Ohlone Cemetery was saved from destruction and the title was transferred to the AIHS" in 1965 (Petitioner Ex. J, I:90). The petitioner, however, has not described those "concerted efforts" nor shown the participation of families other than that of Dolores (Marine) Galvan.

The petitioner's account of the cemetery transfer issue, and its supporting documents, do not demonstrate any pattern of group meetings to discuss the issue. One letter in 1965 mentions that a meeting had been held of a "few people" opposed to the title to the cemetery being acquired by the AIHS, rather than by descendants (D. Galvan *et al.* 5/25/1965). It is not clear whether the Galvans met with the opponents, or only heard about the meeting. The petitioner's account and exhibits describe no efforts of the Galvan family to contact other Ohlone descendants, to recruit their participation, or to win their financial support, either for preservation of the cemetery or the creation of a new Ohlone organization. It was not the Galvans, but the AIHS which announced a "work day" at the cemetery (R. Costo 5/30/1965) and scheduled a meeting with the City of Fremont about the city's plan for a right-of-way across part of the cemetery (R. Costo 6/21/1965). In advance of a meeting of the "Ohlone historians," the AIHS prepared a resolution for the Ohlone group to adopt (AIHS 1965).

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The petitioner contends that the American Indian Historical Society became "the first vehicle for formal organization" of the petitioning group (Petitioner 2001, 21). A 1966 "Statement of an Ohlone Indian," presumably by Philip Galvan, included the declaration that, "[w]e re-established our tribal entity under the banner of the American Indian Historical Society. . . ." (P. Galvan 1966). The petition narrative and exhibits do not describe how a group was "re-established." The "Statement of an Ohlone Indian" claimed that 23 "tribal members" were members of the AIHS (P. Galvan 1966). The only list of "members" in the petition exhibits is an undated list of seven individuals, six of whom were Galvans (AIHS ca. 1966a). Rather than describing himself and others as leaders of the re-established "tribal entity," Galvan instead referred to them as Ohlone members and officers of the AIHS board of directors (P. Galvan 1966). The AIHS board included two Ohlone directors, plus directors identified as Karok, MiWuk, Tolowa, Concow, Cahuilla, Paiute, Navajo, Blackfeet, Pueblo, Cherokee, and Tlingit (*Indian Historian* 1967). The AIHS clearly was intertribal rather than tribal.

In March 1971, Rupert Costo of the American Indian Historical Society wrote to three children of Dolores (Marine) Galvan to offer to turn over the Ohlone Cemetery, to which it had acquired title in 1965, to Ohlone Indians. The AIHS, Costo said, was "informing you three families, whom we consider to be the leaders of this Native group, that we are offering you ownership of the Ohlone Cemetery" (R. Costo 3/8/1971). Dolores (Marine) Galvan and her three children quickly replied that they were interested in Costo's proposal (D. Galvan *et al.* 3/13/1971). The AIHS then passed a motion to "negotiate with the Ohlone Tribal Council . . . with one representative each of the three leading Ohlone families" (AIHS 4/2/1971). The motion imposed the condition that the deed to the cemetery would only be turned over to a corporate body. The journal of the AIHS described this as a stipulation that the Ohlone "reconstruct themselves as a tribe" (*Indian Historian* 1971). Then the AIHS or one of its lawyers provided Philip Galvan with a copy of Articles of Incorporation and directions on how to adopt and record them (Anonymous ca. 1971).

On June 12, 1971, the "Board of Directors on Ohlone Indian Cemetery" adopted a resolution requesting that the American Indian Historical Society transfer the deed to the Ohlone Indian Cemetery "to the Ohlone Indian Tribe," stating that "this group of Native people has now reconstructed itself as a Tribe, naming themselves the Ohlone Indian Tribe" (Board of Directors 6/12/1971). On June 16, 1971, the new Ohlone Indian Tribe, Inc., adopted articles of incorporation. The three directors of the corporation were children of Dolores (Marine) Galvan: Philip Galvan of Fremont, Michael Galvan of San Leandro, and Dolores Galvan LeMeira of San Jose (Ohlone Indian Tribe 1971). The Ohlone Indian Tribe, Inc., was incorporated on June 17, 1971 (Petitioner Ex. J, I:89). The petitioner described the non-profit corporation as having been formed by three Galvan siblings, one of whom has become a member of the petitioner's organization and a "Muwekma elder" (Petitioner Ex. B, 2; see also Petitioner 1995, 22). The BIA's technical assistance letter noted that the 1971 incorporators of the Ohlone Indian Tribe, Inc., were three siblings and asked whether there was "wider participation than just this single family?" (BIA 10/10/1996, 8). The petitioner has not documented any wider participation.

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The petitioner's narrative and exhibits do not describe how a decision was made to form a corporation and to acquire title to the cemetery, or who was involved in that decision-making process. The petitioner does not explain why, if several families were involved in the process of acquiring the cemetery and forming the corporate entity, the only directors of the corporation that acquired the cemetery were three children of Dolores (Marine) Galvan. Although the AIHS occasionally used language suggesting that it was dealing with a tribe and a tribal council, the available evidence indicates that it dealt only with a single nuclear family. The petitioner argues that the "Ohlone Tribe, Inc. was never organized as a political entity that dealt with Muwekma tribal and community issues outside the preservation of the cemetery" (Petitioner Ex. H, I:16-17). This leaves unanswered, however, the question of how "tribal and community issues" other than the cemetery were dealt with by the petitioning group.

The BIA pointed out to the petitioner that, "[n]othing is said concerning the past and present interrelationship between the Muwekma Indian Tribe and the Ohlone Tribe Inc." (BIA 6/30/1997). The petitioner explains its disassociation from the Ohlone Indian Tribe, Inc., and the management of the Ohlone cemetery, by contending that, "[a]fter some time, Phil Galvan became autocratic" (Petitioner Ex. J, I:90) and that his actions had the result of "alienating himself from his family and the other Muwekma families" (Petitioner Ex. J, I:97). For these reasons, the petitioner argues, Philip Galvan's brother Michael Galvan and sister Dolores (Dotty) Galvan Lameira, "eventually resigned" as board members of the Ohlone Indian Tribe, Inc., "sometime in the late 1970s" (Petitioner Ex. J, I:102). "Years after their resignations," the petitioner says, the families of those two siblings "enrolled in the Muwekma Tribe" (Petitioner Ex. J, I:90). The petitioner thus argues that the Ohlone Indian Tribe, Inc., today is composed of a single family that has retained title over the Ohlone cemetery (Petitioner Ex. H, I:16; Ex. J, I:90; 2001, 22, A:16, C:38). The petitioner does not directly address the issue of whether its members previously had been members of that corporate entity, or had participated in its affairs.

The original petition narrative and documentation did not describe when and how a "Muwekma Tribe" had organized, how it had chosen its leaders, or what organization or informal political process the new organization had replaced. In its technical assistance letter, the BIA asked the petitioner to "describe in detail how your group was organized as a political entity, [and] who was involved in its organization. . . ." (BIA 10/10/1996, 8). The petitioner replied vaguely that, "[d]uring the 1980s the various Muwekma lineages decide[d] to forge a tribal government" (Petitioner Ex. H, I:17). The petitioner's researcher has written that the Ohlone descendants "of the southern and eastern San Francisco Bay Area re-grouped and constituted themselves as the *Muwekma* Ohlone Tribe" in the "early 1980s" (Leventhal *et al.* 1994, 298). In a later response to the technical assistance letter, the petitioner argued that after the death of Dolores (Marine) Galvan in 1982, leadership shifted to her sister Trini Marine and to her niece Dolores Sanchez (Petitioner Ex. J, I:97).

Then, the petitioner says, "Rosemary Cambra, the daughter of Dolores Sanchez sought out the blessings of the different families in order to pull the families together as an organized tribe" and that "the families agreed to formally constitute the Muwekma Indian

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Tribe in 1984" (Petitioner Ex. J, I:97; see also Petitioner 2001, 22, A:16, C:38). In its latest submission, the petitioner states that it "is currently organized under a formal tribal government that the members established in 1984" (Petitioner 2001, 20; see also Petitioner 2001, A:17, C:39). The petitioner has not submitted any documentation or interviews as petition exhibits to support this account. The petitioner's researchers previously had said that the Muwekma Ohlone Tribe organized, or "revitalized," in 1989 (Field *et al.* 1992, 423). The petitioner has neither described the formation of its current organization nor the political process by which Rosemary Cambra became its current chairwoman.

The petitioner's chairwoman claimed, in a 1991 letter, that "the Muwekma Tribe decided to create its own CRM [cultural resources management] firm" (Cambra 3/1/1991). In an archaeological report, she said that this firm, Ohlone Families Consulting Services, had been developed by "the Muwekma" as their own firm (Cambra *et al.* 1996, 12.31; see also Leventhal *et al.* 1994, 318). The petitioner says that the "Tribe developed" this firm in 1984, and refers to the "Tribe's ownership and management" of it (Petitioner 2001, 25, A:17, C:39). The petitioner has not submitted documentation to show that this business firm was founded by a group decision-making process, or that it is owned and managed as a group activity. In November 1984, when this firm was nearly a year old, Rosemary Cambra wrote to the governor of California as "Proprietor, Ohlone Family Consultant Services." She complained to the governor of being excluded from the planning and mitigation phases of agreements concerning archaeological and historical sites in the county even though state and county agencies "have known about myself and my family's presence for several years" (Cambra 11/19/1984). At that time, she wrote on behalf of her own family and business firm, rather than on behalf of an Indian group.

In July 1985, for the first time according to the evidence submitted by the petitioner, the petitioning group began using the name "Muwekma" and describing Rosemary Cambra as the group's "spokesperson" (Gray 7/25/1985). At this time local newspapers reported on the protest of "a group of Muekma Ohlone Indians" over the handling of prehistoric human remains discovered at a local construction site (Newspaper 1985; *San Jose Mercury News* 9/13/1985, 9/14/1985, 9/18/1985, 9/24/1985). It is not clear whether these reports referred to the petitioner's current Muwekma organization, or to an intertribal Muwekma Indian Cultural Association (MICA). That organization's newsletter indicated that it was "incorporated as a non-profit cultural resource agency in the Fall of 1986" (MICA 1990; c.f. MICA 1989), although the petitioner's researchers also have said that it was organized in 1981 (Field *et al.* 1992, 422). The MICA described its purpose as preserving Indian culture and providing community education. Board members included representatives of several Ohlone groups which since have petitioned separately for Federal acknowledgment. The petitioner describes that organization as "intertribal" (Petitioner Ex. J, II(4)). Thus, MICA was not a governing body for the petitioner's organization.

In 1989, Rosemary Cambra testified as the "Spokeswoman, Muwekma Tribe" before a United States Senate committee hearing (U.S. Senate 1989). She was actively involved during 1989 and 1990 in a successful attempt to have Stanford University return to

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Ohlone descendants the prehistoric human skeletal remains in its possession. At the time, some newspapers referred to Cambra as "tribal chairwoman" (*San Jose Mercury News* 6/22/1989) or "tribal spokesman" (*Los Angeles Times* 6/22/1989). Despite the petitioner's claim that "the Tribe persuaded Stanford University to return the remains" (Petitioner 2001, 23), it has not submitted any documentation to show that the petitioner's governing body or organization as a group considered the Stanford issue or directed its leader to act on behalf of the group in that matter. The agreement with Stanford was signed by Cambra and by four other Ohlone descendants who have not been part of the petitioning group (Stanford University 1990).

At the time of the Stanford agreement in 1990, several Ohlone representatives wrote to Stanford to inform the university that it had "only reached an agreement with some" Ohlone people (*Peninsula Times Tribune* 4/10/1990; *San Jose Mercury News* 4/23/1990). One local newspaper observed that Rosemary Cambra and the other Ohlone representatives who signed the agreement with Stanford did not represent all of the Ohlone descendants in the region. This newspaper reported that Andrew Galvan and his father represented 214 Ohlones in the Fremont area, that Ella Rodriguez represented more than 200 Ohlones in a group based in Salinas, and that Kenny Marquis represented more than 300 Ohlones living in the San Jose area (*Peninsula Times Tribune* 4/10/1990). The same newspaper had said earlier that Cambra represented "about 30 Ohlone families" (*Peninsula Times Tribune* 7/2/1989). Ella Rodriguez, an Ohlone "most likely descendant" and archaeological consultant for more than a decade, said that Rosemary Cambra "just surfaced out of nowhere eight years ago" (*Peninsula Times Tribune* 7/2/1989).

The first evidence in the record for this case of the petitioning group's use of a formal organizational structure is a copy of "Resolution No. 003" which was adopted by the "Ohlone / Costanoan Muwekma Tribe" on May 1, 1989 (Muwekma Tribe 1989). The resolution was signed by five individuals: Rosemary Cambra as chairwoman, two individuals as elders and council members, and two individuals as council members. In its technical assistance letter, the BIA asked the petitioner to submit "copies of the minutes and other documents of your group's organized meetings. . . ." (BIA 10/10/1996, 8). With the exception of this 1989 resolution, all of the documentation in the record of the activities of the petitioner's formal organization comes from the 1990's.

The first evidence in the record that indicates the political offices of the petitioning group's formal organization is a 1991 letterhead of the "Muwekma Indian Tribe" (Cambra 3/1/1991). This stationery suggested a political hierarchy for the group in which four "elders" held the highest rank, followed by a "chairperson," and then by a "council" of six. Two of the "elders" also held positions on the "council." Therefore, in 1991 these eleven leadership positions were held by nine individuals. The "timeline" submitted by the petitioner suggests that its political organization changed during the years from 1984 to 1991 (Petitioner Ex. K, 3:timeline). For the years between 1984 and 1987, the "timeline" lists Rosemary Cambra as the "spokesperson" for the Muwekma Tribe. Between 1988 and 1991 it refers to her usually as the "spokesperson" but sometimes as the "chairwoman." After the entry for March 7, 1991, it consistently refers

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to her as "chairperson" or "chairwoman." Such changes are not acknowledged, discussed, or documented elsewhere in the petitioner's materials.

The petitioner has submitted a constitution which it dates as April 21, 1991 (Muwekma Tribe 1991), but no supporting documentation to show by what political process a constitution was adopted, or that it was in fact adopted on that date. Article III of the constitution established a "tribal council" as the "governing body," and provided that it would consist "of seven (11) [sic] members." It further specified that the council would consist of four officers and seven members. The constitution also provided that "council members will be elected for 5-year terms in elections held in even-numbered years," although it is impossible, of course, to hold elections every five years and have them all occur in even-numbered years. The copy of the constitution submitted by the petitioner is neither signed nor dated. In 1994, the petitioner's organization adopted a constitution as if no constitution previously existed (Muwekma Tribe 4/2/1994).

The petitioner claims that newspapers "provided coverage of the annual meetings . . . of the Tribe from 1965 to the present." It also claims that these articles "mentioned various leaders and significant business considered at the meetings. . . ." (Petitioner 2001, 10). However, there are no newspaper articles in the record which reported on any annual meetings or council meetings of the petitioning group before 1992. The petitioner's "timeline" claims that a series of council meetings were held in 1991 (Petitioner Ex. K, 3:timeline), but it has provided no documentation to support this claim. The "timeline" cites four council meetings during 1992, but has documented only one of them. The first example of meeting minutes submitted by the petitioner is dated October 31, 1992 (Muwekma Tribe 10/31/1992).

#### Evidence under §83.8(d)(3) from 1927- the present-day

The petitioner did not submit a single document which could be considered an "historical identification by authoritative, knowledgeable external source. . ." of leaders as required at section 83.8(d)(3) between 1927 and 1984. The petitioner also did not submit documents discussing their activities as a group from the 1930's, 1940's, and 1950's to meet section 83.7(c) which would provide another form of evidence, as required. The petitioner argued that evidence of godparenting, funeral attendance, and marriage existed at a level which in itself would satisfy section 83.7(b), and therefore also satisfy section 83.7(c) under the provisions at section 83.7(c)(1)(iv). However, this evidence was also exceedingly sparse for the period between 1920 and 1980 and did not satisfy section 83.7(b)(2).

The petitioner claimed that before 1984, when their political organization was formalized by a cultural resources management (CRM) firm, the Ohlone Families Consulting Services, elders were leaders. They further claimed that the retention of this cultural feature demonstrated continuity of their political entity from at least 1928 (Petitioner 2001, 20). The petitioner, however, did not submit specific evidence to support this assertion that the elders had authority in group decision-making or other areas either in

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the past or at present. The elders they named included Trinidad (Marine) Ruano, Dolores Sanchez-Franco, Dolores Galvan, and others, who may have acted on behalf of their close family members but were never shown acting on behalf of the larger community. Therefore, the evidence did not support the contention that these women were leaders of a Muwekma entity from 1927 to 1984.

Although these women and other individuals worked on behalf of their children, sisters, and sometimes their sibling's children to enroll them for claims purposes,<sup>10</sup> none of their documented activities indicated that they were acting on behalf of a tribal entity which included people from different families. The few documents submitted to cover the 1927 through 1984 period never referred to a contemporary group of people, a band, a tribe or rancheria. The documents concerned specific individuals, their immediate families and their personal activities.

### Claims Applications

The petitioner submitted 18 claims applications, dated from November 27, 1929, to March 18, 1932. Most were witnessed by one or two people, Indians or non-Indians. However, several were not complete and did not include the last page of the application where the witness signatures would have been. It may be that the applications were not witnessed, and therefore the witness pages were not photocopied.<sup>11</sup>

From the data, it appears that Agent Baker began his search for California Indians in state and Federal institutions. In one he found he found a woman (a Nonessi-Bautista descendant) who had been married to Edward Armija, and on November 27, 1929, he had her fill in the application. A month later, her Nonessi relative in Alameda filled out a form, as did an Armija sister in-law, living in Niles. These were witnessed by Phoebe (Inigo) Alaniz. Alaniz herself did not fill in a form until the next year on October, 11, 1931, when two other Alameda residents also applied. It appears that Agent Baker may have carried some of the incomplete documents around to find witnesses, because the very first application submitted in 1929 was not witnessed until October 11, 1931.

On March 11, 1932, Dario Marine submitted his application. He may have informed his relatives about the opportunity because his wife and his Marine siblings applied together on March 18, 1932. His sister Dolores (Marine) Galvan, Avelina (Cornates) Marine's oldest daughter, witnessed most of these applications. Eight individuals applied on that date and signed the form, including the children of the deceased Marine sibling Mercedes.

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<sup>10</sup> The petitioner asserts that elders organized claims activities in the 1930's under the 1928 claims act and in the 1960's (Petitioner 2001, 21).

<sup>11</sup> It would be useful for the petitioner's researchers to indicate when they find no data in a situation such as this one or otherwise explain the incompleteness of this record.

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Nothing in this data set indicates that there was interaction between the Armijas and the Marines. Dolores Galvan appeared to play a prominent role for her sibling group by witnessing for her siblings. The only exception was Lucas and Dario's in-laws, who seemed to be witnessing for Lucas and for the Marine brothers' wives, one of whom was an Armija, the other a Guzman. Dario's witness page was missing.

An exception was the witness information for Maggie Pinos Juarez, who was childless. The petitioner claims she was Maria Erolinda Santos' aunt. Evidence indicated that Santos had lived with Juarez earlier. Santos' children were listed on Juarez's claims application. Juarez applied with the Marines on March 18, 1932, and Lucas and Catherine Peralta Marine witnessed for her. Her application, therefore, included names of individuals from four different families, including Marine, Santos, Pinos (the same as Erolinda Santos' mother) and Guzman. Hers was the only application to reflect so many families who were documented as living in the settlements at Pleasanton and Niles in 1905/06 and 1910. However, the descendants of these individuals on Juarez's application did not associate with the petitioner until after 1995, which indicates a lack of continuity from any group in 1932, if one did exist at that time.

### Evidence submitted for 1932-1965

The evidence for the 1930's which were not claims applications primarily consisted of letters concerning individual claims and modern assertions about the dates that some of the older Indians died. Documents revealed little about the life of the petitioner's ancestors who lived in Alameda County in the first decades of the 20<sup>th</sup> century. Apparently, the men undertook agricultural work, primarily. With their families, they scattered to work on ranches, vineyards, and orchards, not only in Alameda and Santa Clara Counties, but also in the Central Valley. The letters concerning claims were addressed to individuals living in these places. For example, "Mrs. Marine," apparently Catherine Peralta, lived in Oakdale, Stanislaus County, 15 miles west of Modesto (Baker, 1/11/1932). Dolores Sanchez-Franco, Peralta's niece (her husband's sister's daughter), ran a family garden in Milpitas, Santa Clara County. The petitioner described her situation during this decade:

Mrs. Sanchez married Manual Martinez in 1930 in Milpitas, and she raised chickens, turkeys and goats and grew beans, corn and tomatoes on Calaveras Road, living in a small wooden house. Martinez harvested pears and apricots on the Jackson Ranch (*San Jose Mercury News* 8/24/1996).

In 1934, Dolores Galvan wrote to BIA agent Fred A. Baker from Brentwood, in northeastern Contra Costa County, about 30 miles west of Stockton (Galvan 2/17/1936; BIA 2/21/1936).

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The anthropologist Harrington had still found people living at Pleasanton when he visited there in 1930. Jose Ignacio Guzman and Angela Colos were living there, as was Joseph Binoco. Guzman's son Tony Guzman was photographed there with two children of anthropologist C. Hart Merriam in 1934, the same year Jose Ignacio Guzman died, according to the petitioner. Two marriages and one adoption provide evidence of continued interaction in the 1930's among some descendants of people on the Kelsey census and 1910 Indian schedule of the Federal Census. According to the petitioner's narrative, Flora Munoz, daughter of Victoria Marine, married John Paul Guzman, and Trinidad Marine married Ernest Thompson in the mid-1930's. In 1936, Maggie Pinos-Juarez adopted Virginia Archuleta, granddaughter of Victoria Marine, also according to the petitioner's narrative.<sup>12</sup>

Dolores (Marine) Galvan, who had witnessed the Marine claims applications in 1932, wrote to the BIA into the 1940's, even though she was told that she did not have "ward status" in 1936 (BIA 2/21/1936) and was "therefore not eligible for any aid from Federal funds through this agency. . . (BIA 1/23/1940). Galvan had been inquiring for her "family, since February 1937," according to Contra Costa officials, who wrote to the BIA to clarify whether or not she had "property near Pleasanton, Alameda county, through her Indian ancestor" (California State Relief Administration 1/18/1940). The BIA response was unequivocal: "[T]here is no property whatsoever held by the United States in trust for any Indians in Alameda or Contra Costa Counties" (BIA 1/23/1940). Nothing in this series of correspondence indicated that Galvan was inquiring on behalf of anyone other than her own family.

The scarce documentation from the 1940's is typical of most petitioners during and after WWII. This fact has been taken into consideration. However, none of the documents identified leaders before, during or after this period. Thus, one cannot assume that the lack of documents identifying leaders during the 1940's merely reflected war-related drops in activity, which would start up again after the war, when resources and time permitted.

Through the 1940's and 1950's, documentation was submitted only about the activities of individuals. Dario Marine's son, Lawrence Marine, had attended Sherman Institute, a BIA facility, in 1936. Eight years later in 1944 and 1945, Rayna and John Guzman attended boarding School at Chemawa, Oregon, also a BIA-run institution (Guzman 8/31/1969). Nothing in the evidence concerning this school attendance showed a group leader sponsoring these children or dealing with their educations. Also in 1945, insurance agent Charles R. Wauhab wrote a letter from Centerville, California, for Dario Marine's sister, Trinidad Marine, which said:

I have known Trina Yrinea [Trinidad Marine Ruano] for a number of years and my folks who are early Californian (1847) have known her family for over sixty years.

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<sup>12</sup> According to Alan Leventhal, he interviewed Virginia Archuleta December 24, 1997. No copy of the interview notes or transcript was submitted.

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Her brother worked on our ranch over thirty years ago and we knew her family very well, named Marino [Marine].

She is a descendant of the local Indian Tribe and was born in Pleasanton California in the early 1900's.

Nothing in this letter would indicate that Trinidad was a leader of a group. His references to the "tribe" were to a historical entity, rather than one that existed in 1945 when he wrote the letter, and nothing in this letter referred to Ruano as a leader. More claims inquiries were submitted for the 1940's (Garcia, 5/21/1947). Although references were sometimes made in claims letters to women, generally mothers and grandmothers, who had submitted the original applications, no pattern of activity which encompassed the group's membership was apparent from these letters and from the applications.

Pansy (Potts) Marine, a Maidu who married Lawrence Marine, a son of Dario Marine and Catherine Peralta, witnessed two documents for people in her husband's family, including certifying the birth certificate for Dolores (Marine) Galvan, her husband's aunt (his father's sister), and witnessing the 1948/55 claims application for Thomas Garcia, her husband's nephew (sister's son). In 1953 Emily (Thompson) Harris requested claims application forms for her own child. These various actions were done on behalf of family members and their spouses.

In the mid-1950's and in later decades, sporadic correspondence between the BIA and Emily (Thompson) Harris and Henry Marshall cropped up concerning the claims application and care of their brother (half-brother to Henry) by the Juarez family. This was one of the only cases showing rather distantly related individuals helping each other, although the two families were related through their great-grandmother Maria Soledad Castro, who lived at Niles as late as 1880. Their actions were seemingly based on their family relationships. In 1954, a BIA attorney settling Jack Guzman's probate wrote to his former wife on the advice of his half-brother to find out if Guzman was married at the time of his death and the whereabouts of his children.

The petitioner submitted documentation dating to the 1960's, but none of these documents originated from a Muwekma (or Ohlone) tribal entity, named leaders of such an entity, or showed someone acting as a group leader. In a letter to the BIA dated January 30, 1966, Trini [Trinidad] Marine, unrepresented in the current petitioner, said that she and her children attended California judgment meetings and voted on claims in San Francisco. On April 30, 1969, a Santos descendant living near Fremont enrolled his family in the California judgment and identified his tribe as "Ohlone." Four months later, in August of 1969, a man who was incarcerated wrote to request an application for claims (Guzman 8/31/1969), and then by return letter explained why he had no knowledge of his own background:

... As to the question of number 7, concerning the family history chart ... I might remind you that I have no way of knowing my father's and mother's parents due to the fact that they separated (parents) and I was

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made a ward of the court at a very early age. Distant and near relatives are either deceased and the remaining living factions are living in this state at places unknown (Guzman 9/6/1969).

These claims-related letters involved individuals and did not refer to an Indian entity.

### The American Indian Historical Society

The majority of the documents from this period, or from a later period, which discussed this decade, referred to the American Indian Historical Society's (AIHS) dealings concerning the "Ohlone Cemetery" at Mission San Jose. The AIHS "was founded in 1964 by Indians of North America" (*Indian Historian*, Summer 1971, frontispiece). Its magazine *The Indian Historian* described its goals "to promote the culture, education, and general welfare of the American Indians; To inform and educate the general public concerning America's Native, original people; To preserve the philosophy, culture, and languages of the land's First People" (*Indian Historian*, Summer 1971, frontispiece). It was a national organization of individual Indian and non-Indian members. Only Indians could vote and hold office.

Starting soon after its inception in 1964, the San Francisco-based AIHS took up the cause of Bay Area Indians. Correspondence to and from Rupert Costo, the organization's president, as early as 1964 showed that he was interested in making Mission San Jose his organization's museum for California Indian history and culture. At this time, Costo, a Cahuilla Indian<sup>13</sup>, believed that the Ohlone and the Indians associated with the San Jose Mission were a band of Miwoks, which he spelled "MiWuk:"

There were about four thousand of our people buried here, and the Ohlone were, I am sure, a group of the MiWuk. Now we wish to establish the final truth of the MiWuk history: that they lived not only in the hills and mountains, along the river and coast, but as far as Pleasanton and as far as the Mission San Jose (R. Costo 3/29/1965).

One of the first projects of AIHS was to protect the Ohlone Cemetery. They believed that the site had once been a burial ground for prehistoric Ohlone, and, after contact, had become a Catholic cemetery where the Indians associated with the San Jose Mission were buried as late as the 1920's. They pressured the Catholic Archdiocese of Oakland to protect the site (*Indian Historian*, Summer 1971, 42). The Archdiocese responded by turning over the deed to the cemetery to the AIHS and a dedication ceremony was held there in April 1965. In a letter to AIHS President Rupert Costo dated March 17, 1965, then Governor Edmund G. Brown sent his regrets that he would not be able to attend "the dedication and blessing of the Ohlone Indian Memorial," slated for April 3, but he promised to mail a message for the program.

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<sup>13</sup> The Cahuilla Band of Mission Indians is a recognized tribe located in Southern California.

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According to a 1971 newspaper article quoting Jennette Costo, editor of *Indian Historian* and co-founder with her husband of AIHS, "The historical society got the deed from the Oakland Diocese of the Roman Catholic church [in 1965] but held it because it wasn't known then that there were any tribal descendants still living in the area." The AIHS set out to locate descendants of the "original Ohlone people, despite doubts in the academic community that any descendants would be located" (*Indian Historian*, Summer 1971, 42).

Only two months after the dedication, the AIHS held public meetings attended by individuals identified as Ohlone. The AIHS announced that it would meet with the "executive committee of the Ohlone Band of the Miwuk Indians" in Fremont in May, 1965 (J. Costo 5/17/1965). But the AIHS may have gotten too far out in front for some Ohlone to accept. Unnamed Ohlone became suspicious of Rupert Costo and apparently called an emergency meeting. Costo's Indian allies who were identified by their initials, but who were members of Dolores (Marine) Galvan's family ("D.M., D.D., Filipe, M.F., and Henry Alvarez), sent a handwritten message to Costo concerning what transpired at the hastily called private Ohlone meeting. This roughly written note referred to a "few people" who brought up "matters which they do not understand," including:

- 1<sup>st</sup> This Deed – Quitclaim deed they feel that this deed should belong to them (which one I do not know)
- 2<sup>nd</sup> They cannot understand why you wish them to keep silent – by that they mean not to speak to newspapers [sic] people.
- 3<sup>rd</sup> They seem to think these [forms] which you have made up for us to use to identify ourselves are kind of fishy to use their words.
- 4<sup>th</sup> They seem to think that they have to join the Historical Society in order to be able to maintane [sic] entrance to the Ohlone Cemetary [sic] And that your plan is to put up some kind of building on the grounds and charge an admission [sic] to the public (Galvan *et al.* 5/25/1965).

The AIHS announced a public meeting would be held in late June 1965, during which the Mayor of Fremont would "explain the position of Fremont on this right of way which proposes to take off a piece of our cemetery" (R. Costo 6/21/1965). It appears that, from Rupert Costo's perspective, some Ohlone may have caused problems at a previous meeting or be threatening to bring up issues not related to the cemetery. Costo left the control of the meeting to Michael Galvan, to whom Costo assigned the job of chair. Costo directed "little Filipe," presumably Philip Galvan, Jr., to take minutes. Costo's letter used capitalization to emphasize his point, and his use of the pronoun "our" when referring to the cemetery in this document and others would imply that he viewed the burial site as related to California Indians in general:

I am trusting you to handle the meeting FIRMLY, and I think you can. There will probably be present some of YOUR COUSINS AND OTHER RELATIVES, but they can be kept in line. The subject of the meeting is the right

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of way over our historic and sacred cemetery, that is all  
(R. Costo 6/21/1965).

The disgruntled people Costo referred to as “your cousins and other relatives,”<sup>14</sup> were not named in any documents submitted by the petitioner. The Galvan’s cousins were most likely the Marine siblings’ descendants, but which families Costo was referring to was not indicated. The last phrase implies that these “cousins and other relatives” may have been raising new issues, not involving the cemetery, or at least the right of way over the cemetery. What issues they were raising and who may have acted as a spokesperson were not documented.

A week later Michael Galvan signed a letter to a housing developer, “Michael Galvan, Ohlone Indian Chairman,” and Philip Galvan signed the same letter, “Philip Galvan, Ohlone Indian Secretary” (Galvan and Galvan 7/1/1965). The name and apparent purpose of the entity over which the Galvan brothers claimed leadership fluctuated in documents during the summer of 1965. A July 14, 1965, mailing from “Philip Galvan, Secretary,” for example, announced “our second official meeting of the Ohlones Historians” (P. Galvan, 7/14/1965).

During the summer of 1965, when the first public meetings on the cemetery occurred, Philip Galvan’s uncle (mother’s brother) Dario Marine, then 87 years old, purportedly visited the run-down site on August 8, 1965. The petitioner implies that Philip Galvan Jr., secretary-treasurer of the AIHS and, like Dario Marine, a descendant of Avelina (Cornates) Marine, accompanied Dario and took notes, but this is not documented. Nevertheless, informal typed notes were made at some point, and a photocopy was included as part of the petitioner’s submissions. The notes were entitled “Ohlone Indian Cemetery *Mision de San Jose de Guadalupe*, Fremont.” This document did not transcribe an actual conversation; rather, it appears to have been a version of handwritten field notes or notations from memory made by someone who heard what Dario Marine said that day and later typed up their recollections. Dario Marine may have produced it himself. No contemporary explanation of provenance<sup>15</sup> was included with these notes.

Two other pages with typing similar to the “Ohlone Indian Cemetery” notes were submitted by the petitioner. However, without provenance, the connection among these three pages is not known. One page appears to be notes from the reported cemetery visit. Another page is entitled “Avelina Cornate Family history,” and yet another page is a listing of 23 individuals, many deceased and with many of their relatives named, entitled “Ohlones of California.” Another page is a hand drafted map entitled “Family Locations

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<sup>14</sup> The first cousins of Michael Galvan who were Indian would trace through his mother’s line and include her siblings, the children of Avelina Cornates and Raphael Marine. His father Filipe Galvan, Sr., has not been identified by the petitioner as Indian.

<sup>15</sup> Provenance refers to information about the origin of a document – how it was produced, who produced it, its date, place of origin, etc., and where it has been in the intervening years between its production and the present and whether alterations have been made to it at any time.

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at Ohlone Indian Cemetery” which designated where Dario Marine’s relatives were buried and other features of the cemetery. It could have been drawn at any time and added specific names where the typescript had only referred to people by their kin relationship to Dario (e.g., “Dario’s sister”).

The three pages of notes described how Dario Marine pointed out where his children and other close relatives were buried earlier in the century, described the crosses placed over them, discussed how the land has been used and abused since his relatives were buried there, described the Pleasanton community, and traced his own family’s genealogy. His discussion focused completely on events that occurred several decades before 1960. The document did not refer to living members nor to a Muwekma Indian entity, but it did refer to a “rancheria.” Philip Galvan’s name did not appear in this document, even though the petitioner stated elsewhere that he was present. The document appeared to have been connected in some way to AIHS’s attempts to understand the significance of the cemetery as an historical site.

In a retrospective article published in the AIHS magazine *The Indian Historian* in 1971, an unsigned article stated:

. . . the Society did uncover nearly 200 descendants of the Ohlone Tribe. Still living on their ancestral lands, knowing themselves to be people of the Ohlone Tribe, they had never received reservation land, nor any benefits of whatever kind from the government which took their land. . . Two speakers of the Native tongue remained, and while there were no identifying markers on the graves, the Ohlone people knew where their relatives were buried, and pointed out the places where they were put to rest (*Indian Historian*, Summer 1971, 42).

No list of 200 descendants referred to in this article was submitted from this time period, nor were the two “native speakers” identified by name.<sup>16</sup> The article’s author must have been referring to the 1971 situation or to a larger group than those listed as Ohlone contacts, because the documents available in the petition materials listed fewer than sixty Ohlone descendants in 1967 or 1968. Many of those named in the AIHS lists were children.

Despite the public meetings held in the summer of 1965, the AIHS had not organized an Ohlone group it considered capable of administering and protecting the cemetery. For legal reasons, the AIHS set up certain conditions that would have to be met by the Ohlone descendants before the deed would be transferred to them. According to the 1971 article in *The Indian Historian*, “Only one stipulation was made: that they

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<sup>16</sup> The two native speakers may be John Porter and Wessell [neither of whom is in the petitioner’s genealogy] who Costo describes as “some of the Miwoks who still speak their language” (R. Costo 8/7/1969). Costo has previously said that the Ohlone are a “MiWuk” band.

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reconstruct themselves as a tribe. A period of four years elapsed before the Ohlones could make this effective" (*Indian Historian* Summer 1971, 42). A letter to Philip Galvan probably authored by Rupert Galvan or an officer at AIHS stated that in order for one non-profit to transfer the property to another non-profit, the receiver would have to be incorporated as such. (anonymous to Philip, n.d.) This would imply that Costo's view of "reconstruct[ing] themselves as a tribe" may have meant to formally organize under California law. After the land was transferred, Costo referred a question from the state Department of Parks and Recreation concerning the Ohlone Indian Cemetery to Philip Galvan:

I am forwarding your letter on to Mr. Galvan, and they will doubtless be in touch with you. In any case, it will take a meeting of their Tribe to determine this issue - not a decision of the Department of Parks and Recreation. The Ohlone Indian Cemetery now belongs, completely and without any strings whatsoever, to the Ohlone Indian Tribe (R. Costo 8/25/1971).

During the four years between the offer of the land to the Ohlone descendants and the actual transfer of the deed to them, the AIHS invested time and effort in the cemetery and extended their protection to lands neighboring the cemetery:

In the meantime, the Indian Historical Society spent more than \$5,000 in cleaning up the long-neglected site, and constructed a steel wire fence around it to keep out the cattle which local farmers had been herding to the place for grazing purposes, as well as the pot hunters who dug for artifacts. With the help of San Francisco State College accredited archaeologists, a nearby site scheduled for building a supermarket was investigated, yielding considerable information about this ancient people. The Society found the funds for this purpose and worked with the College to make the investigation possible" (*Indian Historian*, Summer 1971, 42).

Although AIHS collaborators were mentioned in this somewhat self-congratulatory article, no specific credit was given to any Ohlone people or entity in furthering these projects in either the 1971 *Indian Historian* article or earlier articles reporting on the archeological investigations (*Indian Historian* 1969, 25-28). Correspondence from Rupert Costo written from 1966 to 1969 mentioned by name many academic consultants and alluded to others. The only Ohlone researcher he named was "Michael Galvan,[Jr.] a student," who was "doing some independent research to dig out all material available both in Bancroft and other sources relating to the Ohlone people" (R. Costo 8/7/1969).

The petitioner asserted that a number of Ohlone people worked to protect the cemetery in the 1960's. The Galvans, for example, wrote in one note that they would go to the

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cemetery with shovels, presumably to help clean up (Galvan *et al.* 5/25/1965). In a 1997 "News from the Muwekma Tribal Administration" newsletter to the petitioner's members, Rosemary Cambra wrote:

It was the American Indian Historical Society who worked beginning in 1964, with Dolores Marine Galvan and her family and the other related Ohlone families to save the Ohlone Indian Cemetery from destruction. This is why Dario Marine came to the gathering of the families on August 8, 1965 and spoke about which family members were buried at the cemetery (*Muwekma Tribal Administration*, 2/1/1997).

Clearly, by 1965, brothers Michael and Philip Galvan were deeply involved with the AIHS, but the nature of the involvement of others was not documented by the petitioner, and cannot be attributed to the petitioner based on the evidence available in the record. No "gathering of families" on August 8, 1965, is documented elsewhere, even though other activities were documented on that date. For example, Michael and Philip Galvan's mother's views were contained in a biographical article about her life which was published in an unidentified newspaper.

According to Dolores Galvan, her sons had established an organization devoted to the care and development of the Ohlone cemetery. She revealed in a newspaper interview that her sons had called themselves "Men of Extinction" in response to the commonly held belief that the Bay Area Indians no longer existed (*The Daily Re[illegible]*, 8/8/1965). The newspaper article interviewing Dolores Galvan did not mention a gathering of families, even though it reportedly occurred on the same day that she was interviewed. It did not mention Dario Marine, either, even though August 8, 1965, was the date on the notes from his interview.<sup>17</sup>

Almost a year lapsed between August 8, 1965, and the next reported activity. Philip Galvan, identifying himself as "an Ohlone Indian," wrote a public letter dated July 17, 1966, concerning the establishment of a church on land associated with the Ohlone Indians. The specifics were not defined, however his statement described the "reestablish[ment]" of a "tribal entity" under the auspices of the American Indian Historical Society, which may have been premature:

We reestablished our tribal entity under the banner of the American Indian Historical Society. We have been unwilling and do not now wish to engage in the usual politics of Indian groups. We wish to live in peace, to educate the public about our people, and educate ourselves in higher cultural and professional attainments. We want to

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<sup>17</sup> It is not known if these notes were from an interview. It is equally possible that Dario Marine typed them up himself, or someone tried to put down what he had told them over a longer period.

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maintain the remaining evidence of our culture and history. . . Two Ohlones are members of the Board of directors of the Indian Historical Society. Twenty-three of the tribal members are members of the Society. I am the secretary-treasurer. . .we have no reservation. We never made application for a reservation. . . We hope, with all our hearts, that this small dab of land upon which an alien church wishes to build a house of God, shall not be allowed to be excavated. We ask, and the people of Fremont ask, that it shall be made into a historic site in perpetuity, that we be allowed through the American Indian Historical Society, to maintain it and beautify it so that all the people may know the blessings of peace that can be found here (Philip Galvan 1966).

Two weeks later on the July 29, 1966, U.S. Congressman Don Edwards wrote a letter to non-Muwekma Jeanette Vieux and Rose F. Viewx [sic] concerning their request to designate the San Jose Mission as a National Historic landmark, apparently based in part on the Indian history that occurred there (Edwards 7/29/1966). Edwards did not support the designation, and mentioned that he has talked to the BIA concerning Indian issues raised by the Vieuxes. The BIA "informed [him] that they do not have jurisdiction in this matter since the Ohlone Indians are not officially recognized as an American Indian tribe. It was their opinion that legislation of this kind would not have a chance in Congress since their official position is to encourage Indians to enter the mainstream of American life, rather than to be singled out as a tribe. . . ."

References to 200 unnamed Ohlone, the Galvan's "cousins and other relatives," and the "gathering of families," imply that people who were not directly identified may have been involved in these AIHS supported activities. Who these people may have been is not known.

The petitioner submitted two undated lists of names, which appeared to have originated between April and September 1965. The first document was entitled "Listing of Members.....for the Records of the OHLONE CHAPTER, American Indian Historical Society." Nine individuals were recorded on this listing. Seven were identified as "Ohlone of California." Of the seven Ohlone, six were Galvans or married to Galvans,<sup>18</sup> and one was their first cousin Mary Archuleta.<sup>19</sup>

A second and longer list was entitled "Ohlone Contacts for the RECORDS of the OHLONE CHAPTER American Indian Historical Society." The seven people identified

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<sup>18</sup> Neither Philip Galvan Jr. nor his descendants appear on the petitioner's current roll. The rest of the Galvans and Henry Alvarez and his descendants' children do have roll numbers, as do Mary Archeletta's descendants.

<sup>19</sup> This is Mary Munoz Archuleta, an Avelina Cornates descendant through Victoria Marine, Avelina's daughter.

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as Ohlone on the Ohlone Chapter list were not named on the second list. The "Ohlone Contacts" list designated 59 names and appeared to have been made at the same time and produced on the same typewriter as the "Ohlone Chapter" list. In light of what is known about the AIHS's organization, it appears that the "Ohlone Chapter" list named dues-paying Ohlone, other Indian, and non-Indian members of a local AIHS chapter. The "Ohlone Contacts" list seemed to name individuals who were not AIHS dues-paying members, but who were Ohlone Indian descendants, in the view of the AIHS. This listing was apparently maintained by the AIHS. The date of its production does not appear on the document. The individuals are grouped into 15 families. These groups include a child born as late as April 1965, and some non-Indian spouses. Children born after September 1965 to the individuals listed are not shown. Therefore, the list was most likely created in the summer of 1965.<sup>20</sup>

The petition does not contain an explanation for how this list of Ohlone Contacts was put together and on what basis individuals were included on it. Such evidence may be useful to show that the preparation of the lists involved the petitioner as a group. An AIHS-furnished form asking for genealogical information linking the respondent to parents, children, siblings, and grandparents was distributed to Ohlone descendants, some of whom objected to it. In their words, they found it "fishy" (Galvan *et al.* 5/25/1965). A 1969 letter from Costo to Anthropologist Sherburne Cook encouraging him to undertake Ohlone research would imply that the AIHS accepted self-identification of Ohlone without background research to verify individual claims of descent. Costo writes:

Some few others with whom we have spoken also agree that a group of people existed in the areas of the Mission San Jose whom they knew as the Ohlonowit People. I take it for granted that they are referring to the same band which we know now as Ohlone (R. Costo 8/7/1969).

And Costo follows:

The people who now are living in the Fremont and Pleasanton areas are descendants of the original inhabitants of that area. This they have asserted with some degree of believability for some time (R. Costo 8/7/1969).

Not everyone on the "Ohlone contacts" list could be identified using the petitioner's genealogical database. The list included non-Indian spouses. Since most of the family groupings appeared to include several individuals who are listed today on the Muwekma membership list, those eight people listed on the AIHS "Ohlone Contact" list who do not have current enrollment numbers are probably deceased, with two kinds of exceptions. First, Albert Arellano (an Avelina (Cornates) Marine descendant) and his children by Mercedes Jacobo, and second, Emily (Thompson) Dewey, a descendant of Magdalena

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<sup>20</sup> According to the petitioner, this is around the time the Avelina Cornate Family History document was prepared.

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Armija, and Emily Dewey's daughter Jackie do not have enrollment numbers on the modern-day membership list.

The composition of the people on the "Ohlone Contacts" list is somewhat similar to the current enrollment for the Muwekma petitioner. The great majority of individuals on this list descended from the married couple Avelina Cornates and her non-Indian husband Raphael Marine. It appears that six individuals on the AIHS list descended from, or were married to, a descendant of Dolores Marine; 26 descended from, or were married to a descendant of, Mercedes Marine; and 22 descended from, or were married to descendants of, Ramona Marine.

Only two families, the Deweys and the Juarezes, do not descend from Avelina Cornates.<sup>21</sup> Only nine, or 14 percent, out of a total of 63 individuals on the AIHS contact list were not related to Avelina (Cornates) Marine through kinship or marriage. The nine non-Marine descendants on the list included seven members of a Juarez family, who descended from Marie Erolinda Santos, the daughter of George Santos and Maria Peregrina Pinos. George Santos and Maria Peregrina Pinos (and Maria Erolinda Santos by implication) were all listed on the Kelsey Census as living at Niles in 1905/06. Emily Dewey and her daughter, who were named on the AIHS contact list, were not on the Kelsey census because they were not yet born; however, Emily Dewey's mother Magdalena Armija was on the Kelsey Census living in Niles. Emily Dewey was related to the Juarezes through the maternal line.<sup>22</sup> Thus, the people named on the AIHS Ohlone contacts list fall into two basic families, the descendants of Avelina (Cornates) Marine (Marines) and the descendants of Maria Soledad Castro (Armijas and Santos). The Santos, Armija, and Marine families are currently represented on the Muwekma membership listing. Emily Dewey has no descendant on the petitioner's current membership list,<sup>23</sup> although four of her first cousins have been on all of the modern membership lists.

The Galvan family of Dolores "Lola" Marine, some of whom are also descendants of Victoria Marine, was not listed on the AIHS listing of "Ohlone contacts." The Galvans were listed on another list that appeared to be in the same type face and style as the "Ohlone contacts" list. That the Galvans, who so often appeared in leadership roles in the AIHS and its related local-level organization called the "Ohlone Chapter," are not on the "Ohlone Contacts List" demonstrates how the AIHS functioned. The Galvans paid dues, and served as officers. They were chapter members.

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<sup>21</sup> Avelina Cornates did not appear on the Kelsey Census of 1905/06 in either Niles or Pleasanton. She had died a year earlier in 1904.

<sup>22</sup> Maria Erolinda Santos mother, Maria Peregrina Pinos, was Magdalena Armija's matrilineal half-first cousin. Peregrina and Magdalena shared a grandmother through their mothers' lines. Their shared grandmother was Maria Soledad Castro.

<sup>23</sup> Lucas and Dario Marine married Catherine Peralta, whose father's brother Antonio was married into the Armija line in the late 19<sup>th</sup> century, according to the petitioner.

### **Muwekma: Proposed Finding - Description and Analysis**

As stated previously, the “Ohlone Contact” list would appear to have been an AIHS-maintained listing of individuals whom they believed were Ohlone Indians but who were not official dues-paying members of an AIHS local chapter such as the Ohlone Chapter in Alameda County. Even though the majority of members claimed Ohlone ancestry and the a chapter had apparently appropriated the designation “Ohlone,” the Ohlone Chapter was a club or voluntary association of individuals interested in advancing Ohlone history and culture, not an Indian entity or government. The Ohlone chapter had seven Ohlone (including non-Indian spouses), a non-Indian with no apparent kinship or affinal relationship to Indians, and a man whose tribal affiliation was identified as “Cherokee-Apache.” Neither of these AIHS listings — the “Ohlone Contacts” list and the “Ohlone Chapter” list — were created by an Ohlone political entity; rather, they were more likely the administrative papers of the national AIHS, located in San Francisco, or the local East Bay AIHS chapter.

Nevertheless, the AIHS clearly wanted to organize an incorporated Ohlone grouping, which they called a “tribe,” to take control of the cemetery property. They eventually succeeded in doing this, although it did not appear that the disgruntled Ohlone, to whom Rupert Costo had referred as Philip Galvan’s “Cousins and other relatives,” fully participated in the incorporation of a group which was eventually allowed to take over the deed to and control of the cemetery. A quarrel implied by the petition documents was not explained in the petitioner’s narrative. Even though individuals who were active during this period are still alive, no oral histories or interviews were submitted by the petitioner which would help explain the situation not only by naming individuals who were involved in activities but also by laying out the bases of the apparent arguments. These disagreements may be the source of a long-standing division between some Ohlone, or Muwekma, descendants, which may contribute to current arguments and divisions among cultural resource monitoring firms. However, without a full explanation by the petitioner, backed up by documentation including oral histories of participants,<sup>24</sup> the existence of community and political activity in the 1960’s cannot be verified.

The petitioner claims that a “community began to develop more formal institutions to address internal and external matters,” and that “the Muwekma community worked with the Society [AIHS] to persuade the Catholic diocese of Oakland to transfer the Ohlone Indian Cemetery located in Fremont to the AIHS” (Petitioner 2001, 21). However, without more evidence concerning the specific activities and functioning of a Muwekma community and involvement of named individuals beyond the Galvan family, their position cannot be verified.

By the beginning of the 1970’s, the AIHS seemed to be losing interest in dealing with the Ohlone descendants on the cemetery issue. The lack of documentation concerning activities even of the Galvans between 1966 and 1970 would indicate that the flurry of

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<sup>24</sup> In-depth oral histories should be done as soon as possible to ensure that actual participants such as Hank Alvarez, the Galvan brothers and others, as yet unnamed, may be interviewed and provide factual and verifiable background for this period.

## Muwekma: Proposed Finding - Description and Analysis

activity in the mid-1960's had subsided in the last years of that decade.<sup>25</sup> The Alcatraz Indian takeover had taken place in late 1969 and early 1970. The petitioner submitted unsigned documents which indicated that some unnamed Ohlone objected to the Alcatraz demonstration happening on land they believed was associated with their own history.<sup>26</sup>

In a July 8, 1970, letter to Philip Galvan from Rupert Costo, the tone was curt and indicated that Costo was breaking off his relationship with Galvan. The entire body of the letter follows:

Please return to us your files and all minutes, the key to  
The Chautauqua House, and the key to the Cemetery.

If you should have any other materials belong to the  
American Indian Historical Society, these should be  
returned as well.

We'll be seeing you (R. Costo 7/8/ 1970).<sup>27</sup>

But almost a year later, Costo made a one-time offer to three children of Dolores (Marine) Galvan: Phillip Galvan, Jr., Michael Galvan, and Dolores Galvan-Lamiera. Costo wrote to them:

It has long been our hope that we could turn over the  
Ohlone Cemetery to the Ohlone Indian. [sic] As you know,  
title rests with the American Indian Historical Society.

We are, therefore, informing you three families, whom we  
consider to be the leaders of this Native group, that we are  
offering you ownership of the Ohlone Cemetery.

If you three families can get together and agree to accept  
this offer, then we should meet to discuss how this may  
best be done. If we do not hear from you within two  
weeks, we will then complete current arrangements now  
pending for maintenance of this historic site.

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<sup>25</sup> P. Michael Galvan, Philip Galvan Jr.'s 17-year-old son, wrote an article for *The Indian Historian* published in the Spring, 1968 issue, in which he stated that his father was caring for the cemetery. Michael Galvan would join the Catholic priesthood in 1978. His ordination took place at San Jose Mission.

<sup>26</sup> A letter to "The President of the United States" was submitted with the petition documents. Dated January, 1970, it appears to be a draft and says "signed by Ohlone Indians." No names are shown. Locating a signed copy may be helpful to the petitioner's case.

<sup>27</sup> The petitioner should follow up on the reference to "minutes," which may provide important facts concerning who was participating in AIHS activities and the relationship between AIHS and any Ohlone or Muwekma community that may have existed.

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Under these conditions, the offer will not again be made  
(R. Costo 3/8/1971).

The three families accepted the offer on March 13, 1971, and the AIHS helped Philip Galvan incorporate the "Ohlone Indian Tribe, Incorporated." The Ohlone Tribe's Directors, who were named in the incorporation papers, were Philip and Michael Galvan and their sister Dolores Galvan-Lamiera. On Friday, April 2, 1971, the AIHS board of directors voted to turn the cemetery deed over to the "Ohlone Indian Tribe or the Ohlone Cemetery Association, which ever body accepts the deed to the cemetery site" (AIHS 4/3/1971). On June 12, 1971, the transfer became final.

In some regards, these steps by the AIHS board would appear to be an attempt to jump start action from an Ohlone tribal organization. In a newspaper interview two weeks after the transfer, Rupert Costo's wife was quoted: ". . .[W]e found out that there are some 200 Ohlones living in the Fremont area. About 75 of the Indians from four ancient families<sup>28</sup> so far have joined the tribe formally" (Newspaper 1971). The description she gave (of 75 Indians from four ancient families) fairly accurately described the composition and numbers of people named on the contacts and chapter lists.

Any post-transfer actions by AIHS or Costo referred to the "Ohlone Tribe." For example, in an August 25, 1971, letter to the California State Department of Parks and Recreation, Costo, who suspected that the parks department was attempting to take over the site through condemnation, stated, "The Ohlone Indian Cemetery now belongs, completely and without any strings whatsoever, to the Ohlone Indians Tribe" (R. Costo 8/25/1971).

The petitioner's interpretation of these events does not explain the documents sufficiently. The few references to non-Galvan Ohlone hinted that disgruntled individuals or a group existed in the background and was somehow blocking the organization of the Ohlone. Whether they resisted organization, objected to Costo's plans for the site and inclusion of other California Indians in its future, were involved in a factional dispute over leadership and power with the Galvans, or any other scenario could not be determined by the documents submitted. Thus these events do not document internal political processes for this petitioner.

The petition stated that in "1971 tribal members established Ohlone Tribe, Inc., a non-profit organization 'to promote the culture, education, and general welfare of the Ohlone Indian people'" (Petitioner 2001, 22). Although the petition did not give a source for the quoted phrase, it was taken directly from the incorporation papers naming the three Galvans as the Ohlone Indian Tribe's directors. The petitioner then continued that the Ohlone Tribe, Inc., took ownership of the cemetery from the AIHS, and parenthetically pointed out that AIHS maintained a contact list of Ohlones, apparently attempting to link the "Ohlone Contact" list with the Ohlone Tribe, Inc. (Petitioner 2001, 22). The

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<sup>28</sup> The reference to four ancient families could be made about the current petitioner's membership also. Unfortunately these families were not identified.

## **Muwekma: Proposed Finding - Description and Analysis**

petitioner then stated that Philip Galvan's "... families, including his brothers and sister and mother broke with the Ohlone Indian Tribe, Inc. . . . leaving that non-profit entity in the hands of that single family. Galvan broke with AIHS, too" (Petitioner 2001, 22). The documents demonstrated that AIHS chose the Galvans to lead the Ohlone Indian Tribe, Inc., offered to accompany them to Sacramento to get the Ohlone Tribe, Inc., incorporation papers, and voted for the motion to transfer the cemetery to the Galvan-led Ohlone Tribe, Inc. If Philip Galvan broke with AIHS, it was after the land transfer, but no evidence of a permanent break was submitted.

The tone of Rupert Costo's correspondence hinted that he had become exasperated with the slowness of the incorporation or wanted to make the transfer quickly in 1971. His letter read like a now-or-never ultimatum to the three Galvan families. More information may show why Costo pushed at that time for the Galvans to be the leaders. Did the Costos hope that in pushing the Galvans to take steps to incorporate a non-profit tribal organization in order to accept the land, the rest of the Ohlone would coalesce around them and somehow an official Ohlone tribe would be created.<sup>29</sup> The petition documents did not explain what happened to the cemetery after the land transfer in 1971.<sup>30</sup>

### Rosemary Cambra and the Founding of Ohlone Family Consulting Services

The petitioner submitted almost no documents for the decade of the 1970's after the 1971 transfer of the land. Trini (Marine) Ruano wrote a letter to the BIA concerning individual claims payments. A newspaper interview published in 1989 quoted Rosemary Cambra, who is the current chairwoman of the petitioner, as having been involved in Muwekma affairs for 12 years, which would place the beginning of her involvement in 1977 (*Peninsula Times Tribune* 7/2/1989). However, no contemporary documents were submitted to demonstrate that she was involved in a Muwekma entity in 1977.

Another retrospective newspaper article "S.J. women who made a difference," published in 1992 in the *San Jose Mercury* (*San Jose Mercury News* 3/18/1992) pinpointed 1980 as the date that Rosemary Cambra established Ohlone Families Consulting Services (OFCS):

In 1980, Cambra became acutely aware of the injustices her ancestors had suffered and was determined to try to rectify past transgressions and to improve life for American Indians. . . [unreadable]. . . Families Consulting Services and made it her first priority to protect ancestral burial ground (*San Jose Mercury News* 3/18/1992).

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<sup>29</sup> Mrs. Galvan referred to the Ohlone tribe as larger than the families of the Galvan siblings. Two weeks after the land transfer, Mrs. Costo estimated that 75 individuals belonged to the Ohlone Tribe, a number close to the sum of Ohlone individuals on the "Ohlone Contact" list and "Ohlone Chapter" list.

<sup>30</sup> Andrew Galvan, Philip Jr.'s son, claimed that a group associated with his father owned the cemetery in 1989. Reburials occurred there and they also had a collection of artifacts.

## Muwekma: Proposed Finding - Description and Analysis

The article, which is about "women who made a difference," focused on Cambra's individual actions founding OFCS, rather than on a community with which she may have associated.<sup>31</sup>

In 1989, an adversary claiming to represent other Ohlone claimed that Rosemary Cambra had become involved in Indian issues in the Bay area around 1981. Ella Rodriguez<sup>32</sup> was quoted in an article headlined "Bone of Contention in Stanford Dispute,"

"She [Cambra] just surfaced out of nowhere eight years ago," Rodriguez said. "Before that, I had seven years of battling and bearing arms to get laws to protect our burials."... "Now she wants to step in when it's all nice and cozy and wants to push everyone out of the way. It's aggravating" (*Peninsula Times Tribune* 7/2/1989).

A press release was distributed in 1993, discussing the activities of a "Muwekma" group (San Jose America Festival, 3/31/1993). It claimed that the Muwekma had revitalized in the 1980's:

...In the early 1980s, descendants established the Muwekma Indian Cultural Association. Now called the Muwekma Indian Tribe, the organization has worked to document its members' ancestries, fought for the reburial of ancestral remains kept in local universities and... (San Jose America Festival 3/31/1993).

No documents this early in the 1980's referred to the Muwekma Indian Cultural Association (MICA). The only documents for MICA in the record were dated between 1989 and 1990.

The first document in the petition that actually originated from Rosemary Cambra was a 1984 letter which was not on letterhead stationery. In it, she stated that she was locked out of the monitoring of archaeology sites and handling of cultural remains under the state laws and the commission overseeing the handling of California Indian human remains:

Loretta Allen and the commission have interfered in our right to decide about the disposal of cultural remains by notifying and working with individuals from Monterey county rather than Santa Clara county, the site of the remains.... Native American Heritage commission refuses

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<sup>31</sup> Newspaper articles often contain inaccuracies; however, in this case, newspaper articles were a major part of the petitioner's submission and, in the absence of other information, are evaluated here.

<sup>32</sup> Ella Rodriguez is not in the petitioner's genealogical database.

## Muwekma: Proposed Finding - Description and Analysis

to acknowledge our presence in the valley. My family's background can be documented to the Mission San Jose and the Rancheria at Pleasanton (Cambra 11/19/1984).

These articles and letters deal with complaints filed on behalf of business competitors, rather than internal political processes within a group. The grievance of being locked out of research reprised themes expressed in earlier letters, written by individuals on behalf of Cambra. A year and a half before, unidentified "cousins" of Rosemary Cambra wrote a letter to Reverend Virgilio Biasiol concerning a change in policy at San Jose Mission that blocked Cambra and her researcher, Nancy Olsen of DeAnza College, from using the mission records:

Since [Father William Abeloe's] sudden death, however, the new priest, Father Michael Norkett, will not allow [Cambra and Olsen] access to the records. He will not allow any of the family access to their own records, will not answer our letters and will not help. By way of explanation of his rudeness, he wrote to the researcher that he had inquired permission from one of our other cousins, Philip Galvan. Our cousin felt it was an invasion of his privacy and thus, he would not allow any of the rest of us to see our own records. We have written to Father Norkett explaining that the research is a family project that involves several lines of descendants, that we would respect Mr. Galvan's wish for privacy by passing his family's history by, but get no response (Anonymous 3/25/1983).

By describing the research as a "family" project and suggesting to leave out her cousin's history, the letter appears written only on behalf of some of Avelina (Cornates) Marine's descendants. The above letter followed a shorter letter written by Nancy Olsen to Rev. Norkett at Mission San Jose only two months earlier in which she asked the Father to consult with other members of the family. Olsen implies that "the family" includes several the descendants of Avelina (Cornates) Marine:

... [W]ere you aware that there are a great many more people in the family than the Galvans? If you consult Philip, in all fairness, you should also consult the offspring of Trinidad, sister of Dolores Galvan, and still living in Newark, California. The address of her daughter [Ruth Orta] is included below (Olsen 1/13/1983).

The use of the term "family" varies in the petition documents. Sometimes, as in the above example, "family" refers to a large extended family founded by a matriarch such as Avelina (Cornates) Marine. Other times the term refers to a smaller segment of a larger extended family and may include both nuclear families and smaller extended families, such as the families of each of Avelina (Cornates) Marine's children. The

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petitioner never explained how to specifically interpret the term "Families" in Ohlone Families Consulting Services (OFCS).

In a 1984 letter to California Governor George Deukmejian, San Jose Attorney Kathryn Berry claimed that OFCS had been left out of the monitoring of archaeological excavations in Santa Clara County. Based on a letter, "from Rosemary Cambra, proprietor of Ohlone Families Consulting Services," she wrote:

. . . [T]he only efforts to mitigate the discovery of these remains is to engage the services of Ohlones from other counties for the purpose of seeking their guidance relative to a resolution of a placement of the remains. The residents of this County have been completely left out despite their many, many attempts to become involved in the process (Berry 11/28/1984).

In April 1985, Cambra wrote a letter to Zoe Lofgren, then a supervisor in the 2<sup>nd</sup> District of San Jose, complaining that the commission dealing with archeological monitoring had caused her "humiliation at a meeting of Basin Research." Muwekma Attorney Dorothy Gray signed a memorandum in July to Lofgren about the concerns of local Ohlone Indians regarding the Guadalupe Corridor Project. In this memo, Gray accused Ella Mae Rodriguez, an "out-of-county Indian who purports to be an expert on three huge counties, calling herself 'tri-counties Ohlone Consultant'" (Gray 7/25/1985). The memo stated that the appointment of Rodriguez was an action which "also insulted the elders by not respecting their appointment of Mrs. Cambra as the one to select a monitor from the group."<sup>33</sup> Similar rebuttals continued through the summer at other sites. Offers to allow Cambra to serve as an unpaid observer on the San Jose Fairmont Hotel site were rejected as "an affront," especially because "an Ohlone Indian representative from Watsonville" would be called in if any remains were found (*San Jose Mercury News* 9/14/1985).

The dispute continued on September 24, 1985, when Rosemary Cambra and an archeologist confronted one another at an excavation in San Jose, where Cambra and "Indian representatives from San Jose and Watsonville" were undertaking a ceremony. Cambra's position was that "construction sites in Santa Clara County [were] not being monitored properly to prevent the destruction of Indian burial sites" (*San Jose Mercury News* 10/8/1985). Carmel Valley Ohlone monitor Ella Rodriguez saw the dispute differently, "

I see no problem. [Reburial] is being done with dignity and respect as it should be. [The dead] had their religious ceremony when they were buried. [Cambra and other demonstrators] are making a three-ring circus out of this (*San Jose Mercury News* n.d.).

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<sup>33</sup> The petitioner did not submit any information about what processes, if any, were used by elders to make decisions like these.

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The disputes were covered in the *San Jose Mercury News* and one article appeared in the *San Francisco Observer*. Individuals associated with Rosemary Cambra who were named in the articles about the summer of 1985 disputes were her sister Mary Louise Cruz and her sister's 12-year-old son. In March 1986, Muwekma Attorney Gray called for a Grand Jury investigation to determine "whether local governments have conspired with the state Native American Heritage Commission, developers, and private archaeology firms to withhold information about the discovery of burial sites from the Muwekmas" (*San Jose Mercury News* 3/13/1986).

Letters written between 1983 through 1985 had used the terms "family" and "families" when referring to the group of people working with Rosemary Cambra in OFCS. At the same time, the term "Ohlone" was used to refer to many people who were not associated with either Cambra or OFCS. Cambra's primary rival Ella Rodriguez, for example, was called "Ohlone." The above use of the term "Muwekma" in reference to Cambra's group marks a differentiation between her and other monitoring organizations. However, the use of the term, alone, did not provide more information about the group behind Cambra. The petitioner did not submit documentation which can now be used to demonstrate who was part of OFCS other than Cambra, how decisions were made, and generally whether there was a group behind Cambra.

In March 1988, the BIA notified Cambra, "President OFCS," that her "firm" was designated as a buy-Indian business (BIA 3/17/1988). No other contemporary evidence was submitted covering the period 1987 and 1988. Whether this breach reflected an absence of activities on the part of Cambra, or a lack of documentation, cannot be determined.

Cambra was mentioned in an article which reported that it had taken five years to reach an accord on repatriating the human remains:

[I]t took five years of negotiating for Stanford and the Ohlone tribe to reach an agreement. When the plan was announced Wednesday, Rosemary Cambra, a San Jose Ohlone whose ancestors' remains are among those at Stanford, praised the university for 'agreeing to respect the religious rights of Indians' (*Los Angeles Times* 6/22/1989).

However, the newspaper's report of five years of negotiations was in conflict with a Stanford spokesman's characterization of events. He referred to "many months of difficult negotiations" (*San Francisco Examiner* 6/22/1989).

To whom had Stanford officials referred when they said that they had negotiated? A follow-up newspaper article appeared in an unidentified newspaper a week after the initial announcement about the Stanford agreement. This article referred to Irene Zwierlein, chairwoman of the Amah Band of Ohlone/Costanoan petitioner in Woodside, California, Zwierlein's sister, and to Rosemary Cambra "and their mothers, who represent the elders of the various Costanoan-Ohlone tribes. . ."

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The new publicity about Cambra's success at Stanford attracted more public criticism from the chairwoman's old business adversaries, including Bay area salvage archaeologists and non-Muwekma Ohlone Ella Rodriguez. For example, Archaeologist Miley Homan said on the record, "From where I sit, [Cambra's] move is to eliminate the competition. . . ." Rodriguez talked to the press, which then reported:

When Stanford announced its decision, only Cambra and two of her associates participated in the discussions. The majority of the local Ohlone representatives are only now being notified of the negotiations. . . Rodriguez and others assert that Cambra has sought to convince the public that she is the only person qualified to make decisions for Santa Clara County's Ohlone community.

"What she has been doing in the past and is still trying to do is be the sole Indian," Rodriguez said. "She has not taken into consideration that there are others of us who are as concerned, or maybe more concerned, than she is" (*Peninsula Times Tribune* 7/2/1989).

Ella Rodriguez portrayed Cambra as misrepresenting her authority to act alone on these issues, and she directly alleged that Cambra had no other people backing her up who supported her actions. The petition documents heavily criticize archeologists whom they believe attempt to circumvent repatriation laws and ignore the beliefs and values of Indian people.

Three weeks after this public quarrel, another newspaper article appeared about the monitoring of archaeological sites in the Bay area, this time in Alameda County. In this case, the Army Corps of Engineers was working with Philip Galvan, who the article said:

. . . has been reburying Indians since 1964 in an Ohlone cemetery in Mission San Jose that dates back to the 16<sup>th</sup> century. In 1964, the Ohlones reincorporated as a tribe to reclaim this cemetery from the Catholic diocese. There are 241 Ohlone in the Bay Area that Andrew Galvan considers part of his family, all descendants of his grandmother Dolores. Galvan says many Ohlones work as site monitors, and there are verbal agreements between them as to who works what territory. . . All descendants of Dolores Galvan also communally own Ohlone artifacts that are excavated at sites such as San Pablo Creek and exhibited in the museum in Mission San Jose (*Express* 7/21/1989).

Andrew Galvan is Philip Galvan Jr.'s son. No documents in the record corroborates this article. Philip Galvan had been active working with AIHS in the mid and late 1960's, and with his brother Michael and sister Dorothy had incorporated an Ohlone Tribe and

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received the deed to the San Jose Mission "Ohlone" Cemetery in 1971. Since that time almost no mention of the Galvans has appeared in the documentation submitted by the petitioner. The petitioner did not attempt to explain this hiatus. Galvan's description of the Ohlone group he was associated with did not include Rosemary Cambra nor any of the individuals documented as working on activities Cambra was associated with. Cambra and the handful of individuals named as her associates descended from Ramona Marine, a sister of Dolores Galvan. The 241 members of Galvan's family which he referred to in his interview, he quite clearly described as Dolores Galvan's descendants.<sup>34</sup> This description would exclude Ramona Marine's descendants, who demonstrably comprised the petitioner at this time. The activities of these families do not appear related, indicating that their enterprises were limited to extended families founded by Marine siblings, rather than the activities or a larger community.

### Muwekma Indian Cultural Association

The petitioner submitted a single newsletter for the Muwekma Indian Cultural Association (MICA) called the *MICA Pendant*. It was December 19, 1989, and numbered Vol. 1, No. 1.<sup>35</sup> MICA was mentioned previously in a flyer for a pow wow on March 4, 1989. According to the newsletter, "In the Fall of 1986, the Muwekma Indian Cultural Association became actively incorporated as a non-profit cultural resource agency." However, no documentation from 1986 through 1989 was submitted. The newsletter disclosed that the organization had received a \$50,000 grant. The petition documentation contained neither a mailing list nor evidence concerning how this newsletter was distributed (MICA 1989).

Rosemary Cambra went to a MICA Board Meeting February 5, 1990. Ann-Marie Sayers, Jan Marie Feyling, and Irene Zwierlein, members of other acknowledgment petitioners, also attended. Also present were two non-Indians, archaeologist Alan Leventhal, who would become the primary Muwekma consultant on their petition, and Norma Sanchez, who would become a central player in the role of tribal administrator in the Muwekma petitioner. According to the MICA minutes, Cambra reported on attorney-researcher Allogan Slagle and acknowledgment bills. Zwierlein, identified as the group's treasurer, reported that Robert Sanchez, "Board Member and Muwekma Elder,"<sup>36</sup> had donated money to MICA which was forwarded to Allogan Slagle "for his efforts on the Federal Acknowledgment Process" (MICA 2/5/1990). In March of the same year, Cambra wrote a letter to a project manager about a coyote statue under construction by the city of San Jose. She thanked him for contacting MICA about the text that had been

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<sup>34</sup> Mrs. Galvan, born in 1890, had 11 children. Current membership shows that 29 members trace to Dolores Galvan. It would appear that many of her descendants are not in the current petitioner.

<sup>35</sup> The photocopy of the document submitted actually appears to be a mock-up because there are blank spaces, one with a handwritten notation "good place for a photograph."

<sup>36</sup> Because he has been identified as an elder, we assume that he is the Robert Sanchez who is Rosemary Cambra's mother's brother.

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drafted for the statue. Because of the involvement of people representing other petitioners and their researchers, MICA seems to have been an inter-petitioner organization.

### Repatriation Conflicts and Political Outreach 1990-1995

In April 1990, a dispute between Stanford and Ohlone not associated with Cambra was raised in a letter signed by Kenny Marquis, claiming to represent 300 Ohlones in San Jose, Ella Rodriguez, claiming to represent 200 Ohlone in the Salinas based group the Tri-County observer, and Andrew Galvan, claiming to represent 214 Ohlone Indians in Mission San Jose near Fremont. Galvan wanted the remains available for research. *The Palo Alto Times* newspaper reported that the letter said:

‘In the future press releases, you and the administration of Stanford University would be at fault if you state that you have reached an agreement with the majority of Ohlone people,’ the letter continues. ‘You have only reached an agreement with some’ (*Palo Alto Times* 4/10/1990).

They continued, according to the *Pensinsula Times Tribune* article headlined “Ohlones oppose reburial,” and described Cambra’s group as representing only twelve Ohlone:

. . . [the group pushing for the reburial of Stanford’s 550 Ohlone skeletons does] not reflect the general concerns and requests’ of the majority of Ohlone Indians who inhabit the Bay Area. . . Last July – at the urging of Rosemary Cambra, an Ohlone who represents about a dozen Ohlone Indians in Santa Clara county – Stanford announced it was going to give its collection of 550 skeletal remains to local descendants for reburial (*Palo Alto Times* 4/10/1990).

Over the next few months, Stanford entered mediation to resolve this dispute and finally called in a Department of Justice mediator (*Stanford Campus Report* 5/2/1990). Andrew Galvan complained that his group had been “frozen out of negotiations just about the time they got under way in late November,” but this was disputed by some who said that Galvan’s father had been one of ten chosen Ohlone representatives asked to participate but that he had not shown up for the meetings (*San Jose Mercury News* 4/23/1990).

The petitioner submitted a mediation agreement dated April 30, 1990. Five individuals signed, including Cambra and Feyling. Four other “Ohlone representatives” whose names were typed on the document did not sign. They included “Filipe” Galvan, Kenny Marquis, Patrick Orozco, and Ella Mae Rodriguez. One Stanford representative did not sign. That week at least some people received remains and funerary objects from Stanford. The San Jose paper reported:

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Cambra was among more than a dozen Ohlones who looked on as Walter Falcon, Stanford dean of humanities and sciences, signed a one-paragraph statement ceding the relics (*San Jose Mercury News* 5/1/1990).

The position of some, including Galvan, to maintain the remains for study purposes was recognized to some extent by the mediation agreement, even if he was not present. Part of the compromise agreement was that a collection of 140 remains which had been loaned to San Jose State University would remain there to be studied for a year.

The in-house *Stanford University Campus Report* tried to explain the university's position. It quoted Larry Myers, executive secretary of the NAHC:

"... the Ohlone people who have participated in this agreement were in essence self-identified. That means they represent a certain group of their family members and community members who are Ohlone Indians."... He said he had not made any effort to "try to identify the number of Ohlone descendants," but had sent out about 35 to 40 letters to individuals and groups he knew were Ohlone" (*Stanford Campus Report* 5/2/1990).

The same day as the remains in the Stanford collection were transferred in Palo Alto, the Coyote statue was dedicated in San Jose. The San Jose Redevelopment Agency had worked with Cambra on the legend. A photograph of a group of people who attended this dedication showed that 13 individuals, approximately 11 adults and two children were present. No one was identified in a caption, although Rosemary Cambra was identified by BIA researchers.

At a conference on acknowledgment, newspaper reports said that the "Muwekma Tribe. . .number[ed] only 68 adults among its members" (*Oakland Tribune* 5/13/1990). Up to this point, however, the number of people documented actually participating in activities was much smaller, perhaps six. Cambra, her sister Mary Louise Cruz, her mother's brother Robert Sanchez, her mother Dolores Sanchez-Franco, her 19-year-old son and her 17-year-old daughter were the only adults who were actually named participating in any activity associated with Cambra, the "Ohlone Families Consulting Services," or a Muwekma tribe that is clearly Cambra's organization (as opposed to Galvan's or someone else's organization). The nature of the participation of the elders whose names were listed on letterhead was not documented, except in the case of Dolores Sanchez-Franco, Cambra's mother, who had been involved in negotiations with Stanford according to some reports. Presumably, some of the 13 people in the photograph were people associated with the petitioner, some of whom were named in the documents, others of whom were not named.

The petitioner argued that the high rate of participation in burial issues showed that the membership considered issues acted upon by Council members to be important

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(Petitioner 2001, 24). The evidence submitted up to 1990 did not indicate that many people participated to 1990. And even later, as the evidence listed below demonstrates, the participation in archeological events was limited to a small number of people, many of whom were close relatives to Cambra.

On August 19, 1990, Philip Galvan, Jr., held a gathering at the Dominican Sisters Grounds in Fremont. A photograph was taken and the caption named those present. No information explained what kind of gathering this would have been although, considering Galvan's age, it may have been his 65<sup>th</sup> birthday and/or a retirement party. The 15 individuals in the group portrait were his sister, his brother's wife, his half-brother, and three aunts and one uncle through his mother's sisters Ramona and Victoria. Also present were three of his cousins. Of these cousins, two were granddaughters of Ramona Marine and one was a granddaughter of Victoria Marine. All of those pictured were Avelina (Cornates) Marine descendants or their spouses.<sup>37</sup> There was no indication that this event was a community event, rather than an assemblage of Philip Galvan's close relatives at a family affair.

Through the summer of 1990 and into 1991, Cambra's archaeological work continued. She worked on a California Transit, "CALtrans," site near Pleasanton (*San Francisco Chronicle* 9/24/1990). But the on-going dispute between Galvan and Cambra was again written about in a journalistic article (Newspaper 1991). This time, the cousins presented their differences as a "difference of philosophies," because Galvan believed that the remains should be studied and Cambra believed that they should be reburied without analysis. The articles about this dispute did not mention the existence of a larger community involved in the conflict.

The letterhead of the "Muwekma Indian Tribe," sub-headed "Costanoan/Ohlone Indian Families of the Santa Clara Valley" located the group in San Jose in March 1991. Rosemary Cambra, "Muwekma Tribal chairwoman" signed letters on this letterhead which listed four elders, the chairperson, six council members and a tribal administrator. All those listed were descendants of Avelina Cornates, but only through Ramona Marine. They included four children of Ramona Marine, including Enos Sanchez, Robert Sanchez, Margaret Sanchez-Martinez and Dolores [Sanchez-Franco], and five of their children: Robert's son Robert Sanchez, Jr., Dolores' daughters Concha Rodriguez and Rosemary Cambra and one son, Manuel Martinez, and Margaret's son Robert Martinez. These individuals represented the extended family of Ramona Marine. The older generation was generally listed as "elder," and the younger generation as "council member." Robert Sanchez, Sr., and Dolores Sanchez Franco were listed as both council member and elder. Norma Sanchez, who is not a member, was listed as tribal administrator.

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<sup>37</sup> This grouping (all Marine descendants) differed from the AIHS "Ohlone contacts listing" by not including the descendants of Mercedes Marine, who had been well represented in the AIHS listing. Also different is the inclusion of the descendants of Victoria Marine, whose line was not represented on the AIHS listing. In addition, the AIHS listing included some non-Marines – Armijas and Santos.

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The petitioner stated that in the 1980's, the families had explored the creation of a committee to form a Costanoan/Ohlone Tribe, and that Richard Martinez briefly took on a leadership role with Rosemary Cambra (Petitioner 2001, 22). There are several Richard Martinezes in the petitioner; however, the context would indicate that this Richard Martinez is most likely Cambra's brother. No evidence was submitted indicating that Martinez was involved in the 1980's. The first indication of his involvement was in 1991, when he appeared on the letterhead of the group (Cambra 3/1/1991). The petitioner did not discuss how he or Cambra gained leadership positions, their roles, etc.

Around this time in 1991, a new dispute erupted between Andrew Galvan and Rosemary Cambra over a proposal to build a golf course in the Fremont foothills, and the press covered both sides. Galvan came down on the side of building a golf course and Cambra fought it. Leading members of a preservation coalition to visit an archaeological site at the proposed location of the golf course, Cambra said: "Our concern is to keep our history and our culture intact. No one has the right to destroy one's culture" (*San Jose Mercury News* 1991). The article identified her as "an Ohlone tribal chairwoman." In late April 1991, *The Argus* dissected the Galvan/Cambra feud as if it were a battle for leadership of a single entity. Headlined "Two Ohlones claim their tribe's leadership," *The Argus* article said:

Rosemary Cambra. . . has told the city of Fremont that she is the federally recognized chairperson of the Indian tribe, and said this gives her authority over other likely Ohlone descendants in the area.

But that's news to Andrew Galvan, who has acted as an Ohlone authority in the area for years and is listed with the state, along with Cambra, as one of five Ohlones with a claim to the title (*Argus* 4/29/1991).

California laws pertaining to the protection of human remains and sacred funerary objects designated "most likely descendants," or "MLDs," to monitor archaeological sites. An MLD was not necessarily a member of a tribe. When Cambra referred to herself as the "federally recognized chairperson," she may have been referencing her status as chairwoman of a petitioner for Federal acknowledgment. However, she also noted that other Ohlones "representatives" may have existed:

"I know some of you think there's only one Ohlone representative," Cambra said. "Think Global. Don't pigeonhole your mind or your thought with one individual" (*Argus* 4/29/1991).

Cambra moved her mission to repatriate skeletal remains to the University of California, Berkeley, in July, 1991, again competing with her cousin Andrew Galvan (*Daily Californian* 7/12/1991).

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By March 1992 Cambra was involved in San Francisco politics, planning for the use of the Presidio after its closure as a military base. She had made an alliance with an African American activist named Espanola Jackson.<sup>38</sup> Jackson is not a member of the petitioner. On March 4, 1992, she met with Willy Kennedy of the San Francisco Board of Supervisors in City Hall concerning the Presidio (Cambra 3/12/1992). Her activities brought public comment when a letter to the editor of the *San Francisco Chronicle* referred to Cambra's ideas about recognizing that the Indians had the Presidio first (Waste 3/4/1992). By the end of April, Cambra had received letters requesting her input concerning the future use of the Presidio (Anthony 4/27/1992).

Cambra was invited to speak at Cinco De Mayo in San Francisco. A flyer for the event showed that she was the Parade Grand Marshall, and that the theme was a "salute to Indigenous Peoples of the Americas." At the May parade, two children rode on the Ohlone float. An adult identified as Hank Alvarez (Cambra's grandmother's sister's son<sup>39</sup>), and children Corky Alvarez, tentatively identified as Hank's grandson, and Daniel Lopez, who has not been identified in the petitioner's genealogical database, appeared in photographs of the event in San Francisco. Although descendants of Avelina (Cornates) Marine, like the others in Cambra's close family associated with the petitioner, the Alvarez family was more distantly related and had not previously been involved. Their involvement represented an extension of participants to the descendants of Dolores Marine. To this point all participants had descended from Ramona Marine. Alvarez had also been allied to the Galvans in 1965, but was not included as a Director of the cemetery owning corporation in 1971.

Cambra became allied with other ethnic or racial groups in San Francisco, specifically those of the Hispanic and African-American communities. She joined Dr. Robert Pritchard, "Black History Month Founder" at an event to denounce racism on college campuses in June. Espanola Jackson appeared with her in a photograph accompanying press coverage of the occasion (*San Francisco [word missing] Reporter* 6/7/1992). She and Norma Sanchez, tribal administrator, attended a community consultation at the Presidio in mid-June 1992. A newspaper article from a newspaper was headlined "Indians want to build presidio Culture Center." It quoted Cambra, saying, "... the time has come for our country to recognize that it has unfinished business with California Indians." The same article described her as "chairwoman of the Muwekma Indian tribe of San Jose, a group of about 150 Ohlone adults" (*San Jose Mercury News* 6/20/1992).

The Muwekma also hosted a "California Indian Consultation Meeting" in San Jose with congressional staffers Tad Johnson and Lena Aoki. Although the *San Jose Mercury News* reported that leaders of about 30 "invisible nations" met with the aides, (*San Jose Mercury News* 7/15/1992) only twelve groups signed the "California Tribal Recognition Resolution" that resulted from the meeting (California Tribal Consultation Conference

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<sup>38</sup> Jackson was described in a newspaper article: "She has been a prominent mover and shaker in the city's African-American rights movement" (*San Francisco Independent* 8/16/1992).

<sup>39</sup> Hank Alvarez is a son of Dolores (Marine) Galvan and her first husband.

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7/15/1992). A week later, Cambra sent a letter to Sen. Alan Cranston asking if he would consider introducing an acknowledgment bill to change the overall administrative process for acknowledging tribes. Cambra stated that her council had asked her to write the letter (Cambra 7/27/1992), but no minutes or other oral histories were provided to support this statement. In the beginning of August, Cambra signed a letter to the U.S. Senate Indian Affairs Committee staffer Patricia Zell:

As chairwoman of the Muwekma Ohlone Tribe, of the San Francisco Bay area, I have been directed by our Elders and Council members, to inform you regarding our public claim for right of first use on the Presidio in San Francisco, as the sovereign aboriginal tribe of . . . the San Francisco Bay area" (Cambra 8/3/1992).

In the political arena of San Francisco and San Jose, Rosemary Cambra and non-members, Norma Sanchez, archaeologist Alan Leventhal,<sup>40</sup> and Espinola Jackson sometimes represented or spoke on behalf of the Muwekma petitioner. For example, in July 1992, the *San Francisco Independent* stated that "Jackson did manage to secure recognition for the Muwekma Ohlone Tribe from the Board of Supervisors and Mayor Frank Jordan. . ." (*San Francisco Independent* 8/16/1992).<sup>41</sup> And Leventhal and Sanchez were credited with acting as co-conference coordinators of the California Indian Consultation Meeting<sup>42</sup>.

Even though Cambra claimed to lead a group with 150 members, from Cambra's first documented letter in 1984 to the summer of 1992 only a handful of individuals had been documented as involved with the Muwekma, the Ohlone Family Services, or other groups associated with Cambra, such as MICA. Considering the allegations that had been made by Ella Rodriguez, Andrew Galvan, and others that Cambra represented only a few people, the lack of documented participation by group members during this period presents serious problems for the petitioner's case now. From this point in 1992, however, through the end of the 1990's, evidence would show a rise in the number of participants in some activities. However, the relationship between the Consulting Services (OFCS) and the petitioner is obscure. Because the evidence for member participation showed them involved with archaeological excavation, the relationship between the petitioner and the consulting firm needs explanation.

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<sup>40</sup> Leventhal works in the administration at San Jose State University.

<sup>41</sup> The relationship between Jackson and the Muwekma is not clear. A newspaper article says that she claimed to be a "descendant of the Muwekma Ohlone Tribe through her great-grandmother" (*San Francisco Independent* 8/16/1992)

<sup>42</sup> In a 1994 letter to Nelson Mandela, Jackson's personal assistant Cati Okorie described Jackson as follows: "The Muwekma Ohlone has named an African-American, Mrs. Espanola Jackson (a long-time activist in the African-American community of San Francisco), as their Chief in San Francisco" (Okorie 8/28/1994).

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In addition, the processes of decision-making and leadership for the petitioner were not demonstrated in the record. Although individuals working on excavations were often photographed and identified in other ways, the letterhead listed council members and elders, and the kinds of activities appeared to diversify through the decade, the nature of the group's governance was not indicated and the activities which were discussed did not reflect an underlying organization other than the "president" or "chairwoman" working on her own and consulting with non-member consultants. The first minutes in the record date to October 1992. The discussion in them did not seem to explain, discuss, or deal with many of the activities of the Muwekma petitioner or of Cambra. In the following recitation of the evidence, there is virtually no description of the governing processes of the petitioner.

Concurrently to her activities in San Francisco, the chairwoman continued archeological work, and offered to co-sponsor an exhibit and scholar's conference at California State University, Hayward. The offer was rejected because of university policies (Bean 3/13/1992). Through the summer of 1992, Cambra and a number of other people from "two organized Ohlone/Costanoan tribal groups as well as individuals from the Monterey Bay region" worked on an Ohlone Family Consulting Services archeological excavation. The two groups were Muwekma Ohlone Tribe and Amah-Mutsun Ohlone Tribe, both acknowledgment petitioners.

Some 25 people working on this dig were named in the petition documentation, and photograph captions identified two more people who were not otherwise listed as participants. The BIA anthropologist attempted to identify them and determine which individuals were associated with the petitioner, and found that 19 out of 27 of the crew were members of Muwekma petitioner. The non-Muwekma were Tribal Administrator Norma Sanchez, three youngsters surnamed Sanchez who could not be identified and who may have been her children,<sup>43</sup> a Muwekma spouse and three other people, presumably Amah-Mutsun.

The Muwekma people all descended from three of Avelina Cornates' daughters, Dolores (Marine) Galvan, Victoria<sup>44</sup> Marine, or Ramona (Marine) Sanchez. From Dolores' extended family, nine individuals participated, among them five Galvans, including Dolores (Galvan) Lameira, one of the individuals who had received the cemetery land from AIHS in 1971, her daughter, her deceased brother's wife with her two children and a grandchild. Hank Alvarez, Lameira's half-brother, and his daughter and grandson also descended from Dolores (Marine) Galvan. Alvarez's wife, not a Muwekma member, also participated. Three of the Galvans also descended from Victoria through their mother. Eleven participants descended from Ramona Marine, among them Dolores Sanchez-Franco's daughters (including Rosemary Cambra) and their children, and her

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<sup>43</sup> Lameira also has children named Sanchez, but the children at the dig appear to be too young to be hers and the petitioner's genealogical database does not show that she has children by these names.

<sup>44</sup> At this point, all of the Victoria Marine descendants who are involved with the group are also descended from Dolores (Marine) Galvan.

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brother and his son. Thus in 1992, the people known to be participating in activities included members of two extended families founded by Avelina (Cornates) Marine daughters Dolores and Ramona. However, even within these extended families, the participants were limited to two sub-families.

The petitioner submitted council minutes from a meeting held Halloween 1992. These are the first minutes submitted in the petition. Seven Muwekma attended. All descended from Avelina Cornates through Dolores and Ramona Marine. Several non-Muwekma attended the meeting including Alan Leventhal, who reported on the consultation with Senate staffers in San Jose; Loretta Wyer, chairperson of the Ohlone/Costanoan - Esselen Nation, a petitioner for acknowledgment located near Monterey, California; Martin Hernandez<sup>45</sup>, who would be starting cultural art classes and wanted to encourage "tribal members to enroll in his class;" and Matthew David, a Canadian sculptor who had created a sculpture in the Muwekma's honor. Treasurer Concha Rodriguez, Cambra's sister, reported that dues were due on the first of each month, and she also suggested that a Christmas open house be held on December 12, 1999. A sub-committee to make T-shirts for sale was formed, comprised of Rodriguez, and the non-Muwekma artists Matthew David and Martin Hernandez. Susanne Rodriguez (Concha Rodriguez' daughter) suggested that funds could be raised through the sale of all-occasion cards. The minutes did not reflect any discussion of the political outreach Cambra, Sanchez, and Jackson had undertaken in San Francisco, events in Washington, D.C. concerning acknowledgment legislation, or the claims that were made on the Presidio on the group's behalf.

However, an agenda for a "Muwekma Ohlone Tribal council Meeting," dated October 31, 1992, showed that Cambra planned to give an "Executive Report" which discussed the Presidio and "Los Vaqueros," which wanted "to develop an M.O.U. with Muwekma Tribe and Buena Vista Rancheria, and lobbying in Washington, D.C., with "Norm," who was probably Norma Sanchez.

The council meeting must have followed or preceded a workshop during which the archaeologists presented their findings from the CALtrans site that had been worked on through the summer. Approximately 30 people attended the workshop. Of these, 18 could not be located in the petitioner's genealogical database. Some were recognizable as archaeologists, and others may have been San Jose State students. Twelve were clearly Muwekma and were found in the petitioner's genealogical database. Generally, they were the same people who had been identified as part of the field crew during the summer field work and represented descendants of Ramona, Victoria, and Dolores Marine. For the first time, however, a Massiatt descendant of Victoria Marine signed in. Unfortunately, the first name was not legible on the sheet, but it may have been "Lupe." Some Galvans also traced to Victoria Marine, so Victoria's descendants who were also Galvans had been represented in recent years, but only through some Galvans.

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<sup>45</sup> Hernandez could not be located in the petitioner's genealogical database.

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The petitioner submitted an article from *News from Native California* concerning Miwok dancing which mentioned Marvin and Lawrence Marine. The Marine brothers are the grandsons of Dario Marine and Catherine Peralta, through their son, Lawrence Domingo Marine, who had married Pansy Potts, a Maidu. Catherine was listed on the Kelsey census at Pleasanton and had married Avelina (Cornates) Marine's son Dario. Dario was the person to whom was attributed the information in the notes dated to 1965 about the Ohlone cemetery in Fremont near the historical San Jose mission. This was the first time that Dario's descendants were mentioned in the petition. The document itself did not, however, show them interacting with the people who were active in the Muwekma petitioner's activities and no other evidence in the record showed them interacting with the petitioner in 1993.

Hector Lalo Franco wrote Cambra on December 22, 1992, asking her to arrange a meeting of the conference of Aboriginal Natives of California at the Presidio. This may have been the meeting which was photographed on January 9, 1993. The photograph was sent in the petition materials. Only Cambra and Espinola Jackson could be identified.

A Muwekma Ohlone tribal council meeting Agenda on March 6, 1993, listed Los Vaqueros, Acknowledgment, Presidio, Muwekma all Occasion Cards, treasurer report, National Park Service (NPS), America Festival as topics to be covered. The Minutes indicated that the decision to take part in the America Festival had already been made because administrator Norma Sanchez told the group, "they will be paid [money] to develop an Ohlone village, three tule huts and a drying area. We will also bring in a California Indian Dance group to perform for all three days." She said that one booth would sell food and the other T-shirts, etc. An unidentified woman named Francesca said that she was a volunteer developing a marketing strategy for the all-occasion cards. The Park Service had requested input on the Anza Mission Trail project. A hearing with CALtrans had been held to clear up complaints about the OFCS from Susanne Baker, also unidentified. Hank Alvarez moved to have council members paid \$.25 a mile to attend meetings. Cambra reported on a meeting with NPS about the Muwekma "first right of refusal claim" for the Presidio. The details of these meetings and hearings were not written into the minutes. Treasurer Concha Rodriguez reported that the treasury contained under \$1,000. Rosemary Cambra announced that "because of the project," a new health equipment had been bought for a young Marine descendant who had worked on archeological monitoring. Apparently, the project they were referring to was the America Festival.

There was no indication that new business and issues were raised from the floor, except for the motion to pay \$.25 a mile to attend meetings. The minutes read as if decisions concerning the topics on the agenda had been previously made. The buying of the health equipment was "announced," as if the council had not known this expenditure would be made. Although the OFCS business was reported on in these meetings, the actual running of the business, its finances, hiring, decision-making was not discussed. It was not clear whether the elders and board of directors overlapped with the OFCS board of

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directors. The relationship between OFCS and the Muwekma petitioner is not explained in the petition materials.

Those present at this meeting were all from Ramona Marine's line except for Hank Alvarez who descended from Dolores Marine. A descendant of Victoria Marine was mentioned as being absent.

The next few months were undocumented, but preparations for the America Festival may have been the group's primary focus. Administrator Norma Sanchez was quoted in the press release for the America Festival: "Our language, religion and customs were all destroyed when the Spanish missionaries arrived . . . the modern Ohlone people are now undergoing a cultural revitalization" (San Jose America Festival 3/31/1993). By July 3 preparations were going on in full and Sanchez was again quoted, this time in the *San Jose Mercury News*:

Only 300 members of the Muwekma remain in Santa Clara Valley, but despite their small numbers, Sanchez says the Muwekma are experiencing something of a 'cultural revitalization.'

"A lot of the culture was taken away from them during the mission period.," Sanchez said. "What they're basically doing is revitalizing their culture and the way they used to live."

The tribe's presence at the festival this year will play an important role in that revitalization process, Sanchez said. Tribal members wearing replicas of traditional clothing will instruct the public in Ohlone techniques, such as acorn grinding for bread and soup, and tule rope twining (*San Jose Mercury News* 7/3/1993).

Photographs taken at this event show a few Muwekma petitioner members constructing tule huts and talking to visitors to the demonstration area at the Festival. Those named in the captions included Norma Sanchez (non-member<sup>46</sup>), Rosemary Cambra, Arnold Sanchez, Corky Alvarez, and Chad and Albert Galvan. Also shown were Joe Rodriguez, Julia Lopez, and Concha Rodriguez. No new people had joined the small circle of Avelina (Cornates) Marine's descendants who had been shown participating in events since at least 1991 (Photographs 7/3/1993, Exhibit K, vol 3).

Seven people signed the "Elmwood Burial Policy" on August 2, 1993. This time five signers descended from Dolores Marine and only two descended from Ramona (County

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<sup>46</sup> Norma Sanchez is not a member of the family, however subsequent documents would seem to imply that Dolores Sanchez-Franco adopted her at some time before her death and she had become a member of the petitioning group. The petition does not pinpoint when and if this occurred.

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of Santa Clara 1993). The absence of the chairwoman and Norma Sanchez was unusual and unexplained by the petitioner. However, Cambra was involved in issues in Washington, D.C., on acknowledgment as it related to the status of California Indians. Lenna Aoki of the Select Committee on Indian Affairs of the U.S. Senate wrote a letter to the chairwoman accepting her invitation to the Second Annual California Indian Consultation conference at San Jose State University on August 11, 1993. Photographs from this conference on August 13, show about ten individuals sitting at a table talking with Lenna Aoki. Identified were Loretta Wyer, Ohlone/Costanoan-Esselen petitioner; Ann Marie Sayers, Indian Canyon Band of Costanoan/ Mutsun petitioner; Irene Zwierlein, Amah Band of Ohlone/Costanoan petitioner; Alan Leventhal, archaeology consultant for Muwekma; Espanola Jackson; Cliff Escobar, unidentified; Rosemary Cambra; and Susanne Rodriguez, Cambra's niece. A sign-in sheet added a few names to the attendance: consultants Hinano and Joe Campton, who had attended the previous meeting with Lenna Aoki in San Jose; Marjorie Reid, who was not identified and Brandon Zwierlein-Anger, Irene Zwierlein's son.

Documents are scarce in the petition over the subsequent eight months, and activities which were documented were similar to previous activities and were undertaken by the same small cadre of individuals. Cambra may have signed<sup>47</sup> a contract amendment for Ohlone Families Consulting Services to monitor an archaeological excavation at Elmwood Housing Project on November 2, 1993 (Santa Clara County 1993). In December, Cambra received a letter of thanks from Mayor Alvarado Blanca for "your enthusiastic support of the First Annual Founding of the Pueblo Celebration on November 29, 1993" (Alvarado, 12/8/1993). With two other petitioners, Cambra reviewed a NAGPRA plan for the U.S. Army<sup>48</sup> (Whitney 1/31/1994).

In 1994, an announcement of a general Muwekma tribal meeting notified members of a "Tribal Officers Council election" with a secret ballot. The announcement listed the current officers who were Chairwoman Cambra, Co-Chair Henry or "Hank" Alvarez, Vice Chair Robert Sanchez, Secretary Susan Rodriguez, Treasurer Concha Rodriguez. Four out of five candidates descended from Ramona Marine and one descended from Dolores Marine. Also announced was the "General Membership Adoption of Tribal Constitution" (Muwekma Tribe 4/2/1994).

This annual meeting took place at Alum Rock Park in San Jose April 2, 1994. A sign-in sheet was headed, "Name," "Affiliation/Agency," "Address" and "Telephone." Twenty people signed the sheet. Three were spouses, two were Alan Leventhal and Norma Sanchez, and one person could not be identified, leaving 14 Muwekma signed in at the petitioner's annual meeting. Captioned photographs of the meeting did not add any names which were not on the sign-in sheet. The composition of the Muwekma attendees was virtually the same as the composition of individuals who participated in the summer 1992 archaeology dig. Signing in were the same people who had manned the field crew

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<sup>47</sup> The document submitted has a place for Cambra's signature, but is not actually signed.

<sup>48</sup> The Government copied Andrew Galvan on this letter (Whitney 1/31/1994).

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that summer, or their kin-equals. All were descended from Ramona and Dolores Marine.<sup>49</sup> Half of people attending sat on the council. Nominations were made for the council as had been announced on the flyer. The minutes stated that “[a]ll members presents [sic] were in consensus that the same council members be seated as stipulated in the Muwekma Ohlone tribal constitution.” Albert Galvan made the motion to reconfirm all of the council members.

At the annual meeting, tribal administrator Norma Sanchez reviewed the tribal constitution with those present. Nothing in the documents revealed how the constitution was developed, or who was involved in its development other than Sanchez herself. Susanne Rodriguez motioned to accept the constitution and “all were in favor.” As part of new business, new names were nominated as elders. Arnold Sanchez nominated his mother Dolores Galvan Lameira, and the nomination was seconded by her brother Albert Galvan. Albert Galvan then nominated Lupe Massiatt and Alice Mora to the elders list. Massiatt and Mora are Albert Galvan’s mother’s sisters; all descend from Victoria Marine. Susanne Rodriguez, a descendant of Ramona Marine and Rosemary Cambra’s sister’s daughter, seconded the motion.<sup>50</sup>

After what would appear to have been the first annual meeting of the petitioner, activities continued somewhat unchanged. A flyer put out by the Redevelopment Agency of San Jose invited the public to a commemoration of the history of San Jose, including “the Muwekma/Ohlone people, The Spanish Empire, The Mexican Federal Republic, The State of California, The United States of America” (Hammer 5/13/1994). The event occurred May 13, 1994. The event appears to have been to dedicate the Park Avenue Bridge decorations. The organizers thanked the petitioner’s chairwoman and tribal administrator in a letter, and expressed the sentiment that the dedication had been a success: “A basic goal of the event, to educate others about San Jose’s history, was achieved with the attendance of dozens of children from both Arbuckle and Washington Schools” (Redevelopment Agency of the City of San Jose 5/18/1994). A photograph captioned “Redevelopment Agency Commemoration for Muwekma Ohlone People May 13, 1994,” was submitted as part of the petition (Photograph 5/13/1994 Exh. K, v. III, tab 1994). The event covered many topics other than Muwekma/Ohlone history.

Archaeological work continued during the summer of 1994, and photographs of the work were submitted in the petition showing a small number of individuals excavating the Elmwood Correctional Facility Site. The field crew included members of Muwekma, Amah, and Esselen petitioners. Photographs of this excavation pictured nine individuals;

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<sup>49</sup> Ramona’s descendants predominate, including three of Cambra’s sisters, some of their children (and one grandchild) and her mother’s brother and one of his children. Two Galvan descendants who trace to both Dolores and Victoria Marine and Hank Alvarez, whose mother was Dolores Marine, also attended.

<sup>50</sup> This instance happens to be a formal process whereby individuals were nominated to become elders. Such processes do not have to be formal under the 25 CFR regulations. Oral histories, letters, and journals, for example, could have shown how individuals talked to one another or lobbied informally among the membership for particular people to be given this honor. In fact some of these people never did appear on the elder’s list and the petitioner did not submit documents which would explain why.

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only three were petitioner members, including the chairwoman and her sister's daughter, descendants of Ramona Marine, and a young man who descended from Dolores Marine (Photograph 6/1/1994, Ex. K, v. III, tab 1994).

The Muwekma letterhead in June 1994 listed 16 names under the designations of "Elders" and of "Council members." Some names appeared as both elders and council members. The six elders descended from the sisters Ramona (4), Victoria (1) and Dolores Marine (1). The council members and officers also descended from the Marine sisters Ramona (7), Victoria (1), and Dolores (1). Norma Sanchez was listed as tribal administrator. The composition of the council and elders in June 1994 appeared to be the same group of people who have been involved since the summer of 1992. They were predominantly the close relatives of Dolores Sanchez-Franco and a few other individuals who were her first cousins or their descendants.

The predominance of Sanchez-Franco and her daughter Rosemary Cambra was again reinforced at a reburial two months later. At a Tamien location, this reburial brought out 15 to 18 people who were pictured placing corrugated cardboard boxes into a long pit in a photograph of the event. Only six names were given in the captions; all were descendants of Ramona Marine, including her daughter Dolores Sanchez-Franco, her daughters and grandchildren. Evidence does not indicate that participation was broad-based among the petitioner's extended families.

Through the end of 1994 and the first few months of 1995, the documents show that Cambra continued to attend various commemorative meetings and also participated in the ACCIP hearings and meetings held in California. She wrote to the Park Service to support the American Indian Music Festival's use of the Presidio and was a guest speaker at the dinner and dance (Cambra 9/15/1994). She spoke at "The Gala Celebration," which appeared to be related to the "Intertribal Friendship House" in San Jose (American Indian Music Festival 9/30/1994). She supported a mural project in Berkeley (Most 9/27/1994) and Monterey County Board of Supervisor's resolution supporting the federal recognition of the Esselen, Amah-Mutsun, and Muwekma petitioners (Monterey County Board of Supervisors 10/11/1994). Congressman Charlie Rose invited her to attend a meeting at the White House about acknowledgment (Rose 10/18/1994). OFCS was authorized to undertake another project (Redevelopment Agency of the City of San Jose 10/19/1994). She continued her political networking through Espinola Jackson (Davenport 1/11/1995). President Clinton responded to a letter she wrote him. He acknowledged receiving the Chairwoman's letter and said he looked forward to working with her (Clinton 2/16/1995). No evidence from these six months indicated that anyone other than Cambra was involved in these activities or advising her on her projects.

A public meeting of the ACCIP in Sacramento in February 1995 brought renewed press interest in the Muwekma. An article in late March headlined "Rosemary's War" revisited the issue of competing Ohlone groups and leaders:

Larry Myers, executive secretary of California's Native American Heritage Commission . . . named more than a

## Muwekma: Proposed Finding - Description and Analysis

half-dozen Ohlone not involved in the recognition efforts — although none returned phone calls for this article. The most organized of these other Ohlone is undoubtedly the Galvan family, which runs a non-profit organization to administer the Ohlone cemetery near Mission San Jose in Fremont.

Cambra admitted there is little or no overlap between her group and that of the Galvans, her cousins. "We are interested in different things, in different projects," she said. "I guess you could say that we are competing groups in some ways. But that should not stand in the way of tribal recognition. The question is not whether this family or that family runs the tribe, but if the tribe should be recognized at all. If the fact that there were competing factions within a nation was grounds for not recognizing that nation, we would refuse to recognize most of the governments in the world" (Newspaper 1995).

Some Galvans were involved with the petitioner in 1995, so it is difficult to explain this contradictory characterization of Cambra's position. On the one hand, it stated that the Galvans were not part of her group. On the other hand, it said that internal factions within a petitioner should not stand in the way of its recognition. This indicates that the rivalry continued, despite the participation of some Galvans in the Muwekma petitioner's affairs, but there was not enough evidence to determine whether there were internal factions within the petitioner. The photograph accompanying this article showed Cambra with her mother. The caption said Cambra headed the "300-strong San Jose-based Muwekma tribe."

Photographs from May 1995 showed people working on the "Adobe Project," another OFCS archaeology contract. Only two people, who have been associated with OFCS for several years were identified in the captions.

A council meeting was held June 3, 1995. Cambra opened the meeting and gave an executive report covering recognition status, enrollment, economic development, Guadalupe River and another project, presumably archaeology monitoring projects. She also said that they wanted to find a business partner to help them "buy back" land. Norma Sanchez suggested that the group start "thinking about closing enrollment." One person suggested that the enrollment close for two years, another suggested for three years, starting July 4, 1995. "All were in Favor." However, like other decisions made in council meetings, this closure would not happen. The size of the petitioner would double after July 4, 1995. No documents in the record explained the discrepancy between the council's vote and subsequent actions.

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### Membership Expansion 1995-1998

Sixteen people had attended the council meeting of June 3, 1995. Victoria Marine's daughter Mary Archuleta was among them. Her daughter also married into one of the Galvan lines. Her attendance was significant, as she was the founder of a large extended family, and her involvement would possibly attract her kin and associates to the petitioner's activities.<sup>51</sup> By 1997, she was listed as an elder on the Muwekma's letterhead.

An annual meeting was scheduled for December 16, 1995, at the Coyote Hills Visitor Center.<sup>52</sup> The Agenda said that Cambra and Norma Sanchez would give a welcome and an executive report. The petitioner did not submit minutes of the meeting (Muwekma Tribe 12/16/1995). The letterhead announcing the meeting displayed an expanded list of elders and council members. Two new people were listed on the letterhead and their presence was significant (Muwekma Tribe 12/16/1995). The listing of Lawrence Thompson, Sr., marked the first time that a document, other than the membership list, had mentioned someone from his family. Thompson descended from Magdalena Gregoria Armija. The membership list submitted in January 1995 included four Thompsons, whose membership numbers were in the 140's.<sup>53</sup>

Moreover, listed for the first time on the letterhead as an elder was Rayna Guzman Cerda, (Muwekma Tribe 12/16/1995) who was not on the January 1995 membership list. She had a membership number in the high 270's. Although her mother was a daughter of Victoria Marine, her father was a Guzman, and she had several ancestors on Kelsey's list. She was linked to people living at the Niles rancheria around the turn of the century. This marked the first time that someone from that line appeared on any document produced by the petitioner.

Also signing the attendance sheet were a number of individuals with surnames Juarez, Corral, or Perez. They descended from Erolinda Santos and their membership numbers fell higher than 170 and lower than 210. None of Maria Erolinda Santos' descendants had been listed on the January 1995 membership list, so their signing in at the December 1995 Annual Meeting marked the first documented instance of their family's participating in a Muwekma activity in the present.

Thus, in December 1995, two non-Marine families began to associate with the Muwekma, and another non-Marine family had shown up for the first time on the January 1995 membership list. Until this point, only the descendants of three of Avelina (Cornates) Marine's daughters were ever shown associating with the current petitioner.

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<sup>51</sup> Although many of her descendants were already involved, many more would join by 1998.

<sup>52</sup> Note that the 1994 annual meeting was held in April.

<sup>53</sup> The membership numbers may indicate the rough order in which individuals formally joined the Muwekma. The January 1995 membership list assigned numbers between 001 and 168.

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About 34 people signed in to the December 1995 annual meeting. Six spouses also signed in. How accurate an accounting this was cannot be known; however, photographs were also submitted with captions naming people who attended. By cross-referencing the names in the captions and the names on the sign-in sheet and correcting for duplications, 16 more individuals were identified for a total of 50 Muwekma and three more spouses for a total of nine spouses. This almost doubled the attendance of the previous annual meeting.

In early 1996, correspondence concerned acknowledgment, specifically previous acknowledgment issues. The federal Advisory Council on California Indian Policy (ACCIP) had decided to comment on this issue on behalf of the petitioner (Saulque 2/22/1996). Finally, what appeared to have been an administrative misunderstanding between the chairwoman and Anthony Adduci, NEPA Compliance Officer at DOE, about Muwekma's right to participate in Environmental Impact Statements (DOE 3/11/1996) was smoothed over after Adduci found that Muwekma was "the only tribe to respond as wanting to do compliance work for the Oakland area office" (DOE 3/15/1996).

Archaeological monitoring continued to be the Muwekma staple. The chairwoman, in tandem with Loretta Escobar-Wyer of the Esselen petitioner, signed a Memorandum of Agreement with Santa Clara University.

In March of 1996, a non-Marine descendant originated a letter included in the petitioner's materials (Perez 3/15/1996). Stockton resident Katherine Perez<sup>54</sup> requested that the California Native American Heritage Commission (NAHC) place her name on the list for most likely descendant (MLD) for the San Joaquin County region. This designation would allow her to monitor archaeological excavations under California historic preservation and repatriation laws.

The Commission's Executive Director Larry Myers responded by sending Perez a form and wrote to her, "If you are representing a tribal group, please enclose a letter of authorization from the group you represent" (NAHC 3/18/1996). In response to him, she then sent a letter signed by 11 individuals, representing descendants of Marie Erolinda Santos (9), Magdalena Armija (1), and Avelina Cornates (Victoria Marine)/Jose Guzman. These names overlapped primarily with the new people who attended the Muwekma Annual Meeting for the first time in December 1995, and who had no prior documented dealings with the Muwekma group associated with Cambra. The letter stated:

I give Katherine Perez authorization and/or permission to represent my interest in the reburial of my dead ancestors and/or the appropriate treatment of the remains and grave good with respect and dignity (Perez 4/22/1996).

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<sup>54</sup> Kathy Perez descends from Marie Erolinda Santos and first showed up at a Muwekma event in December 1995. She is not a Marine descendant.

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Perez' cover letter said that the document was the "letter of authorization from the group you represent." Most of these people have addresses in the Central Valley near Stockton.

In March 1996, Cambra had signed a letter as Chairwoman of the "Costanoan/Ohlone Indian Families of the San Francisco Bay"<sup>55</sup> (Cambra 4/1/1996). In a July letter of the same year, the Council wrote:

[T]he Muwekma Ohlone Tribe is the aboriginal tribe of San Francisco, San Mateo, Santa Clara, Alameda and Contra Costa Counties (Muwekma Tribe 5/24/1996).

These claims were apparently based on the BIA letter concerning prior Federal recognition of the Verona Band, a band appearing on BIA administrative documents as late as 1927 in Alameda County. Significantly, Katherine Perez, a Maria Erolinda Santos descendant, began signing documents and was identified as a council member. Perez would become very active during the next two or three years. Her and Lawrence Marine, Sr.'s (descended from Dario Marine and Catherine Peralta) inclusion on the council signaled a new diversity in the council's composition. Individuals who did not descend from Ramona, Victoria, and Dolores Marine were named as part of the council.

Also submitted for this time period was a newsletter, *The Muwekma/Ohlone Times* (*The Muwekma/Ohlone Times* 1996). The newsletter was edited by Robert Martinez, Jr., a young man barely out of his teens, and appeared to launch a move to bring younger people into Muwekma activities and to diversify the petitioner's undertakings. Martinez wrote about his goals for the newsletter:

I would like to welcome everyone to the first edition to the *Muwekma/Ohlone Times Newsletter*. This is our first time in making an attempt to put together information that can help everyone understand what's going on in the Tribe.

Our main goal as a newsletter staff and Tribal Council is to develop an educational and resourceful tool to help the general public and especially family members to be aware of the Muwekma Tribe.

Many years of hard work and effort have been put in developing our heritage as tribal members. As the time grows closer to becoming a federally recognized tribe, we must all be educate [sic] on what that means to us. And this newsletter will be that source... (*Muwekma/Ohlone Times* 1996).

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<sup>55</sup> Note that the Ohlone families in the early 1980's referred to their location as the "Santa Clara Valley."

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Non-Muwekma archaeologist Alan Leventhal and tribal administrator Norma Sanchez were listed in the newsletter as part of the "Muwékma Ohlone Tribal Council" (*The Muwékma/Ohlone Times* 1996). This was probably a mistake because no other documents identify them as part of the council, even though they attended many council meetings. The newsletter reported that four families camped at a local campground. The families that could be identified were closely related and descended from a single daughter of Ramona Marine.

The newsletter also reported that Robert Pena Corral had died. The article stated that "he was interviewed for acknowledgment and talked about Verona Band members like Indian Joe Wilson" (*The Muwékma Ohlone Times* 1996). No interviews were sent into the BIA as part of the petitioner's submission.<sup>56</sup> Corral and other members of his family, such as Katherine Perez and Robert Corral, Jr., all of whom descended from Maria Erolinda Santos and who had not been listed on the membership list submitted in early 1995, had first shown up on attendance lists or other Muwékma documents in later 1995. Corral may have attended the December Annual Meeting.

Chairwoman Cambra, Norma Sanchez, and Susanne Rodriguez were photographed in Congresswoman Zoe Lofgren's office on Capitol Hill July 29, 1996. People from other petitioners were also present. A few weeks later, the Congresswoman forwarded a memo from her constituents to Assistant Secretary - Indian Affairs (AS-IA) Ada Deer, without comment.

In mid-August 1996, Dolores Sanchez-Franco died. She was Rosemary Cambra's mother, and, according to Cambra, her inspiration for doing Muwékma work. The *San Jose Mercury News* ran a lengthy obituary, identifying her in the headline as "tribal elder" and focusing on her family's efforts to bring together a Muwékma tribe and gain Federal acknowledgment. Tribal Administrator Norma Sanchez, who in the article was identified as "an adopted daughter," (*San Jose Mercury News* 8/24/1996) spoke for the family.

The article referred to a 1985 event, when "Mrs. Sanchez opened [a] Union City grave site."<sup>57</sup> This act, the obituary stated "expand[ed] the repatriation efforts started by her aunts - Dolores (Marine) Galvan and Trini (Marine) Ruano, who have visited all their relatives - to revitalize their tribe." No other evidence was submitted of Dolores and Trinidad's repatriation activities. Evidence in the record showed Trinidad Ruano's attempts in the 1950's to enroll her family members under a California judgment act. Three of her letters from this period were included in the petition materials. Political activities by members directed at each other for the purposes of influencing the group's policies, activities, leadership, etc., is essential evidence for demonstrating the group's political processes. The petitioner submitted no evidence on these topics for any period,

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<sup>56</sup> If such interviews exist they may provide useful evidence.

<sup>57</sup> Documentation of the 1985 dispute concerning OFCS claims that they were locked out of site monitoring in San Jose were submitted.

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and so any evidence of people visiting one another about issues would be important evidence to submit.

The September correspondence from the petitioner showed that Eduard Thompson, an Armija descendant, had been added as an elder to the letterhead, and his brother Lawrence Thompson, Sr., was listed as both an elder and a council member. This step incorporated non-Marines into Muwekma activities. Also in September, Katherine Perez, one of the recent Maria Erolinda Santos descendants to join the Muwekma, was paired with Hank Alvarez, a Marine descendant who had been involved with Cambra's group since at least 1992, in the Vascao Caves Park site for the East Bay Regional Park District. The fact that two "lineages" were represented was noted in the document: "The Muwekma Tribal families selected are closest in lineage to the site, whom are Hank Alvarez representing the Marine-Galvan Alvarez lineage and Katherine Perez representing the Santos-Pinos-Juarez-Corral lineage. . . ." (Muwekma Tribe 9/14/1996).

Participation in commemorative events, archaeological consulting, and political outreach continued unabated into 1997, as Cambra and Norma Sanchez were invited to the unveiling of a mural at a CALtrans station in Tamien and attended NCAI in Phoenix (*Muwekma Tribal Administration* 2/1/1997). Cambra sent a proposal to Stanford to strengthen the Muwekma partnership with that university and the tribal council signed a Memorandum of Understanding with Palo Alto so that the city could build a bicycle bridge (Muwema Tribe 12/1/1996).

Cambra wrote a letter to the American Indian Alliance of Santa Clara County, American Indian Center of Santa Clara County, Indian Health Center of Santa Clara County, and similar organizations, to join together in the planning process for a 40-acre parcel on the Guadalupe River in San Jose. According to Cambra's letter, Santa Clara County has made "overtures" to the Muwekma about developing this site (Cambra 12/6/1996). The letterhead remained unchanged from September of 1996. In mid-December 1996, Elizabeth Grannel<sup>58</sup> wrote Cambra that the People for Open Space had expected "a representative from your tribe" to attend their meeting, and when one did not arrive, Grannel "attempted to relay your ideas about the 40 acres as faithfully as I could, based on what you told when we met on October 29" (Grannel 12/13/1996). There may have been a mis-communication on the time for this meeting, as the meeting announcement pinpointed December 15, 1996, two days after Grannel's letter, as the date of a meeting with The People for Open Space and the Muwekma.

The "Muwekma Ohlone Tribal Council Meeting" held on January 11, 1997, was closed as the council discussed investment opportunities which had been offered to the petitioner. Reports were made on the Bicycle Bridge project, the ACCIP Recognition Task Force, a sweat lodge proposal from the East Bay Regional Park. Some details of the discussion on the last two topics was mentioned in the minutes. The minutes reported that individuals expressed opinions and supported their positions with reasoning

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<sup>58</sup> She was unidentified. It was implied that she represented an Indian agency in San Jose.

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(Muwekma Tribe 1/11/1997). Motions were made and seconded to accept the proposals from Stanford and from the investor.

The February 1997 *News From the Muwekma Tribal Administration* reported that the Muwekma enrollment had passed 300 with the enrollment of the grandchildren and great-grandchildren of Dario Marine and Catherine Peralta. Dario Marine had been on the 1910 Federal census of "Indiantown." Catherine Peralta was on the Kelsey census. The family was described in the newsletter:

The most recent families to enroll include the grandchildren and great grandchildren of Dario Marine and Catherine (Guzman) Peralta. Lawrence Marine, his children and their families, and his brother, Marvin Lee Marine (application pending), are two of the last of the traditional dancers of the dances that were exported out to the interior tribes from the Pleasanton region during the 1870 ghost dance. . . Lawrence Marine, who was voted onto the Tribal Council last meeting, is the son of Domingo Marine and Pansy Lizzette Potts.

The inclusion of Lawrence Marine on the council was an action that carried into 1997, the 1996 outreach to other families who had not previously joined Muwekma. Lawrence Marine's name had appeared on a Muwekma document in May 1996, but his actual signature was not in the place provided for it (Resolution No. R97-MT-1015 5/24/1996). He was listed on the letterhead of a letter sent December 6, 1996 (Cambra 12/6/1996). He was then pictured in a photograph of a Muwekma council meeting taken February 1, 1997 (Photograph 2/1/1997, Ex. K, v. III, tab 1997).

The newest Marine family to sign on with the Muwekma were descendants not only of Avelina Marine through her son Dario, but also of the Guzmans who had been a central family on Pleasanton rancheria when Kelsey created his 1905/06 census. Where this family had been and why Dario's descendants had apparently become separated from Ramona's, Victoria's, and Dolores' descendants was not discussed in the petition materials. *News from the Muwekma Tribal Administration* announced February 1, 1997, that the enrollment would be closed March 8, 1997, and reopened five years after acknowledgment (Muwekma Tribal Administration 2/1/1997).

Rosemary Cambra continued to attend various public functions in 1997. For example, she participated on a panel at the Jewish Community Relations Council and attended a "Alameda reburial Ceremony" at Santa Clara University. Photographs of the event at the university showed that other council members accompanied Cambra. Cambra's niece Susanne Rodriguez distributed what appeared to be bundles of sage.

In April, California's Native American Historical Commission (NAHC) notified Katherine Perez that she would not be designated a Most Likely Descendant (MLD) while enrolled with the Muwekma. The letter cited the commission's policy and

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genealogical deficiencies in her application which did not explain her connection to the Guzmans:

Correspondence recently received in this office indicates that you are a Tribal Council Member of the Muwekma Tribe. The person we currently show as designated to serve as [MLD] for the Muwekma Tribe is Rosemary Cambra. In order for you to continue to be contacted as an Ohlone MLD we need a letter from the Muwekma Indian Tribe in which they state that they are designating you to serve as MLD for their tribal group in place of Ms. Cambra. It is the policy of the [NAHC] to have each tribal group designate one person to serve as MLD for their group. Previous correspondence from you did not indicate that you were a member of this Council and therefore we listed you as an individual MLD just representing your relatives.

Perez' response was angry. She asked what information was in their files indicating that she was on the council of the Muwekma. She also asked whether there was something in state law that specifically prohibited serving as an MLD on the NAHC list while being enrolled in "my tribe" (Perez 4/30/1997).

At the same time, information in the petition documents showed that Perez had organized a mini powwow in Stockton. *News from the Muwekma Tribal Administration* listed nine volunteers, including Perez. All were Perez's close relatives, including her five siblings and a sibling's spouse, and her daughter, granddaughter, and mother. The family members sold drinks and the proceeds were donated to the powwow dancers (Muwekma Tribal Administration 2/1/1997).

The February 1997 *News From the Muwekma Tribal Administration* listed three committees on its masthead: the Executive Policy Committee, the Enrollment Committee and the Newsletter Committee (Muwekma Tribal Administration 2/1/1997). This was the first evidence of committees. Vice Chair Hank Alvarez and his non-Muwekma wife Stella, Julia Lopez, and Norma Sanchez served on the Executive Policy Committee. Alvarez and Lopez were descendants of Avelina (Cornates) Marine through Dolores and Ramona Marine. Thus, this committee was equally staffed by Marines and non-Muwekma. Another Marine, Susanne Rodriguez, Santos descendant Katherine Perez, and non-Muwekma Norma Sanchez served on the Enrollment Committee. Robert Martinez, Concha Rodriguez, Susanne Rodriguez, Corky Alvarez, Daniel Lopez, and non-Muwekma archaeologist Alan Leventhal worked on the Newsletter Committee. Descendants of Ramona Marine represented four out of six of this committee. One descendant of Ramona's sister Dolores Marine and Alan Leventhal rounded the committee's membership to six. The entire committee, with the exception of Leventhal, were Marine descendants (Muwekma Tribal Administration 2/1/1997).

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The committee compositions taken in total were very similar to the composition of the pre-1996 Muwekma in that other than non-Muwekma, Marines descendants made up a predominant portion of the committee memberships. Two exceptions were the presence of Perez, a Santos descendant, and the absence of Victoria Marine's descendants who are also Galvans. The decreased representation of Galvans in the Muwekma council was also made evident in June 1997, when Dorothy Galvan Lameira, one of the three Galvans who received the cemetery from AIHS in 1971, resigned her council position. Cambra later reported that she had resigned to care for a family member (Muwekma Tribe 7/12/1997).

Despite the predominance of Marines from the south bay area on the Newsletter committee, the growing influence of new members from the Central California Valley was obvious in the February 1997 edition of "News From the Muwekma Administration." For example, it announced that Marvin Marine, whose application was still being processed in January 1997, would be part of the Bear Dance at Susanville in June. He "learned traditional central California dances from their mother's family and other Maidu relations." Stockton resident Katherine Perez exhorted Muwekma members to attend the Bear Dance, which she had seen at Yosemite: "Our tribe needs to attend these ceremonies and reconnect with our traditional past" (Muwekma Tribal Administration 6/1/1997). In addition, a request for information on three families – Minnie Higuera Guzman, Marquez family, and Arellano families – ran in *News from the Muwekma Tribal Administration* (Muwekma Tribal Administration 7/1/1997). This last request indicated that the group was now recruiting, even though the February 1, 1997, *News from the Muwekma Tribal Administration* (Muwekma Tribal Administration, 2/1/1997) had announced enrollment would close March 8, 1997, and remain closed until five years after acknowledgment.

The Annual Meeting or Picnic took place in July 1997<sup>59</sup> at Sunol Regional Park. Approximately 38 people signed the attendance sheet. Not everyone's name was readable, but descendants of Ramona Marine (10), Marie Erolinda Santos (15), Armijas (1), and spouses (3) and non-Muwekma (2) signed in. Five members of the Lara family attended. They were not identified (Muwekma Tribe 7/12/1997). One photograph of the event showed 12 people and another photograph showed 19 people sitting at picnic tables. The absence of any descendants of Dolores or Victoria Marine was unusual, as they had been involved with the Muwekma since at least the early 1990's. Also unusual were the large number of non-Marine descendants who attended. These were Corrals and Perezes and other descendants of Robert Pena Corral. This raises the question of whether the Corrals' arrival was related to the Galvans' absence, but no documents directly discussed their relationship, and the waxing and waning of the attendance of these families may only have reflected unrelated coincidences.

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<sup>59</sup> The Annual Meeting is not held on a regular schedule. They have occurred in fall, winter, and now summer, unless this event is an annual picnic, rather than an Annual Meeting, per se. No explanation is given for the lack of regularity.

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The minutes of this meeting listed various topics that were reported to the gathering, such as the meeting with park rangers about building a round house at Sunol attended by Norma Sanchez, Rosemary Cambra, Concha Rodriguez, Katherine Perez, and her husband Raoul. The rangers showed them an appropriate place for the roundhouse to be built, and a proposal was made to have the Marine brothers and Frank La Pena's son, who has not been identified, build the roundhouse. The minutes described the effort:

All three of these men have had previous experience in constructing round Houses on central California rancherias such as the Tuolumne Rancheria. We'll keep you posted and if you would like to volunteer to help build this Round House, please let us know (Muwekma Tribe 7/12/1997).

Rosemary Cambra and Norma Sanchez gave an Executive Report which discussed the TA letter from the BIA and reported that the Muwekma had spent \$1.5 million on acknowledgment.<sup>60</sup> Allogan Slagle, a non-Muwekma consultant, had designed a survey to gather information for the recognition petition. The minutes also reported:

The tribal council has supported and voted on getting assistance from investors in the past, however, we have not found an investor group yet, that is willing to fund the remainder of the recognition for one reason or another (Muwekma Tribe 7/12/1997).

However, minutes submitted as part of the petition do not show tribal council decisions in this regard. Perez suggested that workshops be held to fill out these survey forms. Cambra set dates for August 9, 1997, in Stockton and August 23, 1997, in San Jose. The minutes also stated, "The workshop on August 9<sup>th</sup> would take the place of the regularly scheduled council meeting."

Invitations to commemorative events such as the August 17, 1997, Aloha Festival in San Francisco were announced at the Annual Meeting or Picnic. The Aloha Festival was spearheaded by Hawaiian natives who brought "greetings of peace" to the "native people of the San Francisco Bay." Presents were given to the Muwekma who attended in a ceremony at the Presidio. Photographs of the event were captioned. Listed in the captions were 26 individuals (Photograph 8/17/1997, Ex. K, v. III, tab 1997). Twenty descended from Ramona Marine, one from Dario Marine and Catherine Peralta, and two from Maria Erolinda Santos. Included were also two spouses, and tribal administrator Norma Sanchez. This event at the Presidio was one of several that indicated that the event organizers accepted the Muwekma as descendants of the Indians of San Francisco. The Muwekma's letterhead memorialized this identity. Letters after August 25, 1997,

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<sup>60</sup> The administration of these monies was not discussed in the petition, but documentation of such decision-making may indicate internal political processes. Such amounts are never referred to in council meeting minutes, etc., which have been submitted, so it is unclear who participated in the decisions referred to here.

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went out under the name, "Muwekma Indian Tribe Costanoan/Ohlone Indian Families of the San Francisco Bay" (Leventhal 8/25/1997).<sup>61</sup>

The Muwekma hosted a workshop on previous recognition at the Presidio in late summer (Magdaleno 8/23/1997). Espinola Jackson attended but her relationship with the Muwekma was not described. Norma Sanchez, Rosemary Cambra, her sister-in-law, her sisters Julia Lopez and Concha Rodriguez and Concha's daughter Susanne also attended. Lawrence Marine and Katherine Perez were also signed in at the event (Muwekma Tribe 7/12/1997).

Campbell Union School District asked Alan Leventhal and Rosemary Cambra to attend a meeting to receive an award to the tribal council "in recognition of the outstanding contributions of the council as expert Advisors to the [school district] in Developing the Sherman Oaks School Program" (Cassidy 9/11/1997). The anthropology departmental chair at San Jose State University invited Cambra to their new curational area (Darrah 9/26/1997).

Seven people attended a council meeting September 17, 1997. The Muwekma held workshops to fill in the tribal survey forms they were doing for the acknowledgment petition. The sign-in sheet for the San Jose session showed 29 people signed their names. In addition to Norma Sanchez were Alan Leventhal and three non-Muwekma spouses, descendants of Dolores Marine (7), Ramona Marine (13), Dario Marine and Catherine Peralta (1), and a non-Marine from the Santos family (1). A second sign-in sheet, which repeated many names, also listed two Victoria Marine descendants and two individuals who could not be identified.

The *News from the Muwekma Tribal Administration* on October 12, 1997, reported that Carolyn Sullivan, a Santos descendant like Katherine Perez, was unanimously elected to a seat on the council. (Muwekma Tribal Administration 11/1/1997) The meeting was held at a Park near Livermore, a location closer to Stockton than other locations in Santa Clara County or in San Jose. However, around the same time, the group's headquarters moved to Campbell, California, to the southwest of San Jose, and the council signed a resolution seeking 40 acres from the city Council of Santa Clara because, they reasoned,

... enrolled lineages of the Muwekma Ohlone Tribe (Santos, Pinos, Juarez, Pena, Corral and related families) trace part of their Ohlone heritage as Clarenos back to mission Santa Clara and the Armija/Thompson and related families trace their Ohlone heritage to the Est/Estero region located within the Alviso land grant and the Alson-e Tribe of this area" (Muwekma Tribe 11/8/1997).

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<sup>61</sup> The composition of those listed on the letterhead has not changed significantly, although John Guzman, who had died only two weeks earlier, Robert Corral, Dolores Sanchez and Enos Sanchez are listed with a "d" for deceased beside their names.

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Sixteen people representing the council, including its newest member Carolyn Sullivan, signed the resolution, which said that the land would be restored as "an Ohlone Indian village as Dedicated Open Space" (Muwekma Tribe 11/8/1997). Soon after this resolution, the Muwekma letterhead added a new descriptive phrase, so that the entire letterhead read, "MUWEKMA INDIAN TRIBE (A previous unambiguously Federally Recognized Tribe) Costanoan/Ohlone Indian Families of the San Francisco Bay" (Leventhal, 11/5/1997; Cambra 12/8/1997).

Katherine Perez, Alan Leventhal, and the chairwoman went to Los Angeles to consult the Rupert Costo collection. One of Perez's relatives, Tracie Massiatt Lents, paved the way for them at UC Riverside where the collection resided. On February 14, 1998, Lents was made a Tribal Council member.

For a second time, the group was documented using money to improve the social or health situation of an individual. The first instance was the purchase of health related equipment for a member in 1993. Cambra wrote:

As Chairwoman of the Muwekma Ohlone Indian Tribe I am enclosing a \$1,000 check to go towards [a member's evaluation expenses.] The tribal council feels very strongly of supporting their tribal members, especially when it involves family. . . ." (Cambra 2/7/1998).

The person being helped was from the same family which was helped in 1993.

The *News from the Muwekma Tribal Administration* encouraged members to place items on the agenda for future council meetings by calling them in ahead of time:

If you would like to bring a concern or proposal before the tribal council, please contact Norma Sanchez. . . so that you can be placed on the agenda. If you just want to come and [sic] learn about what the tribe is planning please come to the meetings (Muwekma Tribal Administration 2/1/1998).

The appearance of this blurb would have little meaning if not placed in context of a growing argument between Cambra and Perez. The statement to go to Norma Sanchez in order to get items on the agenda may have been an attempt to control the meetings, or it may have been an attempt to get more people involved (Muwekma Tribal Administration 2/1/1998). Also at this meeting, the council approved the enrollment of the descendants of Mercedes Marine. With the Mercedes and new Victoria Marine descendants and the Guzmans, the group's enrollment exceeded 350 people, according to Cambra (Muwekma Tribal Administration 2/1/1998).

The Arellanos attended the next council meeting held March 15, 1998, in Campbell. *News from the Muwekma Tribal Administration* had requested information about their whereabouts in the July 1997 edition. Tracie Lents, newly placed on the council, also

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attended. At the April council meeting at Coyote Hills Park, Allogan Slagle and Lorraine Escobar gave a report on the Muwekma Kinship Report. They were consultants. Norma Sanchez gave an Executive Report and said that she was handing out a new enrollment ordinance for review and adoption at the next meeting. Alan Leventhal recapped how various "lineages" were represented on the council. These discussions indicated that the staff members were reviewing issues of family representation in the governance of the group.

For the first time the minutes showed an individual questioning the organization's staff in a critical fashion. Katherine Perez questioned the role that adoptees would play, and she also said that she had not felt support from the office on an archaeological project she was running near Stockton. Presumably this was criticism of the Tribal Administrator Norma Sanchez, whom earlier documents in the petition have described as Dolores Sanchez-Franco's (Cambra's mother) adopted daughter (*San Jose Mercury News* 8/24/1996). Cambra responded according to the minutes:

Rosemary asked who did you ask help from? Did you come to the tribe and ask from the beginning. Rosemary stated, "you took responsibility for that project under the Native American Heritage Commission as an MLD, you did not come to the tribe and formally ask for assistance. Now your [sic] doing it the right way, but it is to [sic] late to assist you on this project. It comes down to priorities does the council want me to make Acknowledgment no. 1 priority or sacred sites in San Joaquin county. Norma stated that perhaps Rosemary could help with the development of a burial ordinance or policy for San Joaquin county in order to assist Kathy Perez in N. San Joaquin county (Muwekma Tribe 4/18/1998a).

Sanchez tried to find a compromise position.

Rosemary stated that currently there is only two that are adopted and that is Norma Sanchez and Alan Leventhal along with their immediate family. Rosemary stated that it was Norma that played a large role in bringing her family back together. Her sisters had not been talking and it was Norma that assisted. Kathy stated that she knew that Alan and Norma were already adopted, but how much power did adoptees have and what is their role? Allogan stated that it was mainly at an advisory capacity. Allogan also suggested that the council not address adoption until after the tribe was recognized.

Katherine Perez continued through the meeting to attempt to attain more representation for her family on the council. After Susanne Rodriguez nominated Monica Arellano (a

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Mercedes Marine descendant) to fill the vacant council seat left from Dolores Lameira, Kathy objected and apparently later made suggestions that her family be given more representation on the council by placing her daughter Herlinda Perez on it. The minutes recounted her objections:

Kathy Perez, stated that everyone is blood related and now see's another council member that is being recommended for council seat appointment is another Marine (Muwekma Tribe 4/18/1998a).

In response to Alan Leventhal's statements, that the council tried to recruit a Thompson from the Thompson lineage, but that they were not interested in serving, the minutes related:

Kathy stated, why couldn't one of their family members represent the Thompson lineage since they have fostered Eddie Thompson. Rosemary asked if the Thompsons would support her daughter Herlinda Perez to be seated representing the Thompsons. Kathy stated that she felt that they would. Rosemary stated that could not be done without full consensus of the Thompson family.

Margaret Sanchez cannot be identified because there are several individuals with that name,<sup>62</sup> but she was a member of the nominating committee. She tried to table Katherine Perez's questions and suggestions until she had time to talk to Hank Alvarez of the nominating committee, who was unavailable because of illness in his family.<sup>63</sup> She refused a suggestion from Robert Sanchez (a Ramona Marine descendant and cousin to Cambra) to meet with Concha Rodriguez, the chairwoman's sister, and a members of the nominating committee, and decide on-the-spot what the nominating committee would recommend.

This March meeting is the first time that evidence shows an attempt to make the elders list (or perhaps the council) representative of "lineages" or extended families. It would also seem to show individuals attempting to influence the outcome by involving their allies in the decision-making. Since the group's membership had represented basically a single family and part of a related family before 1996, the issue of representation may not have been a concern before then. According to the petitioner, "elders represented each lineage in the past and today. Even though sometimes not all lineages had an elder available" (Petitioner 2001, 20). The petitioner has not adequately defined the specific "lineages" and shown which "lineages" each individual on the elders list or on the

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<sup>62</sup> It could be a daughter of Ramona Marine, or it could be Katherine Perez's own sister.

<sup>63</sup> This nominating committee was not mentioned as one of three committees mentioned in *News from the Muwekma Tribal Administration*, dated February 1, 1997, which listed three committees (Muwekma Tribal Administration 2/1/1997).

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council represented. The petitioner needs to show how the elected leaders actually represented their families in decision-making, conflict resolution, political processes, etc.

The important thing about this exchange was that it was the first time the minutes reflected any internal disagreements among the petitioner's members. It was the first documentation of a member questioning the chairwoman. And it was the first documentation of internal dissension about the Marine dominance of the group, perhaps caused by bringing in new people. Perez's discontent was apparently not reconciled because in September 4, 2000, she submitted to the BIA a letter of intent to petition for the North Valley Yokut located in Stockton. She was listed as Chairperson, and her brothers and sisters were listed as other officers. However, her sister Margaret Sanchez was not on the petition.

### Summary Discussion

To cover the period between 1927 and 1965, the petitioner submitted mostly documents that involved individual requests to the BIA concerning claims, probates, or other issues which involved only individuals acting on their own behalf or on behalf of their close relatives. Some documents indicated that close family members were out of touch with each other. For example, a man's brother suggested that the BIA contact the man's former wife to find out the addresses of the man's children during a probate review. Another man wrote that because his parents had died, he did not know his relatives nor his own genealogy. A woman wrote that her daughter-in-law had taken her grandchild without leaving a way to contact them. It may be that such letters would be unremarkable if a more comprehensive record of the petitioner's activities existed. However, the record contains only a handful of documents for each decade between 1930 and 1960. These letters become the only information in the record about the petitioner and, thereby, gain significance. They imply that even close relatives may be estranged from one another and without contact to an Indian community or political entity where the information they sought may be available to them.

Moreover, the people referred to in the submitted documents before 1965 are generally not the same Avelina (Cornates) Marine descendants who make up 70 percent of the current membership, indicating a lack of continuity between the petitioner and the people discussed in the documents. Letters written by Marines included those of Trinidad Marine, none of whose descendants are in the petitioning group, and Dario Marine, whose descendants joined the group only in 1996. Dolores (Marine) Galvan also wrote letters. She has been involved in the petitioner since 1992. Others named in the documents are Armija and Guzman descendants who make up a small portion of the current membership. They also joined only after 1995. By and large, the letters between 1932 and 1965 discuss a very small number of people, who overall were not particularly representative of the current membership.

For the period after 1965, the petitioner primarily submitted information about several organizations which it argues provided the structure for their tribal organization. These

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organizations included the American Indian Historical Society (AIHS) from 1965 to 1971, the Ohlone Family Consulting Services (OFCS) from 1984 to 1995, Muwekma Indian Cultural Association (MICA), in the 1980's and the Ohlone Muwekma Tribe since then.

As evidence, the petitioner submitted correspondence generated under the auspices of these organizations, newspaper articles about these organization's activities, some minutes and contracts and assorted other documents, which generally show the organizations' dealings with non-Muwekma people and institutions. The relationship of these organizations to the petitioner's community, if one existed, was not revealed by these documents. What decision-making or governing processes lay behind these letters, contracts, and agendas was neither explained nor covered in most of the documents.

Generally, petitioners are encouraged to submit transcripts or tapes of oral histories.<sup>64</sup> In the Muwekma case, oral histories would probably be very useful in explaining background events concerning the interactions between the AIHS and certain Muwekma ancestors from 1965 to 1971. Living individuals were involved in these events, and they could discuss this period from their personal experiences. Without intensive oral histories or written background information, the documents that were submitted do not provide evidence that the AIHS was involved with a Muwekma or Ohlone political entity, who the members and leaders, other than the Galvans, of the entity were, and how they processed decisions and dealt with issues of importance to the group's members.

Because the petitioner submitted virtually no evidence covering the period between 1971 and 1984, oral histories again would be critical to understanding the post-AIHS period and the possible continuity between the AIHS activities and those the current chairwoman and her associates in 1984 and later. the way to important documentation from this time period. Oral histories from people Many people are still alive who may have information about this period. Their stories may provide a crucial link between the events of the 1960's and those after 1984 or point in as many extended families as possible would be helpful. Documentation for this period, however, is still necessary.

In 1984, documentation showed that Rosemary Cambra began to participate in archeological monitoring and other activities involving Indians. She had already been searching the San Jose Mission records, but her cousin Andrew Galvan apparently blocked her continued use of them, at least for some period of time. This dispute was not placed in context by the petitioner or their documents. Cambra set up an archeological monitoring firm called Ohlone Families Consulting Services. Like many others, she classified herself as "Ohlone," and she identified specifically with the Santa Clara Valley. Between 1984 and 1992, the work Cambra did was sometimes on behalf of the Ohlone Families of Santa Clara Valley, and sometimes on behalf of the Ohlone Families

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<sup>64</sup> The best way to maintain provenance information for oral history tapes is to have the participants themselves identify on tape who is present, who is talking, the directions given, and the date, time, and place the recording is being made. This information should also be written on the tape's case.

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Consulting Services. The difference, if one existed, between these two organizations was not apparent in the petitioner's submissions and should be explained during the comment period.

Cambra and OFCS was not accepted at first by the archaeological monitoring community, comprised of members of the California commission overseeing monitoring, Indian monitors, and archaeologists, the firm's president persisted in asserting her claim to be a monitor. After some confrontations and legal representations, she was able to earn monitoring contracts and was included in repatriation programs by museums and universities in the Bay area.

From 1984 to 1992, there is no evidence that anyone other a tiny cadre of Cambra's closest family members and non-Muwekma consultants were working with Cambra and supporting her activities. The OFCS monitoring firm utilized close relatives. The record does not support the petitioner's statements that the Muwekma tribal council was able "to organize large numbers of people, related to cultural resources in 1980's and 1990's" (Petitioner 2001, 23).

There is no evidence that a community was advising OFCS, directing its actions or profiting from its activities, aside from this handful of close kin. The recitation of the evidence indicated that three cousins, Rosemary Cambra, Ruth Orta, and Andrew Galvan, were working as individuals in the 1980's. This interpretation that the chairwoman was working basically on her own agrees in part with the petitioner's interpretation of the evidence which posited that, according to Leventhal and others,

... at first, acting as individuals and often in a spontaneous manner, the Muwekma Ohlone families began taking direct action to protect ancestral sites. . . (Leventhal *et al.* 1994, 318) .

The State of California oversees archeological digs under state law that provides for Indian monitors of sites and repatriation of human remains and funerary objects. The Indian commission designates "Most Likely Descendants" or "MLD's." Their policy is to allow individuals to be MLD's as long as they can satisfy two qualifications. They must show they descend from an Indian associated with the area where the archeological dig is being performed, and they must submit a paper signed by a group saying that the individual represents them. Thus, an individual Indian may become a professional monitor, if their close family signs on. The petition documents show that Katherine Perez became a monitor by doing this.

The policy of the commission, however, as reflected in correspondence to Perez, is that an MLD may represent a "tribal" organization. Cambra worked in the early 1990's to become the sole MLD for the Ohlone in a large part of the Bay area. OFCS competed

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with Galvan cousins and may have interrupted,<sup>65</sup> perhaps unknowingly, Perez's MLD appointment in 1997. Soon after that, however, the Muwekma asserted their rights to the Clareno sites associated with Perez's ancestors, and Perez was appointed with Hank Alvarez to monitor a dig as an MLD. The record includes only documents to and from the heritage commission. No information about internal deliberations concerning MLDs and representation on monitoring was submitted which would show how the petitioner handled political issues as a group.

The petitioner stated that the Galvan/Cambra dispute shows that there is an interest in the archeological issues (Petitioner 2001, 25). Unfortunately, the dispute between some of the Galvans, the Cambras, and others and its impact on the petitioner has not been explained and documented by the petitioner. No oral histories were included to indicate how individuals' positions in this dispute may shape the social or political processes of the petitioner. The dispute was not discussed at council meetings for which minutes were submitted. Any attempts that may have been made to resolve these disputes have not been analyzed by the petitioner's consultants in the petitioner's submissions, even though elsewhere the petitioner's consultant Alan Leventhal argues without specific analysis and documentation that these disputes are factional and caused by the California repatriation laws. A further exploration of the disputes which would use them to describe and explain the social and political organization of the Muwekma was not submitted.

The structure of the California repatriation laws would appear to encourage small family units to control monitoring of their home territory and be the recognized MLD for their own area. Because of salvage work resulting from the massive development that has occurred around San Jose and the entire south bay, monitoring could be a lucrative business for some families. The arguments among the Galvans, Cambras, Perezes, Ortas, Ella Rodriguez, Kenny Marquiz, and others may reflect turf battles in a competitive business environment. Success in this business depended in part on convincing the public and administrators that a firm represented a number of descendants.

An article written in 1994 by the petitioner's director and principle researcher linked the establishment of the Cultural Resource Management (CRM) firms with urbanization and rural development in the East Bay. Legislation at the local, state, and national level mitigated the negative impacts of development on Indian archaeological sites by regulating the treatment of archaeological sites uncovered during construction or on government-owned properties. In California, laws required that developers employ archaeologists, who would be observed in turn by Indian monitors, who were designated "most likely descendants" of the site, and assigned by the Native American Heritage Commission. According to the petitioner's director and researcher,

Such [CRM] firms often evade, if not subvert, the hard work of responding to the concerns and sensitivities of formally organized Ohlone

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<sup>65</sup> It was unclear whether Perez was re-designated as an MLD while a member of the Muwekma petitioner. The Muwekma may have asserted rights to Santa Clara mission sites based on Perez's membership in their group.

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tribal governments through the manipulation of individual descendants. . . This selection process often disregards the existence of formal tribal governments and areas that were aboriginal to their respective tribes. The end result of this process is further disenfranchisement and state sponsored factionalism (Leventhal *et al.* 1994, 316).

The petitioner's consultant argued that tribal governments should be given preference as MLDs. His critique also referred to "state sponsored factionalism." This argument may relate to certain aspects of the petitioner's history. Evidence in the record shows that the descendants of the Verona Band may be fractionated along the lines of several Cultural Resource Management firms. This specific argument was not made by the petitioner, and if this is the case, the petitioner may in the past have represented only a small part of a larger Indian entity and may today also be part of this entity.

In fact, the problem with the consultant's interpretation is that the first documented sign of a dispute along certain families occurred during the 1965 meetings about the Ohlone Cemetery, which is significantly before the institution of the California heritage laws requiring Indian monitors. It may be that the monitoring firms are merely organizing along dispute fault lines that have existed for several generations, rather than causing a separation of related people. However, there was no analysis of community with political fault lines in the submitted materials.

From 1984 to late 1995, the number of individuals involved with Cambra's efforts was very small. Only close relatives were documented as participating in digs, monitoring, commemorations, or demonstrations. Her mother, Dolores Sanchez-Franco, whom Cambra would give great credit for continuing her tribe, was clearly associated with Cambra during this period. The evidence does not show anything other than a family business.

Between 1984 and 1992, Cambra's public role evolved from an individual Ohlone or Muwekma to a business woman, presiding over a firm, into a tribal chairman. Her changing titles marked this evolution. On a 1984 letter to the California Governor, Cambra had signed her letter "Proprietor." In September 1985, a series of newspaper articles identified Cambra and her sister as individual Ohlone, using phrases such as "a Muwekma Ohlone from San Jose," (*San Jose Mercury News* 9/24/85) "an Ohlone Indian" (*San Francisco Chronicle* 9/17/1985) and "a Muwekma Ohlone" (*San Jose Mercury News* 9/13/1985).

She soon presented herself as the "chairwoman" of a tribe. But on May 4, 1988, she again identified herself as "President" (Ohlone Families Consulting Service 4/1/1988). The letter of intent under 25 CFR 83 identified the petitioner as the "Ohlone/Costanoan Indian Families of Santa Clara Valley" (Muwekma Tribe, 1989). The letter of intent identified Cambra as "Chairwoman." March 12, 1990 correspondence on letterhead from the "Muwekma Indian Cultural Association" was signed by "Rosemary Cambra, Chairwoman, Muwekma Tribe" (Cambra 3/12/1990). The petitioner asserted that the

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consulting service was an "economic arm of the tribe" (Petitioner 2/9/2001). The activities of the business and of the petitioner overlapped at times in the late 1980's. In 1989-1991 Cambra used both titles but seemed to reserve the title of "President" for OFCS business, and the title of "Chairwoman" for non-profit activities.<sup>66</sup>

After 1991, however, Cambra uniformly used the title "Chairwoman," and claimed that she deserved special consideration on archaeological matters because she was a tribal leader. Under Cambra's direction, OFCS may have nurtured an existing informal Muwekma entity for two or three years leading to formal organization. But it may also have created a formal Muwekma entity where an informal one did not exist. From the little evidence available, the OFCS consulting business existed before the Muwekma petitioner's formal organization. Because the petitioner did not submit evidence concerning informal political relationships before the petitioner's formation, it is impossible to determine whether the petitioner represents a formalization of a previously existing informal political entity or a creation of a totally new organization.

Also according to the petitioner, the Muwekma used OFCS to implement the Tribe's policies on cultural resources protection (Petitioner 2001, 23). The nature of the relationship between these two entities was not made clear in documentary evidence. Cambra on several occasions, especially in the early 1990's, invoked her asserted position as chairwoman of a tribal entity in making pleas to outside agencies to give her consideration in arguments concerning the disposition of archaeological remains. But what was the entity behind the chairwoman? To what extent the formulation of these arguments were made by an entity according to political processes, rather than by Cambra and her small circle of family business advisors, has not been demonstrated by the petitioner. No meeting notes indicated discussion of the group's positions on these issues. No oral histories discussed how people agitated and attempted to influence members about archaeological issues they considered to be important. No letters, diaries, journals, notes, newsletters, or other documents indicated that a community with internal decision-making processes existed.

The documents demonstrate that both archeology and non-archeology related political outreach occurred. Non-Muwekma worked with Cambra as she extended the petitioner's interests to territory beyond Santa Clara Valley. Efforts focused increasingly on acknowledgment, on the political position of the Muwekma vis-a-vis other Ohlone and non-Indian ethnic groups, and on redirecting the reburial policy of various institutions and governments.

The few active group members, who were predominantly her close relatives, were involved in archeological digs and commemorative events such as parades and festivals. These events were organized by non-Indians, such as a University, the city of San Jose, the Cinco de Mayo Festival in San Francisco, etc. The Muwekma attended as

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<sup>66</sup> Concurrently, Norma Sanchez's title changed from "partner" or "Vice President" of OFCS to "Tribal Administrator" of the Muwekma.

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participants in larger events, not organizers or instigators. Evidence indicated that they were sometimes paid to participate.

The problem is not that OFCS's small staff represented the petitioner to outsiders; it is that no evidence indicates that their actions were informed by the actions of people in an organization, entity, or community behind them. No information was submitted about internal interactions as would be expected in a community where people knew one another. No information about consultations and deliberations about actions taken by OFCS and Cambra on behalf of the Muwekma was submitted with the petition.

The minutes and agenda imply that the chairwoman and tribal administrator reported to the few people who were present what had already happened without their consultation or knowledge. No discussion was reported on significant issues or policy. No one was asked to vote on major actions that would be taken. No one objected to what was going on or related that people they knew or represented had ideas or concerns about actions that were taken by the chairwoman or non-Muwekma spokes-people in the name of the Muwekma.

The acknowledgment regulations do not require the petitioner to have a formal government with elected officers, etc. However, when leaders are identified, in this case Rosemary Cambra, how they came into their position is useful in understanding decision-making in the group. Cambra claimed at one point that she was appointed by her mother and in another place that Trinidad (Marine) Ruano handed the leadership to her. However, the minutes provide evidence that the chairwoman's authority went unquestioned as long as her own Marine family overwhelmingly predominated in the council and the group's membership.

After 1996, when the Muwekma membership doubled, new people, specifically Katherine Perez's family who descend from Maria Erolinda Santos, objected to what they perceived as a lack of representation characterizing the group's organization. Perez questioned the dominance of the Marines and of non-Muwekma in the group's decision-making. She wanted more representation balanced more in her family's favor on the council, and she wanted the role of adoptees defined publically. It appears, however, that those who did not agree with Cambra ultimately left the group; they did not change it. Whether all one-hundred of Maria Erolinda Santos's descendants have left the petitioner with Katherine Perez is unknown at this time. There is, however, no reason to believe that the chairwoman has lost any of her previous dominance of the petitioner's affairs.

The petitioner declared that resolving the dispute "between Mr. Galvan and the tribe" showed that the petitioner settles disputes between members and subgroups, and asserted that each lineage, probably a reference to extended families, is supposed to resolve disputes (Petitioner 2001, 25). No in-depth and specific discussion of this dispute and its resolution was included in the petition materials. The lineages were not defined so that the concept could be applied in the present-day. Specific examples were not given which would show in step-by-step detail how the involvement of lineages in conflict resolution actually played out in real life situations, such as the dispute between OFCS and Andrew

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Galvan. So little information is contained in the petition materials about this topic, it is unclear which "Mr. Galvan" is referred to by the petitioner. Is it the elder Philip [Filipe] and does the reference pertain to the "gathering in 1990 or is it Andrew Galvan? No documents that would support a description or allow BIA researchers to formulate an analysis about dispute resolution as an internal political process was included in the petition materials.

Moreover, evidence was included which raises some doubts about whether the Galvan/Cambra dispute and other disputes have been dealt with by the Muwekma organization. Andrew Galvan and his descendants are not on the most recent membership list or previous lists, which raises questions about why the petitioner believes that the dispute with "Mr. Galvan" has been resolved and to what extent they regard it as an "internal matter." In addition, Trinidad Marine's descendants (the Ortas and Ruanos) are also not on the membership list. Finally, the dispute with Katherine Perez has not been resolved and has widened to include her immediate family, who have submitted a separate petition. Documented examples are needed to demonstrate that disputes were actually resolved within "lineages." The record does not support these undocumented assertions that "lineages" resolved the Galvan/Cambra dispute, especially when other evidence appears to contradict them.

The fact that Cambra and her close family members dominate the petitioner to the extent they do may indicate that others do not find Muwekma issues are very important to them. Certainly, few people attended annual meetings, picnics, or other activities of the group. Fewer than a tenth of the membership filled out the survey form. In some petitions, meeting attendance was low; but, over time, almost everyone attended some meetings, events, or informal activities. In the Muwekma case, there was a tiny core of individuals who attended everything. The vast majority of members did not appear in the record at any Muwekma sponsored event. However, even in cases where a large percentage of individuals attended meetings, evidence was still required to demonstrate that political processes actually occurred.

The petitioner submits evidence to show that they "control employment and opportunities in the professional fields related to cultural resources" (Petitioner 2001). The documents submitted are primarily published papers, papers given at professional meetings, and letters written to public officials. These are public documents that are signed or attributed to Rosemary Cambra, and other petitioner officials, Alan Leventhal, and other archaeologists. The petitioner did not contribute evidence to show that the petitioner, rather than OFCS, controlled this employment and no evidence was presented of how the process was controlled by the members. No meeting minutes were submitted discussing employment or other professional opportunities.

This issue of professional employment, however, derives from a bigger issue effecting many aspects of the petitioner's case. That bigger issue is the relationship between OFCS and the petitioner. The petitioner attempts to use the activities and documents of OFCS to demonstrate that the petitioner interacts as a community and takes political

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actions, but these activities related to a family owned business do not demonstrate that the petitioner as a whole interacts in a community and has political authority.

Precedent in other acknowledgment cases requires that the petitioner demonstrates that leaders are informed by members and that members are influenced by the leadership. The documents seem to indicate that the named leaders of this petitioner have a great deal of authority. Nothing in these documents indicate whether or not any other individuals are active in the decision-making of this organization or influence the named leaders.

According to the petitioner, the modern tribal government has reinforced traditional ties, and recently created new ties among members (Petitioner 2001, 11). The evidence analyzed here has demonstrated how and when the main families have been involved, or uninformed, in the governing functions of the current community. It shows that after decades without documentation of activity, one Marine extended family exclusively ran and participated in the activities first of a CRM firm, and then the petitioner until 1992, when a second Marine extended family joined them. Only after 1995 did other families, including the families of Dario Marine and Maria Erolinda Santos, join. In two years between 1995 and 1997, the membership doubled to include some non-Marine families. No evidence was submitted to show that the majority of the current membership had anything to do with or were part of the political activities or any other activities of the petitioner's organization as recently as 10 or 15 years ago. The creation of the present organization in the mid-1990's is a critical problem for the petitioner because it calls into question whether or not the petitioner's community and political organization has existed continuously, not only in the 10 or 15 years, but also since its last point of Federal acknowledgment in 1927.

### Summary Conclusions

The petitioner's evidence to demonstrate political authority from 1927 to 1965 consisted of claims applications produced between 1929 and 1932 and letters written to the BIA area office by individual members. None of this evidence indicated that people were taking actions on behalf of a larger group than their own extended families or that patterns of activities indicated internal political processes of a group beyond those extended families, especially after the claims application process was completed in 1932.

Activities of several family run cultural resource firms in the 1980's are discussed in the documents submitted by the petitioner. What goes on in a non-profit group or business which is not the petitioner, does not describe petitioner's political organization, even if the petitioner's members were involved in the non-profit group or business and that organization undertook political outreach.

After 1965, several Indian organizations were identified, such as the American Indian Historical Society, the Ohlone Families Consulting Services, Muwekma Indian Cultural

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Association, and the Muwekma Tribe of Ohlone Indians (the current petitioner). The petitioner asserted at different times that these organizations were related to the petitioner; however, the political processes underlying these purported relationships were neither described nor documented. After 1983, the current chairwoman, Rosemary Cambra, was clearly the acknowledged named leader of a CRM firm and later the petitioner. The political processes that placed her in that position and allowed her to remain in it were not described. The internal political workings of the petitioner and its relationship to the OFCS consulting firm were also not described.

Documents demonstrated that participation in group activities was low and generally involved only close relatives until 1995. Small numbers of people undertook activities, such as parades and festival presentations which were symbolic demonstrations of heritage directed at people outside the petitioning group. The named leader participated in political outreach, often involving non-Indians. Documents did not indicate that the membership influenced the policy direction and undertakings of the group, or that they were fully aware of the leadership's activity until after it had occurred. Decisions made in the council did not happen, in some cases.

The persistent allusion to people with the same kinship and background as the petitioner's members, but who themselves are not members, may indicate that some significant families are not represented by the petitioner. Several family-based cultural resource firms were identified owned by the group's leader, her second cousin, and her first cousin, once removed. A fourth seems to be establishing itself under the leadership of a woman who briefly belonged to the petitioner between 1996 and 2001. This raises the question of whether these entities are actually family-based cultural resource management firms, each of which claims members from a part of a historic community.

In late 1995, the group's membership began to rise, and it more than doubled between 1995 and 1998. With the entrance of new families, not closely related to those who had played active roles before 1995, some questioning of the leadership occurred for the first time. Increasingly formalized governance was noted with a constitution, membership list, membership ordinance, and council representation defined in part by family, etc. Also noted, was conflict between the old and new families, which culminated in at least one new family abandoning their membership in 2001. The record indicated that the petitioner had been created in recent years, because no evidence of its political activities were submitted before 1984.

## Muwekma: Proposed Finding - Description and Analysis

### Criterion (d)

#### Governing Document

##### *Current Governing Document*

The current governing document for the Ohlone/Costanoan Muwekma Tribe (Muwekma) is entitled "Constitution of the Muwekma Indian Tribe of the San Francisco Bay" (Muwekma Tribe 4/18/1998b). The subheading to this constitution states, "Adopted by unanimous vote by the Tribe 4/21/91 and amended April 18, 1998." No minutes were provided for the meeting held on April 21, 1991; however, minutes were submitted which record the unanimous adoption of the Muwekma Tribal Constitution by the council at a meeting three years later, on April 2, 1994 (Muwekma Tribe 4/2/1994). The announcement for the Annual General Muwekma Tribal Meeting of April 2, 1994, includes the "general membership adoption of tribal constitution" as an agenda item and as an enclosure.

The minutes of April 18, 1998, show that the Policy Committee requested the council to review "the tribal constitution with new corrections," and handed out an enrollment ordinance and confidentiality statements, to be acted on at the next meeting, but no vote to amend the constitution is mentioned (Muwekma Tribe 4/18/1998a). Thus, the submitted minutes do not document the general membership's discussion, if any, of the proposed changes nor do they document the actual votes cast. The BIA technical assistance review letter of October 10, 1996, advised, "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" (BIA 10/10/1996). Such minutes were not found among the documents submitted in response to this request (Petitioner Ex. J, I:98).

One of the amendments made to the constitution appears in its title, wherein the petitioner's name was revised from "Ohlone/Costanoan Muwekma Tribe" to "Muwekma Ohlone Tribe." However, Article 1 of the constitution continued to state the group's "legal name" as "Ohlone/Costanoan Muwekma Tribe of Indians of the San Francisco Bay." A separate workpaper details various structural or substantive inconsistencies noted within the petitioner's constitutions.<sup>67</sup>

##### *Contents of the Current Constitution*

The 1998 constitution describes how the Muwekma governs its affairs and its members. Its Article II addresses membership, and is discussed more fully in a separate section to follow.

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<sup>67</sup> BIA staff genealogist's "Governing Documents" workpaper.

## Muwekma: Proposed Finding - Description and Analysis

Article I furnishes the legal name of the group as the "Ohlone/Costanoan Muwekma Tribe of Indians of the San Francisco Bay," and defines its territory as embracing "San Francisco, San Mateo, Santa Clara, Alameda and Contra Costa and San Joaquin Counties; and the north side of the Carquinez Straits, southern Solano and Napa Counties." The inclusion of San Joaquin County constitutes an addition over the constitution first submitted in 1995.

Article II defines membership (see "Membership Criteria" below). This article contains the prohibition against dual enrollment, and also defines how the group may adopt members.<sup>68</sup>

Article III defines the governing body as consisting of eleven (although written as "seven") duly elected members serving five-year terms. No "Article IV" appears in the constitution, although later references suggest the missing Article IV defined a "General Council."<sup>69</sup>

Article V addresses elections, specifying that duly registered voters must be 18 and candidates must be 21. Regular elections are to occur in conjunction with the annual meeting of the "Tribe's General Council as provided in Section 3 or Article IV," which is missing. The council is empowered to enact an election ordinance setting forth procedures for elections, and to appoint an Election Board (three members serving staggered five-year terms) which is responsible for carrying out the provisions of the election ordinance. Other aspects of this Article define procedures for proposing legislation, for calling an election, and for requesting a recall of an officer.

Article VI pertains to the removal of officers, and filling vacancies.

Article VII sets out 22 "enumerated powers" of the council in representing the petitioning group, and under its "reserved power" provision allows the council to "exercise all other inherent tribal powers not expressly listed."

The photocopy of the current constitution as submitted by the petitioner ends on page 5, after Article VII, Section 2, and does not bear any concluding date or signatures. The process by which the group's constitution may be amended is not addressed in this constitution.

### *Former Governing Documents*

The earliest constitution submitted is entitled "Constitution of the Ohlone/Costanoan Muwekma Tribe (Adopted by unanimous vote by the Tribe 4/21/91)" (Muwekma Ohlone

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<sup>68</sup> Meeting minutes mention two adoptions (Norma Sanchez and Alan Leventhal); their names do not appear on any of the official membership lists or finding aids (Muwekma Tribe 4/18/1998).

<sup>69</sup> See Article V, Sections 3, 6, 7, and Article VI, Section 2. A "General Council" is referenced but never defined; it may be the subject of the missing Article IV.

## **Muwekma: Proposed Finding - Description and Analysis**

Tribal Petition, 88-95). Additionally, the petitioner submitted a three-page Articles of Incorporation document for the "Ohlone Indian Tribe, Incorporated," dated June 16, 1971, and signed by three directors: Philip Galvan, Michael Galvan, and Dolores Galvan LaMeira (Ohlone Indian Tribe, Inc. 1971). This was submitted "as evidence of previous governing documents" (Petitioner 2001, A:49); however, without evidence identifying the membership, it is not possible to conclude that this represents an earlier governing document for the present petitioning group.

### *Official Membership Criteria*

The petitioner's membership criteria are defined in Article II of their constitution as amended in 1998 as follows:

Section I. The membership of the Muwekma Tribe shall consist of the following:

a. All persons whose names [are] on the list of members submitted by the Muwekma Tribe in its petition for Federal Acknowledgment as an Indian tribe pursuant to 25 CFR 54, who met the membership criteria specified in the petition. The Muwekma Tribal Council may correct and amend the list as needed.

b. All lineal descendants of persons who qualify for membership under subsection (a), above; provided, that such descendants can prove descendancy of Ohlone/Costanoan Muwekma blood and descendancy; provided that the burden shall be upon the applicant to prove by preponderance of evidence that he/she meets all qualifications for membership.

Submitted along with the amended constitution is "Ordinance No. 0001, Muwekma Ohlone Tribal Enrollment Procedures Act" which, the minutes show, was distributed to the council on April 18, 1998, for review and to be voted upon at a future meeting (Muwekma Tribe 5/6/1998). The eight-page ordinance copy furnished by the petitioner is not dated, but is followed by a "Certification of the Muwekma Ohlone Tribal Enrollment Ordinance No. 0001" which states that the council met on May 6, 1998, to adopt the ordinance. The vote tally shows six council members attended and voted in favor of it, but the space for the approval date for the ordinance remains blank, as do the spaces for signatures of the Secretary and person conducting a "Legal Review." The entire entry under the ordinance's Article II, Enrollment Requirements, reads:

In order to be eligible for enrollment in the Muwekma Ohlone Tribe, and applicant must either:

Section - 1 be named on the official tribal membership roll prepared pursuant to the requirements of Article II of the Constitution of the Muwekma Ohlone Tribe.

## Muwekma: Proposed Finding - Description and Analysis

An earlier but undated nine-page enrollment ordinance was submitted in July 1995 which contains a "Section - 2" not found in the newer ordinance:

Section - 2 be a descendant of a member of the Muwekma Ohlone Tribe. For purposes of this Enrollment Ordinance, descent from member of the Muwekma Ohlone Tribe shall include lineal descent from any person who was named on any roll or records of the Muwekma Ohlone Tribe prepared by the Department of the Interior prior to the effective date of the Tribal Constitution (Muwekma Tribe n.d.).<sup>70</sup>

The newer enrollment ordinance further defines the process and time limits on challenges to membership eligibility. While the newer ordinance dropped the older version's section (Article III, Section 6) on applications for prospective adoptees, it apparently retains the concept, as Article IV defines the processing of "enrollment applications and adoption petitions" (p. 4). A separate workpaper details other differences noted between the two ordinance versions.<sup>71</sup>

The petitioner provided a further definition of membership qualifications in its response to the BIA technical assistance (TA) review letter of October 10, 1996. That TA letter requested clarification as to whether documented descent from a Mission San Jose Indian alone or from a successful 1928 California Indian applicant alone would qualify a person for membership (BIA 10/10/1996). The petitioner's responses to those separate questions were:

Documented descent from the San Jose Mission Indians does not automatically qualify a person or family for enrollment in the Muwekma Tribe. A petitioning person or family member has to demonstrate that they are descended from one of the many historically known lineages that comprised the Verona Band community during the 19<sup>th</sup> and early 20<sup>th</sup> centuries (Petitioner Ex. J, I:99),

and,

Only those individuals and families who can demonstrate direct descent from the Verona Band community of the 19<sup>th</sup> and early 20<sup>th</sup> centuries (pre-1927) and direct descent from those known Verona Band/Muwekma individuals and families who enrolled under the 1928 California Indian Jurisdictional Act would be eligible for enrollment in the Muwekma Tribe (Petitioner Ex. J, I:100).

The second quoted paragraph above is not interpreted by the BIA as a statement specifying two requirements of a prospective member's ancestors, but rather as a

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<sup>70</sup> No DOI "roll or records" have been seen which use the term "Muwekma Ohlone Tribe."

<sup>71</sup> BIA staff genealogist's workpaper entitled "Enrollment Ordinances."

## Muwekma: Proposed Finding - Description and Analysis

statement emphasizing that the former requirement must accompany the latter circumstance. In point of fact, however, all current members appear, or have ancestors who appeared, on the 1933 judgment roll. The petitioner states elsewhere, "Although this BIA association [participation in 1933 and later judgments] exists for all members of the Muwekma Ohlone Tribe, this does not construe or imply any concept that the BIA enrollment process is part of the tribal enrollment policy" (Petitioner Ex. K, II:9).

The enrollment ordinance specifies that applications "must be accompanied by at least one supporting document. This supporting document or documents must establish ancestry and parentage of the applicant" (Article III, Section 4). The application form is pre-printed with a list describing the documents to be furnished by the applicant, which includes: "birth certificate," "baptism certificate," "marriage certificate (if applicable)," and "divorce document (if applicable)" (Petitioner Ex. A, I, tab: Enrollment).

Photocopies of a sample enrollment include a completed application form, as just described, submitted by a married woman seeking membership for herself and for her three minor children. The supporting documents she provided to the enrollment committee included her own birth certificate, and her marriage license and certificate. No birth or baptism records were furnished to document the parentage, birth dates, or birthplaces of the three children who were nonetheless recommended for membership along with the applicant. The three children appear in the petitioner's genealogical database with specific towns and counties of birth which do not appear in the mother's enrollment documentation.

The petitioner's constitution denies membership to any applicant who is a member of a federally recognized tribe, band, or community, unless such membership is relinquished in writing (Article II, Section 2). The petitioner states, "No members of the Muwekma Tribe are currently enrolled in other federally recognized tribes" (Petitioner 2001, 26). The petitioner further states, "Enrollment practices of the MOIT [the petitioner] include checking for possible dual enrollment on the part of the applicant" (Petitioner 2001, A:50). However, the evidentiary basis for the petitioner's 2001 claim is unknown, since the sample application form furnished by the petitioner does not require the prospective member to provide a written statement disavowing or relinquishing enrollment elsewhere. Therefore the accuracy of the petitioner's claim cannot be determined on the basis of evidence submitted.

### Criterion (e)

#### Genealogical Database

A genealogical database, marketed as Family Origins, was utilized by the petitioner to present vital and lineage information for current members and their ancestors, as well as

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current members' living relatives who are not themselves part of the petitioning group, and long-deceased individuals considered by the petitioner to be part of the Verona Band but who have no known descendants. In addition to accepting dates and places of births, marriages, and deaths for individuals, and names of parents, spouses, and children, the database allowed the petitioner to create additional information fields in which to record and track other types of information for each individual.

The petitioner set up several additional information fields, including dates upon which a member's application was signed, the number assigned to the 1928 California Indian application (described under "Judgment Rolls") on which an individual appeared, the years of the California Indian acts under which an individual applied, the Federal Census years for which an individual's entry was found, whether a member was enrolled or enrolled deceased, the member's roll number, the Rupert Costo collection document(s) found to contain mention of an individual, and other data which was noted under "Miscellaneous."

However, information loaded into the database was not always linked to a source or a document in the petition. For example, a full death date was entered into the database for Avelina (Cornates) Marine, and it is cited as being found in the Mission San Jose death register, but no photocopy of that entry was provided. Birth information entered into the database for living members is often cited as being extracted from birth certificates in the membership enrollment files for those members, but photocopies of those certificates were not provided.

The petitioner provided a diskette copy of the genealogical database, converted into a format which BIA researchers were able to open under another program, marketed as Family Tree Maker for Windows (FTW). BIA researchers were then able to search and sort genealogical information as provided by the petitioner, as well as add new information or comments as appropriate. For example, the availability of an index to births (1905-1995) and deaths (1940-1995) prepared by the vital records office for the State of California made it possible to add birth and death data which was missing from the petitioner's genealogical database, or differed from information presented there.

Family group sheets, kinship reports, and ancestry charts were generated by the petitioner from the genealogical database to illustrate descent of its members from the Verona Band. The BIA researchers generated descendancy charts and other custom reports from the database for analysis during this Proposed Finding review.

### Descent from Historical Tribe(s)

#### *Verona Band Proxy*

The petitioner seeks federal acknowledgment under the "unambiguous previous Federal acknowledgment" provisions of 25 CFR 83.8. The BIA advised the petitioner that its review of the portion of the submitted documentation addressing this issue concluded, on

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a preliminary basis, that between 1914 and 1927 there was unambiguous previous Federal acknowledgment of a "Verona Band" in Alameda County, California.

However, no list created between 1914 and 1927 has been located in which either the Federal Government or the band itself identified the members of the "Verona Band." In the absence of such a list, the petitioner was advised by the Assistant Secretary - Indian Affairs (AS-IA) that it could utilize information from the Indian Population schedules of the 1900 and 1910 Federal Census "which list the members together as a group," and the 1905-1906 Schedule of Non-Reservation Indians of Northern California made by C. E. Kelsey (Kelsey 1906) in its efforts to reconstruct the composition of the band just prior to the period of last acknowledgment (AS-IA 7/28/2000).

Toward that end, the petitioner has also utilized information obtained from applications submitted by their forebears for inclusion on the 1933 roll of California Indians (Petitioner Ex. A, I, tab: 1928 Enrollment). The 1933 California Indian roll was produced by the U.S. Bureau of Indian Affairs as directed by an act passed on May 18, 1928 (U.S. Statutes 1928), and was approved in 1933 (BIA 1933a). The petitioner also utilized information obtained from later applications for inclusion on California Indian rolls ultimately approved in 1955 and 1972. The applications filed under the 1928 act, and subsequent acts, are described later in this report under "Judgment Rolls."

Also submitted by the petitioner were three typescript pages of recollections from the 1960's among which is an undated typescript page entitled "Ohlones of California" listing specific Indians. Birth dates were not given for the persons identified on that list, but pre-1900 birth dates for some of these individuals are supported by other evidence in the petition.<sup>72</sup>

The petitioner's reconstruction of the Verona Band included the individuals recorded on the Kelsey Census (Petitioner Ex. J, I:2-52), plus eight additional couples or families not recorded by Kelsey whom it considered part of the Verona Band (Petitioner Ex. J, I:53-86). Only one of these couples (Avelina and Raphael Marine) had descendants in the current membership (see "Avelina" under "Problem Lineages"). The BIA researchers' analysis of these additional families appears in this report (see "Eight Additional Couples" below). The "Ohlones of California" list, however, includes some individuals who do not appear in the Kelsey Census or in the petitioner's list of eight additional families.

After the AS-IA suggested that the petitioning group might utilize the Indian Population schedules of the 1900 and 1910 Federal Census of Alameda County, California, to help reconstruct the Verona Band just before the period of previous acknowledgment, the petitioner furnished more than one analysis of every person appearing in those schedules (Petitioner Ex. J, I:2-52; Petitioner 2000, C:4-30). These analyses cited all other documentation found for each individual, such as church baptism or marriage records,

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<sup>72</sup> This item appears more than once in the petition (Petitioner Ex. B(rev.), app. B; Ex. J, I, app. A; Ex. L, II, Section VII-C).

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1928 California Indian applications, appearances on other census records, and mentions in newspapers and in the 1960's recollections. In the more recent submission, the petitioner observed that it knew nothing or almost nothing about several of the individuals on the Indian Population schedules of the 1900 Federal Census of Washington and Murray Townships, whereas it identified the Indian Population schedule of the 1910 Federal Census of "Indian town" in Pleasanton Township as representing the "Alisal Racheria," and the Indians listed in that schedule as "Verona Band people" (Petitioner 2000, C:26).

The BIA's reached a similar conclusion, that the 1905-1906 Kelsey Census and the Indian Population schedule of the 1910 Federal Census reflected actual settlements of Indians, and placed those settlements in the area of the Verona railroad station south of Pleasanton from which the "Verona Band" derived its name. Nearly half of the 53 Indian names on the two Indian Population schedules of the 1900 Federal Census of Washington and Murray Townships could not be linked to names appearing on the 1905-1906 Kelsey Census or the 1910 Indian schedule of "Indian town," and may not have remained in the area. Further, the two 1900 Indian schedules listed Indians in those jurisdictions, but without indication that they were residing in settlements separate from the general population.

Thus the BIA relied upon a proxy or reconstruction of the Verona Band formed by two residence lists made close to the period of the band's previous acknowledgment: the Alameda County portion of the 1905-1906 Kelsey Census (see Appendix A) and the sole Indian Population schedule from the 1910 Federal Census of Alameda County (for Pleasanton Township; see Appendix B). This report will refer to that composite as the reconstructed Verona Band or the proxy of the Verona Band.

The petitioner views the total number of persons identified by both the Kelsey Census and the 1910 Indian Population Schedule as 51, whereas the BIA views the total number of persons as 53 (see Appendix C). A total of 13 of those 53 persons in the Verona Band proxy have direct descendants in the current membership (also illustrated in Appendix C).

### *Eight Additional Couples*

The petitioner identified eight families, or couples, whom it asserts were members of the Verona Band even though they were not recorded on the 1905-1906 Kelsey Census or the Indian Population schedules of the 1910 Federal Census. Of these, only Avelina and Raphael Marine are represented by current members. This claim was first presented as a list of eight couples whose families were not recorded by Kelsey (Petitioner Ex. J, I:53-86), and most recently as a listing of "Other Verona Band/Muwekma Ancestors Listed on the 1910 General Federal Census," in both Washington and Pleasanton Townships (Petitioner 2001, C:30-32).

The eight families not in the Kelsey Census were identified by the petitioner as headed by:

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Avelina and Rafael Marine  
Susanna Flores and Charles Nichols  
Chona Bautista and Edward Armija  
Phoebe Inigo and Carlo Guzman  
Francisca Luecha and Edward Armija  
Jose Antonio and Jacoba  
Francisco Espinosa and Joanna Suarez  
Theresa Sandoval and Isadoro Richards.

The petitioner identified individuals found on the 1910 general population schedules, as opposed to the one Indian Population schedule for "Indian town," whom it considers part of the Verona Band. Most of these individuals were on the Kelsey Census, and, therefore, are considered part of the "reconstructed" Verona Band for purposes of this Proposed Finding. However, one couple on the petitioner's list from the 1910 general population is not found in the Kelsey Census: "Teresa" Sandoval and "Israel" Richards.

A review of the genealogical evidence reveals some information about the eight couples identified above. Three couples are represented by an individual spouse, or children, on the Indian Population schedule of the 1910 Federal Census, and therefore the spouse or children living in 1910 are now considered by the BIA part of the reconstructed Verona Band.<sup>73</sup> Three couples have one spouse or both spouses deceased by 1910 and do not have offspring appearing on the Kelsey Census or the Indian Population schedule of the 1910 Federal Census.<sup>74</sup> Therefore, it is not clear whether any surviving children in 1906 or 1910 would be considered part of the reconstructed band. Two couples were living in the general population in 1910 — Susanna Flores and Charles Nichols, and Theresa Sandoval and Isadoro/Israel Richards — who have no obvious ties to individuals on either the Kelsey Census or the 1910 Indian schedule.

The petitioner presented evidence from the 1930's and 1960's that the children of Avelina Cornates and Raphael Marine viewed Susanna (Flores) Nichols as their aunt (1928 California Indian application #10677; Cornate n.d.). However, no primary source evidence was submitted to substantiate that Susanna was a sister, or half-sister, to Avelina.

Susanna's son Charles Nichols and Avelina's daughter "Bella" Marine had a child born in 1907 whose Mission San Jose baptismal register entry was submitted by the petitioner (Petitioner Ex. A, vol. II; BIA 1972b). This baptism documents a relationship between the two families at the time between the Kelsey Census and the 1910 Federal Census. Susanna (Flores) Nichols served as godmother to five of the seven children of Avelina's

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<sup>73</sup> Namely, Avelina and Raphael Marine; Phoebe Inigo and Carlo Guzman; and Jose Antonio and Jacoba.

<sup>74</sup> Namely, Chona Bautista and Edward Armija (d. 1901); Francisca Luecha and the same Edward Armija; and Francisco Espinosa and Joanna Suarez (who do not appear in the petitioner's genealogical database).

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for whom baptismal register entry photocopies were provided. The Federal Census of 1900, 1910, and 1920 enumerated Susan as a white resident of Washington Township, with her husband Charles Nichols (white, born in California) in 1900 and 1910, and as a widow in 1920. Baptismal records for Susanna's children often recorded her as "Indian," and in the 1920's Susanna "was also one of J. P. Harrington's linguistic and cultural consultants" (Petitioner, Ex. J, I:73).

The petitioner stated, "Not much was remembered or known about Theresa Sandoval and her husband (Isadoro Richards), except that Theresa was an important godmother to many of the Verona Band families during the latter part of the 19<sup>th</sup> century" (Petitioner Ex. J, I:84). The 1880 Federal Census entry for this couple in Washington Township enumerated them as white (ED 25, p. 27). The church records of their marriage and of the baptisms of their children did not specifically refer to them as Indian, although the baptism for a child born to "Teresia San Doval" by Guillelmo David in 1887 identifies that child as "Indus" (Petitioner, Ex. A, vol. II). Of the seven baptism records furnished in which Theresa Sandoval served as a godmother, dated 1877 to 1890, none specifically refer to her as being Indian (Petitioner Ex. J, I:85). Only one set of parents in these seven baptisms is identifiable as being present on the Kelsey Census, or even ancestral to others who were on the Kelsey Census (Petitioner Ex. J, I:85).<sup>75</sup>

The petitioning group has no current members who descend from either Susanna Flores and Charles Nichols, or Theresa Sandoval and Isadoro/Israel Richards. Thus, the issue of whether those couples should be considered part of the Verona Band does not affect criterion (e), which requires that current members prove their descent "from a historical Indian tribe" or tribes that combined. Evidence used by the petitioner to prove that its members descend from the Verona Band are reviewed next.

### Judgment Rolls

The 1928 act which resulted in a 1933 roll of California Indians is alluded to earlier in this report, but its genealogical implications for the petitioning group are detailed in this section. The 1928 act required the Secretary of Interior to prepare two rolls, the first of which would identify California Indian residents as of May 18, 1928, whose Indian ancestors resided in California as of June 1, 1852. This roll formed the basis for later judgment distributions. Later revisions of this original roll were approved in 1955 and 1972.

Fred A. Baker served as Examiner, and prepared the original roll in 1933 (Hill 1981). The 1933 roll, available at the National Archives in Washington, D.C., is entitled the "Census Roll of the Indians of California under the Act of May 18, 1928" (BIA 1933a). The column headings on this roll include: Marginal Reference; Final Roll No.; Application No.; Allotment No.; Census June 30, 1928, No.; English Name; Indian

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<sup>75</sup> Namely, Francisco Santo Suares (on the Kelsey Census as "Santos") and Maria Jesus Petronilla, whose child Carolina Placida was baptized on May 11, 1890.

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Name; Relationship in Family; Sex; Age in 1928; Date of Birth; Degree of Indian Blood; Name of Tribe or Band; Where enrolled and allotted; Post Office; Amount and Kind of Property Owned; and Remarks. A typescript abstract of this roll was available to the BIA researchers; the categories of information on this typescript roll were limited to English and Indian names, roll number, date of birth, and address (BIA 1933b).

In order to be placed on the roll, an applicant first needed to complete a six-page application. The 1928 application form instructed each applicant to fill in the names and birth dates for the applicant and for all minor children. In practice, additional family members were also included on the form. For example, applicant Phoebe Alaniz listed a parent, Maggie Juarez listed an uncle, a niece, and grandnephews, and Dolores Sanchez, Albert "Arrellano," and Mary Redondo all listed siblings (Petitioner Ex. A, I, tab: 1928 Enrollment).

The petitioner submitted photocopies of portions of 18 applications which embraced 55 persons total. Every current member in the petitioning group (100 percent) claims descent from someone (or is personally listed) on the "Census Roll of the Indians of California under the Act of May 18, 1928" prepared in 1933 (1933a). Various supplementary exhibits to the petition include individual documents filed with applications submitted for placement on subsequent rolls. The BIA researchers obtained from the National Archives Pacific Sierra Region Branch in San Bruno, California, the application file for a Marine descendant who was not a member of the petitioning group and whose name appeared on the 1972 California Indian roll (BIA 1972b).

*Chronology* Of the 18 application copies furnished by the petitioner, the earliest signed application was for Chona (Bautista) Armija Andrade at San Quentin Prison in Marin County, California, on November 27, 1929; however, the affidavit supporting her application was signed nearly two years later on October 11, 1931, by Joseph Aleas. Both Magdalena (Armija) Thompson and Lucas Marine signed applications on January 11, 1930; Phoebe (Inigo) Alaniz signed a supporting affidavit for Lucas on that same date, but did not sign her own application until October 7, 1930, when she furnished a supporting affidavit for Magdalena's application. The following day, on October 8, 1930, Baker took Joe "Bianoco's" application at Fairmont Hospital in San Lorenzo, Alameda County.

A year later, on October 11, 1931, first cousins Joseph Aleas and Flora (Thompson) Martel signed applications concurrently with applicant Francisca (Nonessi) Guzman. Eight more applications were signed in a two-day span in March 1932 (six Marine descendants, one Marine wife, and Maggie (Pinos) Juarez). The 1932 date on which Cecelia (Armija) Marine signed her application is not known but her application appears to bear a February 1932 postmark.

*Families Represented* Lucas Marine's application (which included his son Ernest) identified his mother "Evalina Corneta," but did not identify by name Evalina's parents, who would have been living in 1852. However, he stated "my mother's parents belonged to the Mission San Jose" (application #10298). Thus, Lucas' application was approved

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even though it did not identify by name his Indian ancestors living in 1852. After Lucas' 1930 application was approved, all other Marine-descendant applicants (on seven more applications, representing 28 persons) cited their relationship to Lucas Marine under "Remarks," and their applications were approved.<sup>76</sup>

Similarly, once Magdalena (Armija) Thompson's 1930 application was approved,<sup>77</sup> four other applications cited the applicants' relationship to Magdalena (Armija) Thompson.<sup>78</sup> Magdalena's application identified her parents (born before 1852 per baptism records furnished by the petitioner) and grandparents. A fifth Armija-related applicant, Cecilia (Armija) Marine (whose father Edward Armija was Magdalena's brother), instead cited the application of her own mother, Chona (Bautista) Armija Andrade.<sup>79</sup>

Chona Bautista's maternal half-aunt Francisca (Nonessi) Guzman filed an application, although Francisca (born 1863) did not furnish the names of any of her parents or grandparents, which in theory should illustrate the ancestry she shared with Chona.<sup>80</sup>

Catherine Peralta was the only applicant found who is a direct descendant of Jose Antonio, who was presented in the petition documents as the last chief.<sup>81</sup> Phoebe (Inigo) Alaniz's application presents ancestry not shared by any other applicant, as does the application of Jose Bianoco.<sup>82</sup>

*Alameda County Applicants* The BIA's brief review of the typescript abstract of 1933 roll found that a total of 79 successful applications, beyond the 18 submitted by the petitioner, were noted as being filed by persons with Alameda County addresses (BIA 1933b). The entries for these applicants were reviewed on the "Census Roll of the

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<sup>76</sup> Those applications were #10677 (Dario), #10678 (Mary Redondo), #10679 (Albert Arellano), #10680 (Dolores Sanchez), #10681 (Dolores Galvan), #10682 (Trina), and #10301 (Phoebe (Inigo) Alaniz's adopted son Tom Garcia, son of Mercedes Marine). The "Remarks" section follows item #28 on page 5 of the application form.

<sup>77</sup> Application #10296.

<sup>78</sup> Applications #10294 (Flora Martel), #10299 (Joseph Aleas), #10300 (Belle Nichols), and #10676 (Maggie Juarez).

<sup>79</sup> Applications #11902 (Cecilia) and #10297 (Chona).

<sup>80</sup> Application #10293.

<sup>81</sup> Catherine's application was #10675. Catherine's children appear on applications of Dario Marine and Lucas Marine, but they are not "applicants" per se. If the petitioner's theory (first advanced in Ex. C, II, tab: Nichols/Guzman, individual #18) is true that Susanna (Flores) Nichols was identical to Jose Antonio's daughter who was baptized as "Gucornatia," then it could be said that a descendant in that line eventually participated, namely Susanna's grandson Lawrence Nichols (born 1907). However, Lawrence Nichols' 1968 application was approved on the basis of his relationship, as a nephew, to Dolores Galvan, and not on the basis of his Nichols ancestry.

<sup>82</sup> Applications #10301 (Phoebe Alaniz) and #8419 (Jose Bianoco).

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Indians of California under the Act of May 18, 1928," from which their "tribe or band" name and location were transcribed (BIA 1933a).<sup>83</sup> None of these 79 applications listed "Mission San Jose" under tribal affiliation, although one applicant listed "Mission San Jose" as his residence (see following).

*Applicant Quinto* A 1928 California Indian application was filed from Mission San Jose, Alameda County, by Bernardo Quinto.<sup>84</sup> This man does not appear in the Indian Population schedules of the 1900 or 1910 Census, nor in the 1905-1906 Kelsey Census, and neither is he presented by the petitioner as a member of the Verona Band. However, in 1929, Catherine Peralta described to Harrington someone named "Quinto, an old Indian relation to Jose Maria" (whom the petitioner interprets to mean Jose Maria Pastor Bautista), then living one mile beyond Joe Guzman's daughter's residence at the head of Morrison Canyon (Petitioner Ex. J, I, 32). Jose Maria's daughter "Chona" stated that her father was born (date not given, nor estimated by petitioner, but daughter Chona was born in 1878) in San Juan Bautista [*Mission San Juan Bautista?*], but she did not know his parents' names.<sup>85</sup> Bernardo Quinto (born 1860) claimed to be born in San Diego County, near San Luis Rey or San Juan Capistrano, to parents Simon Quinto and Petra Talama (daughter of Geronimo and Felipa). Any relationship between Jose Maria Pastor Bautista and Bernardo Quinto remains undocumented.

*Non-Applicants* Joe Guzman (also known as Jose Avencio) did not file an application, but in Magdalena (Armija) Thompson's application dated January 11, 1930, the names of Jose and Francisca Avencio appeared under "Remarks," the section in which additional information may appear which would assist in proving the claim; it is not known whether the applicant or Examiner Baker added the "Remarks" information. The petitioner did not supply any affidavits signed by Avencios or Guzmans in support of Magdalena's application. The children of Joe Guzman's who filed 1928 California Indian applications did so through their mother Francisca's lineage.<sup>86</sup> Catherine Peralta, the grandchild of Joe Guzman's who completed a 1928 California Indian application, identified both of her grandfathers ("Peralta" and "Joe Guzman") as full blood Indians.<sup>87</sup>

Also absent from the 1928 California Indian applicants are descendants of Susanna (Flores) Nichols (died 1930?), the reputed sister of Avelina (or "Evalina"). Susanna told Harrington she was a granddaughter of "Rupardo Leyo," whom the petitioner identifies as Leopardo Leyo, the father of Jose Antonio Leyo-Sasuyo (Petitioner Ex. B (rev), 63).

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<sup>83</sup> BIA staff genealogist's workpaper entitled "1933 Alameda County Applicants."

<sup>84</sup> Application #11081, signed on October 9, 1930.

<sup>85</sup> Application #10297.

<sup>86</sup> Francisca Guzman listed her sons Tony J. Guzman and Jack Guzman (application #10293). Because the application requested lineage information of the applicant only (in this case, Francisca), the minor children's lineage through their other parent Joe Guzman did not appear on that application.

<sup>87</sup> Application #10675, p. 4, item #26.

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The petitioner feels Susanna may be Jose Antonio's daughter, baptized as "Gucornatia" (or "Incarnatia"), born in 1863 (Petitioner Ex. A, II, tab: Msn. San Jose Baptisms, 20). In either case, Susanna's children would appear to have qualifying ancestry for successful California Indian applications. In fact, BIA Examiner Fred A. Baker appears to have anticipated the submission of an application by Susanna's son Joseph Nichols. Joseph's wife Belle (Stokes/Olivares) Nichols' application (#10300) bears a typed cross-reference: "See application of Joseph Nichols, husband, Niles, Alameda County, California. App. No. \_\_\_\_\_." However, the name of Joseph Nichols does not appear on the lists of applicants approved, rejected, or appealing rejection.<sup>88</sup>

Additionally, the "Remarks" section of Dario Marine's March 1932 application specifies not only his relationship to brother (and earliest Marine applicant) Lucas Marine, but also states that he is a first cousin to Charles Nichols of Niles, another son of Susanna (Flores) Nichols. Given the pattern of "Remarks" information noted among other successful applications, it appears that applicant Dario Marine, or Examiner Baker, understood that this son of Susanna (Flores) Nichols had filed or would file a successful application. However, the name of Charles Nichols does not appear on the lists of applicants approved, rejected, or appealing rejection. The petitioner did not submit any approved or rejected application which had been completed by Susanna (Flores) Nichols or by any of her children.

*Later Judgment Records* As alluded to earlier, the 1933 California Indians roll underwent revisions, corrections, and additions which resulted in two subsequent rolls, approved in 1955 and 1972. While the National Archives in downtown Washington, D.C., maintains the original records for the 1933 roll, the NARA Pacific Sierra Region Branch in San Bruno, California, maintains the original records pertaining to subsequent revisions of that roll.<sup>89</sup> A copy of the "California Judgment Roll" approved in 1972, but dated January 23, 1973, was available to the BIA research staff for review (see "Records Utilized by BIA" later in this report).

The petitioner furnished photocopies of documents found in these later files housed at San Bruno, such as the applications themselves, pedigree charts completed by the applicant, descendancy charts drafted by BIA staff, affidavits, and letters (Petitioner Ex. J, vol. II; and Ex. L addendum). Participation of members in any of these three "enrollments" is noted by the petitioner in the "facts" field of its genealogical database.

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<sup>88</sup> "Indexes" to Rejected Applications, 1928-32, Entry 575, Records Relating to Enrollment of California Indians, NARA, Washington, D.C. This includes a 42-page list of rejected applicants, an 8-page supplemental list of rejected applicants, and a 2-page list of rejected applications in which appeals had been filed.

<sup>89</sup> The Acts of June 30, 1948, May 24, 1950, and June 8, 1954, resulted in a roll approved by the Secretary of the Interior on June 30, 1955 ("1948-55 roll"). The Act of September 21, 1968, resulted in a California Judgment Roll ("1968-72 roll"); the microfiche copy was dated January 23, 1973. Applications, document copies, affidavits, and pedigree chart copies are part of the original records in the custody of the NARA Pacific Sierra Region Branch in San Bruno, California.

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### Sample Lines of Descent

The time constraints of the court-ordered review of this petition precluded the BIA research staff from making a site visit to the petitioning group's office to audit enrollment files before the Proposed Finding, and the February 2000 directive issued by the AS-IA precluded BIA research staff from requesting photocopies of all enrollment files once active consideration of the petition was underway (AS-IA 2000). The BIA did not determine whether individual membership files were maintained for each current member; such files were referenced in the petition documentation and the genealogical database. The petitioner did not furnish photocopies of all members' applications and whatever supporting lineage documentation which may have accompanied each application. Some requested examples of the types of documentation prospective members submitted, which the petitioner found acceptable, are furnished in the petition (see Petitioner Ex. A, I, tab: Enrollment).

The petitioner submitted narrative, footnoted genealogy reports, accompanied by descendancy charts (such as in Petitioner Ex. A, vol. I; Ex. B; Ex. C), kinship charts (Petitioner Ex. K, as generated from the petitioner's genealogical database), and ancestry charts (Petitioner Ex. L, vol. I and II, also from the petitioner's genealogical database). None of these examples included ancestry charts as completed by the prospective members themselves, although blank ancestry charts are distributed in the petitioner's membership application packet (Petitioner Ex. A, I, tab: Enrollment).

*Six Selected Lineages* In a teleconference between the BIA and the petitioner's researchers in October 2000, the BIA requested that the petitioner select current members who represent each of the various ancestors found in the 1905-1906 Kelsey Census and the Indian Population schedule of the 1910 Federal Census, and provide photocopies of the documentation which the petitioner found acceptable to verify their lineages. The petitioner selected six members whose direct ancestries traced back to ten Kelsey Census persons (Joe Guzman, Francisca Nonessi, John Paul "Jack" Guzman, Maria Celsa Miranda, Catherine Peralta, Magdalena Armija, Francisco Santos, George Santos, Maria Peregrina Pinos, and Maria Erolinda Santos), to three persons from the Indian Population schedule of the 1910 Federal Census (Dario Marine, sister Mercedes Marine, and her son Albert), and to one additional Marine sibling (Maria Ramona Marine) (see Appendix D).

*Evidence Furnished for the Six Selected Lineages* Photocopies of supporting documentation were submitted, preceded by an ancestor chart for each selected current member.<sup>90</sup> A photocopy of each member's signed application form was also included. The types of documentation submitted included photocopies of birth certificates, baptismal register photocopies or church-certified extracts, 1928 or later California Indian applications and letters, Federal Census schedules, death certificates, and obituary photocopies; however, very few marriage records were noted. In the six selected lineages for which the petitioner sent supporting documentation, a total of eleven (11)

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<sup>90</sup> Exhibit L Addendum.

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marriages occurred in the generations falling between the "historical ancestors" and the living members; the petitioner sent one (1) marriage license on which no date of marriage appeared, and one (1) church-certified marriage record abstract for a direct ancestor's marriage to a later spouse not in the applicant's lineage (Petitioner Ex. L addendum).

### Problem Lines

The petition reflected a general under-use of county or state level records. The Catholic church records which the petitioner submitted can be difficult to read, and often list an individual's name in such a variety of ways that it is not reasonable to assume such entries truly refer to one individual. In other cases, county or state vital records are needed to document births, marriages, or deaths for which church records were not found.<sup>91</sup> It may be that births, marriages, or deaths for some individuals were not recorded; however, the petitioner's genealogical database does not contain notations indicating that county or state vital records had been sought and not found.

### *Maria Erolinda Santos*

One quarter of the current membership claims descent from Maria Erolinda Santos — referred to in this report as "Erolinda" — although none of these descendants appeared on the petitioner's original membership list as submitted in Exhibit A, Volume I, in July 1995. The problems found in the evidence for Erolinda Santos are twofold. First, the primary source records which the petitioner submitted as pertaining to Erolinda refer to her as "Caroline" in 1900, an unnamed child in 1905-1906, "Laura" in an uncle's household in 1910, and "Herlinda Juarez" in 1914. No 1920 Census entry for her was furnished.

Second, Erolinda's 1963 obituary identified four surviving children, all of whom were under age 21 when Erolinda was listed on her aunt's 1928 California Indian application. However, that application recorded only two "sons" under age 21 for Erolinda. A third presumed son, as identified in the obituary, was listed as a "grandnephew" of Erolinda's aunt, and the presumed fourth and oldest son does not appear at all.

Erolinda's death certificate identified her parents as George Santos and "Pelegrina" Pinos, and this is the couple accepted as being on the Kelsey Census, with Erolinda as one of four unnamed children. Thus, Erolinda's death certificate and her obituary have been submitted as evidence documenting Erolinda's parentage and her children.

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<sup>91</sup> For example, Susanna Flores, who married Charles Nichols Sr., is described in family tradition compilations made in the 1960's as a full or half-sister to Avelina Cornates, a relationship which is supported by remarks made in 1928 California Indian applications. The petitioner's researcher describes the lack of a baptism record which can be clearly associated with Susanna, but gives the reasons why a baptism for a female child "Gucornatia" may actually pertain to Susanna. If the petitioner located church register entries for Susanna Flores's marriage to Charles Nichols, and for her death, copies were not provided. Civil marriage and death records for Susanna may help document her parentage, and thereby help document Avelina's identity and parentage.

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However, both of these records were created after her death, and are not contemporary evidence. The contemporary evidence which was submitted is inconsistent. Since Erolinda's aunt, Maggie (Pinos) Juarez, completed the 1928 California Indian application on which Erolinda appeared, all of the application's questions were answered by Maggie Juarez. This application form does not identify Erolinda's birthplace, spouse, parents, or even all of the children attributed to her.

A copy of Erolinda's 1948 application which resulted in her placement on the 1955 California Indian roll may provide heretofore missing first-hand statements by her which do not exist in the petition (Petitioner Ex. J, II:11). Information in California's on-line birth index, which differs from that in the petitioner's genealogical database, implies that the four children attributed to Erolinda were born to three different men, yet the only marriage record furnished for Erolinda was to her final husband by whom no children of that surname were born. Earlier marriage records and birth or baptism records could be useful in documenting this line.

### *Maria Soledad Castro*

Another 19<sup>th</sup> century ancestor of the petitioner's for whom the record trail is not consistent is Maria Soledad Castro (born circa 1838). The petitioner has found an 1843 Mission San Jose baptism record for a five-year-old Maria Soledad, but no evidence has been furnished for her death, which occurred sometime after her enumeration on the 1880 Federal Census (Census 1880).

The 1928 California Indian applications of Magdalena (Armija) Thompson (born 1878) and of "Maggie" Margarita (Pinos) Juarez (born 1885) provide the evidence supporting a "Soledad" as their common grandmother. Magdalena identified her mother as "Delfina Guerrero" and her maternal grandparents as "Guerrera" and "Soledad Guerrero."<sup>92</sup> Maggie identified her mother as "Benedita Gonzales" and her maternal grandparents as "Rustico Gonzales" and "Soledad [ditto marks indicating Gonzales]."<sup>93</sup> Maggie claims, or Examiner Baker notes, that she is "first cousin of Magdalena Thompson," thus supporting "Soledad" as the common grandmother.<sup>94</sup>

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<sup>92</sup> Application #10296, items 15 and 26.

<sup>93</sup> Applications #10676, items 15 and 26. Maggie's application also serves to enroll her uncle Eulario Gonzales (presumed to be her mother Benedita Gonzales's brother if all are sharing the same bloodline descent).

<sup>94</sup> The 1870 Federal Census appears to provide more contemporary evidence of a relationship between Delfina and Benedi(c)ta than do the post-1930 recollections of their daughters, in that a female of Benedi(c)ta's approximate age and name resided in the household of (her married half-sister?) Delfina's family (Murray Twp., p. 9 or 103, dwelling and household #59: "Horn Alius" [25], Delfina [17], Flora [4], "Awelin" [male, 1]), "Benerite J." [7]).

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However, the baptism provided for a Delfina (born 1851) does not identify her as a Guerrero,<sup>95</sup> and no church recording was provided of her marriage to Josef Elias Armija to further corroborate her identity. Further, no baptism was submitted for Maggie's mother "Benedita Gonzales" (born circa 1863-1865), but the church record of her first marriage in 1879 identifies her as "Benedicta Guerrero."<sup>96</sup> No church or civil record of Benedicta's later marriage to Manuel Pinos was provided; however, the baptism records for her two children by Manuel record her as "Guerrera" rather than Gonzales. If Soledad married a Guerrero after the births of Delphina and Benedi(c)ta, no record of it has come to light.

The 1873 renewal of marriage vows ("renovavere") between Rustico Gonzales and Soledad Castro does list the bride's surname as "Castro" and identifies the couple as Indian. The 1880 Federal Census enumerated this couple as Indian (Census 1880: Rustico and Sanida Gunsalus). Until it is known when Soledad died, it cannot be stated whether her apparent grandchildren Magdalena Armija and Margarita Pinos even knew her personally, which could account for the ambiguity in their recollection of Soledad's various married names.

The petitioner makes several assumptions about family connections and individuals of various names being one and the same. The BIA is unwilling to accept these assumptions without corroborating evidence, especially in the case of Avelina Cornates.

#### *Avelina Cornates*

The importance of Avelina to the Muwekma is obvious; 70 percent of the current membership traces its ancestry to her (281 of 400), and Muwekma chairmanship has been held by an Avelina descendant since before the submission of their petition for Federal acknowledgment. The issue of whether Avelina and her offspring were part of the Verona Band is an interdisciplinary one, and its implications affect criteria other than 83.8(e). This section serves to review the petition's genealogical evidence on Avelina.

*Background* The petitioner submitted photocopies and transcriptions of Mission San Jose baptismal register entries for the first seven of Avelina's nine children, born

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<sup>95</sup> Delphina Sobien, born February 1851, daughter of Solano Jobien/Sobien and Soledad Cloc (MSJ #8467, in Exhibit A, Volume I, transcription page 23). The petitioner found baptisms for children of a Francisco Solano and Soledad before and after 1851, and suggested those names were intended for the parents of Delphina. However, Francisco Solano and Soledad's daughter Maria Benita Solano is born (September 16, 1862) at the time claimed by Eulario Gonzales ("1862"), making it unlikely for Soledad to be the mother of both. A baptism found for Joseph Hilarium Gonsales born in 1876 (son of Rustico Gonzales and Soledad) is furnished by the petitioner as possibly pertaining to "Eulario."

<sup>96</sup> Exhibit A, Volume I, "Msn. San Jose Marriages," transcription page 2. In the 1880 Federal Census, the young couple is listed as "Jose Mateos" [age 18] and wife "Venedita" [age 14]; they and their infant son resided in the household of her parents Rustico and "Sanida Gunsalus" (Murray Twp., ED 26, pp. 17-18).

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between 1888 and 1903, by Raphael Marine.<sup>97</sup> The first five baptisms identify the mother as Avelina Coronate (or variations thereof); the last two of these baptisms list Avelina "Marina" and "Marin," respectively. The petitioner found, but did not furnish, the Mission San Jose death register entry for Avelina, dated October 5, 1904.

The transcribed 1960's recollections of Avelina's descendants identify Avelina's parents as "Valeriana and Panfilio Cornate," and stated that a Mexican Indian named Jose Puentes gave Avelina land as an inducement to marry him. The petitioner found records which support parts of both traditions. No church or civil record was provided of Avelina's marriage to Raphael Marine, but the Mission San Jose record of her 1877 marriage to Jose Puentes was furnished (Petitioner Ex. A, vol. II).<sup>98</sup> Here Avelina is described as the daughter of Avellino Cornate and Maria "Frena" (Efrena?). The petition contains no civil or church record for the marriage of Avellino Cornate to Mary "Frena," nor baptism records for any children born to them. However, a baptism for an "Avelina" (born 1863) born to a "Pamfilio" and a "Maria" was furnished by the petitioner.

Yet another candidate as Avelina's father, George Higuera Cornellas, was identified by Avelina's daughter Maria Trinidad Marine in 1969; "Trina" stated that circa 1950 a former county judge, Judge Lynch, told her that Trina's father (unnamed) and grandfather George Higuera Cornellas worked on Lynch's ranch when Lynch was young (Ruano 7/25/1969). Trina recollected that Judge Lynch was about 92 years old at his death circa 1955. The 1870 Census recorded a 47-year-old Indian "G. Cornato" in Santa Clara County (adjoining Alameda County to the south), but no evidence has been seen to connect him to the reputed Lynch ranch or to the Avelina who had nine children with Raphael Marine (Census 1870b).

The 1870 Federal Census of Murray Township, Alameda County, enumerated two clusters of Indian individuals without surnames. A household in one group included a "Maria F.," age 30, followed by female children "E Uline" [Avelina?], age 7, and "Antine," age 8.<sup>99</sup> The recollections transcribed in the 1960's state that Avelina had two sisters, Susanna and Annie, all three of whom were raised by Jose Antonio and his wife "Hacova" (or Jacoba) after the girls' parents had died. If this census entry pertains to Avelina and a sister Annie, it suggests that their mother "Maria F." [Maria Frena?] was yet living in 1870. A 35-year-old male "Panfeleno R." [Pamphilio?] was enumerated in the household immediately preceding this one. No church or civil record of the deaths of

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<sup>97</sup> The petition states, alternately, that the baptism of eighth child Maria Trinidad Marine is found in the June 1902 Mission San Jose baptismal register (Petitioner Ex. C, I, tab: Marine/Guzman, footnote #158) and also that it "could not be located in the Mission or St. Augustine's records" (Petitioner Ex. J, I:59). No photocopy was furnished for the baptism of the ninth child, Joseph Raphael Marine (born April 23, 1903), which the petitioner found recorded at St. Augustine's Church in Pleasanton.

<sup>98</sup> However, there also exists a civil record of this marriage. It is cited as appearing in the county marriage register for 1868-1878, dated January 2, 1877, for "J. Puente and A. Cordalis" (DAR 1958).

<sup>99</sup> This may be "Annieta Yaquilanne," daughter of Pamphillio Yaquelanne and Maria Efrena, who married Francisco Altimirano on October 11, 1889, and, according to the petitioner, died the following week, on October 17, 1889, at age 30.

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any candidates as Avelina's parents (Pamphilio, Valeriana, Maria Efrena, Avellino Cornates, George Higuera Cornellas) between 1870 and Avelina's 1877 marriage were furnished, which might corroborate the tradition that the sisters were orphaned and taken in by Jose Antonio and his wife Jacoba.

The 1880 Federal Census recorded Jose Puente(s) as a married man living in Centerville, Washington Township, but without his wife Avelina. Neither was Avelina found in the presumed household of Jose Antonio and Jacoba. No 1900 Federal Census entry has been provided by the petitioner, or found by the BIA, which can be clearly associated with Avelina; however, the petitioner presents the possibility that she was recorded as "Lena Mattlo/Mattos" in the Indian population schedule of the 1900 Census a few entries above "Rabell Marino," who may be Raphael Marine. However, even if this were considered probable, the age information cannot be correct for Avelina, and would not help in the overall goal of determining whether she were the age of the Avelina born to Pamphilio and Maria in 1863, or an age suggesting she was a different Avelina, perhaps one born to Avellino Cornate and Maria Efrena.

The above-cited family recollections, transcribed in the 1960's, state that Avelina had two sisters, Annie Cornate and Susanna Flores. The findings for one possible sister "Annieta" also appear above. The petitioner's investigation of the alleged sister, Susanna, ultimately did not help in the confirmation of Avelina's parents. Susanna never appeared with the surname "Cornate," but did appear with the surname "Flores," even throughout the time she is having children with Charles Nichols.

No baptismal record has been located which clearly pertains to this Susanna. The petition did not include a church or civil record of her marriage to Charles Nichols, nor Susanna's 1930 church or civil death record. The 1960's recollections also mention an Anita Flores, without reference to birth or death dates, who is not identified in the petitioner's genealogical database, and thus cannot yet be ruled out as the possible "third sister" Annie.

*Avelina's Descendants* Eight of Avelina's nine children left offspring; the fate of her ninth child, Joseph Raphael, is not known beyond his 1903 baptism. These eight children were living at the time of the Kelsey Census and the 1910 Census; however, none appear by name on the Kelsey Census.<sup>100</sup> The Indian Population schedule of the 1910 Federal Census includes two of Avelina's children, Dario Marine and Mercedes Marine (and their children Beatrice and Albert, respectively).

Although no descendants of Dario or Mercedes appeared on the membership list first submitted by the petitioner, the most current membership list included 68 descendants of both of them, representing 17 percent of the petitioning group (Muwekma Tribe 5/29/1998). Descendants of Avelina's daughters Dolores, Ramona, and Victoria Marine

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<sup>100</sup> The petitioner presented an interpretation that Avelina's eighth child, Maria Trinidad Marine, could be the "adopted child" following Trinidad Gonzales's entry in Pleasanton (Petitioner Ex. L, I, section 1, 7). See BIA staff genealogist's workpaper entitled "Trina."

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represented 98 percent of the membership list first submitted with this petition, and represent 52 percent of the current membership.<sup>101</sup> Avelina's children "Bella" (or Elizabeth), Lucas, and "Trina" are not represented in the current membership, although all three left children who reached adulthood.<sup>102</sup>

The genealogical component to be considered in the issue of whether Avelina's children were considered part of the Verona Band is the presence of Dario Marine and Mercedes Marine in the Indian Population schedule of the 1910 Federal Census (see Appendix B). The enumerator for the part of Pleasanton Township designated as Enumeration District 152 recorded 18 persons living on Sunol Road on an Indian Population schedule, and in the blank intended for "name of institution" inserted the words "Indian town."<sup>103</sup>

The second household recorded in "Indian town" was headed by "Ocavio Antonio" (female, 60, widowed), who is presumed to be Jacoba or Hacova, the last wife and widow of reputed chief Jose Antonio. The 1960's recollections claim that Jose Antonio and "Hacova" raised Avelina and her two sisters. In the 1910 household headed by "Ocavio" or Hacova were five boarders, including, in order, Catherine Peralta (age 19), Mercedes Marine (15), Beatrice (1 yr. 4 mo.), Frank Guzman (12), and "D. Marine" (22).<sup>104</sup> A baptismal record submitted by the petitioner shows that Beatrice is the daughter of Catherina Peralta by Dario Marine; no godparents are visible on the photocopy provided. Thus all three members of this young family are present in this one household (Petitioner Ex. L addendum, tab 6).

Another baptism record shows that Mercedes "Marin" had a son Alberto "Areano" in January 1909 by Francisco Areano (Petitioner Ex. A, I:2). This is presumed to be the "Albert Marin" (age 1 yr. 6 mo.) who appears as a boarder in the household of McGill and Celsa Santos in this Indian Population schedule of 1910, but his father Francisco

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<sup>101</sup> This percentage reflects members descending from Dolores, Ramona, and Victoria Marine who cannot claim any other ancestor from the Verona Band proxy formed by the Kelsey Census and the 1910 Census. Factoring in the four members who descend from Victoria Marine and from John "Jack" Paul Guzman of the Kelsey Census raises the percentage slightly, to 53 percent.

<sup>102</sup> "Bella" left a son Lawrence Nichols (1907-1999), Lucas left a son Ernest (born 1926), and Trina's children and grandchildren are identified in the petitioner's genealogical database.

<sup>103</sup> The enumerator, James S. Gill, was a 33-year-old farmer in the vineyard business in this same enumeration district (ED 152, p. 1B, #12).

<sup>104</sup> While no corroborating evidence has been seen to support Jose Antonio and Jacoba raising Avelina, there is evidence that they were godparents for one of the two children of Avelina in this 1910 household. The 1895 baptism of "Maria Mercedes Marin" shows "Josephus Antonius Sasugo & Jacoba Kilibury" as godparents, whom the petitioner identifies as Jose Antonio Sasuyo and wife Jacoba Sasuyo (Petitioner Ex. A, II, transcription page 6 with accompanying photocopy). The petitioner furnished 13 baptisms total which identify a second name for Jacoba as "Hilibra," "Quilivo," "Lacuio," "Lasoyo," "Suhomo," and "Sasuyo," and in 11 of these Jacoba appears with Jose Antonio (or variations thereof), so this identification seems reasonable. A 14<sup>th</sup> baptism lists "Antonio & Jacoba" together, but without second names. Two baptisms, occurring after Jose Antonio's death, list the godmothers as "Jacovia Bennedita" (1909) and "Cova Venerita" (1912) which may also pertain to this Jacoba.

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Areano is not enumerated. The baptism of Albert does not note whether any of the participants are Indian, and neither of the godparents listed ("Pedro Gonsalves and Maria Neis") appear on the Indian Population schedule of the 1910 Census.

*Looking Behind Previous Federal Acknowledgment* Under 25 CFR 83.8, the petitioner need demonstrate genealogical descent from the period of last Federal acknowledgment to the present. However, the fact that 52 percent of the petitioner's members descend from children of Avelina who did not appear on either of the residence lists used to construct a Verona Band proxy obligated the BIA to look carefully at the question of whether Avelina and her offspring were considered part of the band which was last acknowledged in the 1914-1927 period. The petitioner submitted evidence and analyses as to Avelina's identity; however, the BIA found the evidence insufficient to settle the question.

For example, the direct evidence presented to support Avelina's parentage is inconclusive. Trinidad (Marine) Ruano's 1969 letter reported her 1950 conversation with an Alameda County judge who knew Avelina's father as George Higuera Cornellas (Ruano 1969); no primary source evidence has been submitted for this man or his children. The aforementioned 1960's recollections identify Avelina's parents as "Valeriana and Pamfilio Cornate;" no primary source evidence has been presented that a couple of this name existed. The 1930's applications completed by Avelina's children or grandchildren failed to identify Avelina's parents at all. The 1877 Mission San Jose marriage record submitted for Jose Puente(s) and Avelina identifies her parents as Avellino Cornate and Maria "Frena;" no records of a marriage for this couple or for any children born to them has been submitted. The 1863 Mission San Jose baptism record submitted for this Avelina identifies her parents as Pamfilio and Maria; the only other baptism submitted for a child of this couple is for a "Maria Martha" (born 1868).<sup>105</sup>

The indirect evidence presented to support Avelina's parentage is also inconclusive. The 1960's recollections identify Avelina's sisters as "Susanna and Annie Cornate;" no baptisms were submitted for children of these names. The petitioner did not submit a church record of the marriage of Susanna, which might identify her parents. The petitioner did submit a church record for the 1889 marriage of a woman whose name, Annieta, parallels the name of one of those purported sisters, "Annie," and whose parents are identified in the marriage entry as Pamphilio Yacquillanne and Maria Efraina. The petitioner cited, but did not furnish, the church record of this bride's death a week later. The petitioner did not furnish the church or civil record of the death of Susanna (Flores) Nichols (died 1930?), believed to be the sister or half-sister of Avelina.

Further, it is not clear why the petitioner considers the "Avellino Cornate" named as Avelina's father in her 1877 church marriage record to be identical to the "Andres Avellino" baptized at age seven in 1817 (Petitioner Ex. A, II, transcription page 32). Neither is it prudent to place Pamphilio Yacquillanne as a son in the family of Habencio

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<sup>105</sup> The petitioner did not submit any further documentation or information about "Maria Martha," nor is there a sister of this name attributed to Avelina (Cornates) Marine in the 1960's recollections.

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Zapasi ("Guzman") and Petra Coronathe on the basis of Dotty Galvan's recollection that her grandfather Pamphilio and Jose Guzman were brothers or raised as brothers (petitioner's genealogical database "notes" entry). The grafting of Avellino Cornate and Pamphilio Yacquilamne onto the Guzman family tree creates the appearance of an early interrelatedness between Avelina's family and the Guzmans which is not yet documented.<sup>106</sup>

It is noted that Susanna (Flores) Nichols is listed as godmother to five of Avelina's children (from 1889 through 1899, at which times Susanna had a number of young children of her own); however, instances in which Avelina served as godmother were not indicated. Such baptismal records could help document Avelina's involvement with the others in the Verona Band proxy.<sup>107</sup> Without identification of Avelina's mother and father, the basis used for the petitioner's Core Family Analysis remains unreliable, and it is not possible to assert the blood-kin relationships of others in the Verona Band proxy to Avelina and her descendants.

While a number of primary source records have been located in the pursuit of verifying the recollections and clues to Avelina's birth family, they do not yet point in one direction, whereas other records, yet unseen, may serve to do so. Examples of the types of records which might provide additional evidence of Avelina's parentage are the civil record of Avelina's 1877 marriage to Juan Puentes, Avelina's 1880 Federal Census entry, the church or civil record of her marriage to Raphael Marine, and the church record of her death or burial (which has been located by the petitioner, but not submitted).

In regard to the Mission San Jose death registers, the petitioner mentioned consultations in 1994 with Randall Milliken who had "nearly completed the death links in his Mission San Jose database" (Petitioner Ex. A, I, tab: Liberato, Child #2). This particular reference did not specify the date range of the death registers being researched by Milliken; however, any available results of his research, or access to his database, may assist the petitioner in documenting the Verona Band.

Alameda County records which may be useful include births (1873-1901), marriages (1853-1866), and deaths (1859-1903). The originals of these records were available in

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<sup>106</sup> For example, listing Pamphilio as Jose Guzman's brother results in Catherine Peralta appearing as a second cousin to both of her Marine husbands, Dario and Lucas.

<sup>107</sup> Three baptismal records (1882, 1889, and 1898) show Raphael "Morena" or "Moreno" serving as a godfather (Petitioner Ex. A, I, transcription pages 5, 9, and 12). The petitioner attributes these to Avelina's "husband;" however, a note of caution is appropriate here. One of these three records pertains to Dario Marine's 1889 baptism which shows his father as "Raphaelo," his mother as "Avellina Coronate," and his godfather as "Raphael Moreno." This godfather is not noted as being identical to Dario's father, nor is any other instance seen in the records provided in which a natural parent also served as godparent, thus there could be another man of a similar name in the community (perhaps the priest's rendering of Raphael "Altimirano" of the area?). The 1960's recollections sheet entitled "Avelina Cornate family history" also differentiates between Dario Marine's father "Rafael C. Marine" and Dario's godparents "Rafael and Juana Moreno" (Petitioner Ex. J, I, app. A). A 1901 baptismal record for George Santos's daughter lists the godfather as "Ralph Marin," which more clearly matches Avelina's husband's name.

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the county courthouse when they were microfilmed by the Genealogical Society of Utah in 1983.<sup>108</sup> A typescript of Alameda County marriages from 1866 to 1878 was microfilmed in 1985, and is available through the Family History Library in Salt Lake City.

Other Alameda County records which may be useful in documenting others beyond Avelina Cornates are taxation and school records. The Federal Census of 1900 and 1910 noted that people near Pleasanton on the Indian Schedule were not taxed, whereas the Federal Census of 1900 noted that people in Washington Township on the Indian Schedule were taxed (1900a, column #35; 1910a, column #43). Tax records may name individuals even if they were exempt from paying the tax, and could provide valuable evidence of name variations, residence, migration, and even deaths. Similarly, school records may provide evidence of name variations, ages, parentage, and residence.

#### *Core Family Analysis*

The detail given in church records of baptisms and marriages of the pre-1850 era found by the petitioner often identify tribal or village names. Using these data, the petitioner identified 12 "core families" (numbered 1, 2, 3, 4, 5, 6, 7, 8, 8a, 9, 10, 11), and prepared a study of their activities (Petitioner Ex. K, vol. II). "A core family is defined here as a single, simple, nuclear family who exist in a relationship with other single, simple, nuclear families due to social tribal behavior and not simply because there is a blood relationship between these families" (Petitioner Ex. K, II:2).

However, as described earlier, individuals identified in some of these early church records have been linked with later individuals without sound evidence demonstrating that the two are one and the same. This undermines the usefulness of the Core Family Analysis until and unless additional evidence is produced to validate some of the connections. Using the same Avelina example given above, the Core Family Analysis accepts Pamphilio as Avelina's father, and further accepts Dotty Galvan's family tradition statement that Pamphilio was Jose Guzman's brother, by birth or by informal adoption. Thus, the Core Family Analysis associates Avelina and her descendants with Core Families #1 and #3, representing Jose Guzman's paternal and maternal grandparents, as well as Core Family #2, representing the parents of Maria Efreña, who is one of the possible candidates as Avelina's mother needing further evidence.

#### *Intermarriages*

Very few post-1900 marriage records were submitted in the petition documents, and until enrollment files are reviewed, the BIA cannot confirm that individual member files are maintained by the petitioner, or whether such files include certified vital records (including birth, marriage, and death certificates) to substantiate each member's lineage. Marriage and death certificates are under-represented in the six "sample" lineages provided by the petitioner upon request in October 2000. In its enrollment process, the

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<sup>108</sup> This information obtained from the website of the Family History Library.

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petitioner appears to have relied upon vital and lineage information as provided by participants in the 1933 and later judgments rather than as obtained from certified vital records.

Thus, in analyzing the issue of "intermarriage," the absence of 20<sup>th</sup> century church and civil marriage records renders the term technically incorrect. However, other records demonstrate the occurrence of a few liaisons between individuals or descendants of individuals identified by the Kelsey Census and Indian Population schedule of the 1910 Federal Census, and of those identified by the petitioner as belonging to the Verona Band despite their absence from those two specific lists. There is also an instance of one white man marrying two women belonging to the group as described by the petitioner (although neither church nor civil marriage records are provided for either marriage).<sup>109</sup>

No church or civil marriage records were provided for any of the following "intermarriages:" two between 1910 and 1920,<sup>110</sup> one circa 1925, one before 1930, one before 1932, one circa 1934, and one circa 1952.<sup>111</sup> The petitioner's genealogical database indicates that these seven post-1910 intermarriages resulted in 35 known descendants, among whom 4 deaths are noted, and 17 of whom are current members.

### Records Utilized by the Petitioner

The five basic record groups used by the petitioner to reconstruct the composition of the "Verona Band" closest to the 1914-1927 time period of last Federal acknowledgment and to demonstrate descent are (1) Church records of the Missions San Jose, Dolores, and Santa Clara, (2) 1905-1906 Kelsey Census of Alameda County, (3) Indian Population schedule of the 1910 Federal Census of Pleasanton Township, Alameda County, (4) applications for inclusion on the 1933 and later rolls of California Indians, and (5) three pages of typed recollections, all the same typeface, one page of which is dated August 8, 1965. The provenance of these three pages is unclear, and each has its own header: "Ohlone Indian Cemetery" (August 8, 1965), "Avelina Cornate family history," and "Ohlones of California."<sup>112</sup> General references to these last three documents are referred to in this Proposed Finding as "1960's recollections."

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<sup>109</sup> Magdalena Armija (KC#30) married, as her second husband, Ernest Thompson, who later married Maria Trinidad Marine, a daughter of Avelina.

<sup>110</sup> Includes one intermarriage in which the petitioner is ambivalent about the groom's identity.

<sup>111</sup> BIA staff genealogist's workpaper entitled "Intermarriages." Not all of the intermarriages being referenced here appear on the petitioner-submitted "List of Wedding Dates Based on available records of the Muwekma Tribe" found in Folder 4 of Exhibit K.

<sup>112</sup> "Avelina Cornate Family History 1965 was developed partially through the efforts of Rupert Costo (Cauilla Tribe) of the American Indian Historical Society and the Marine/Galvan/Armija/Thompson/Sanchez families, as they successfully obtained the title to the Ohlone Indian Cemetery" (Petitioner Ex. J, I:57).

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### (1) *Church Records of the Missions San Jose, Dolores, and Santa Clara*

Exhibit A, Volume II, contains negative and positive photocopies from the church registers of baptisms and marriages (but not deaths) of these missions, accompanied by the petitioner's transcriptions of the entries of interest, with parenthetical comments. Some transcriptions were furnished without accompanying photocopies. Records of St. Augustine Church (in Pleasanton) are cited or appear as transcriptions in various places; however, photocopies were not furnished of each entry cited in the petition.

### (2) *1905-1906 Kelsey Census*

The portion of C. E. Kelsey's "1905-1906 Schedule of Non-Reservation Indians of Northern California" for Alameda County consists of one page. Kelsey enumerated non-reservation Indians, whom he described as "Miwok stock," who were living in two settlements in Alameda County during the 1905-1906 period: 14 families of 29 Indians in Pleasanton, 5 families of 13 Indians plus 1 family of 1 "mixed-blood" in Niles (Kelsey 1906). Kelsey reported no Indians owning land in Alameda County, although he reported such figures for other northern California counties (Heizer ed. n.d.).

The petitioner assigned numerals to these individuals, for ease of reference in its analyses and in its genealogical database (see Table 1), but arrived at a total of 42 persons as a result of viewing the Niles entries of "Santos" and "Tharesa" as references to one individual (with the assigned numeral of #39) rather than two. The Kelsey Census includes 43 persons; this is supported by Kelsey's own totals. Therefore, the Proposed Finding will continue to refer to "Tharesa" as Kelsey Census individual #39, but will consider "Santos" as Kelsey Census individual #43.

Although Kelsey enumerated these Indians in family units, full names are given for only 15 of these 43 persons. Of the remaining 28 individuals, 4 appear with single name identification (Marthelina, Santo, Tharesa, Bell); 2 with descriptive but ambiguous names (Old Pablo and Kid Small); 6 as "wives;" 14 persons identified by non-gender-specific relationship to a head of household (e.g., child, grandchild, adopted child), and 2 by gender-specific relationships (grandmother, grandson). All of the current membership who descend from Kelsey Census ancestors (135 of 400, or 34 percent) can trace to a fully named Kelsey Census ancestor: Joe Guzman (#7, 16 members), Marthelina Marshall (#30, 19 members), and George Santos (#32, 100 members).<sup>113</sup>

<sup>113</sup> This requires acceptance of the petitioner's claim that "Marthelina Marshall" (KC#30) is Kelsey's rendering of the name of Magdalena (Armija) Mach or Macho, which is reasonable. Magdalena Armija had two children by Joseph Mach/Macho baptized before the Kelsey Census was taken, one of whom (Henry) appears with the "Marshall" spelling of his name in and after 1910. No other "Marthelinas" appear in documents submitted for this era (although Kelsey enumerates two "Marthelinas" on his census) who represent a likelier candidate for #30. Magdalena Armija was recorded as "Lena" on the 1910 Federal Census; whether her nickname was known to Kelsey or interpreted by him as a nickname for "Marthelina" is not known.

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TABLE 1  
 NUMBERING KEY FOR 1905-1906 KELSEY CENSUS

<u>Pleasanton</u>		<u>Niles</u>	
1.	Ben Guzman	30.	Marthelina Marshall
2.	Wife	31.	1 child
3.	(1 of) 2 children	32.	George Santos
4.	(2 of) 2 children	33.	& wife
5.	Grandmother	34.	(1 of) 4 children
6.	Billy Peralta	35.	(2 of) 4 children
7.	Joe Gooseman	36.	(3 of) 4 children
8.	& (1 of) 2 children	37.	(4 of) 4 children
9.	(2 of) 2 children	38.	Crhysanto Amigo
10.	Martin Gooseman	43.*	Santos
11.	Mrs. Joe Gooseman	39.	Tharesa
12.	& child	40.	1 child
13.	Trinidad Gonzales	41.	Kid Small
14.	1 adopted child	42.	Bell
15.	Old Pablo		
16.	Angela Colos		
17.	grandson		
18.	McGill Santos		
19.	& wife		
20.	1 grandchild		
21.	Marthelina		
22.	Jose Maria		
23.	& wife		
24.	Cosmos Santo		
25.	Rafaella Padedis		
26.	Manuel Pastor		
27.	& wife		
28.	1 child		
29.	Jos Wenoco		

\* "Santos" and "Tharesa" were considered and numbered as one person by the petitioner (#39); the BIA acknowledgment staff considered and numbered "Santos" as a separate person (#43).

Source: Petitioner Ex. L, I, section 1: 2.

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The petitioner utilized data from church-recorded baptisms and marriages, as well as from Federal Census records, to put identities to those whom Kelsey listed by relationship and/or gender rather than names. As presented, the petitioner's analysis results in a total of nine Kelsey Census ancestors who would be claimable by those same 135 current members, or ten Kelsey Census ancestors if the heretofore uncounted "Santos" (#43) is, as it appears, the father of George Santos (George's father is also seen in church records as Francisco Santo Soares and Santos Francisco Soares).<sup>114</sup> The petitioner's analysis propounding the identities of some others who were not named by Kelsey are less substantiated.<sup>115</sup>

#### *(3) Indian Population schedule of the 1910 Federal Census of Pleasanton Township, Alameda County*

The one Indian Population schedule of the Thirteenth Census of the United States recorded by James S. Gill on May 14, 1910, for Enumeration District 152 within Pleasanton Township, Alameda County, is the only Indian Population found in a scan of schedules returned for the three contiguous counties of Contra Costa, Alameda, and Santa Clara. Gill recorded eight households containing a total of 18 persons, one of whom is listed as white (see Appendix B). Six individuals from the Kelsey's 1905-1906 enumeration of Indians at Pleasanton also appear on the Indian Population schedule of the 1910 Federal Census for Pleasanton Township.<sup>116</sup> None of the Indians Kelsey enumerated at Niles in 1905-1906 appear on the 1910 Indian schedule for Pleasanton Township.

Instructions to the census enumerators in 1910 directed that the Indian Population schedule was to be used "principally for the enumeration of Indians living on reservations or in tribal relations, and also by the enumerators in certain counties containing a considerable number of Indians" (Census 1979, 46).

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<sup>114</sup> That is, current members who descend from Joe Guzman (#7) trace their ancestry either through his earlier marriage, in which case they can claim his former mother-in-law Celsa (#19 - Mrs. McGill Santos) and his granddaughter Catherine Peralta (#20 - whom the petitioner feels is represented by "grandchild" of McGill Santos, although Catherine would be the great-granddaughter of his then-wife Celsa), or through his then-current marriage to Francisca Nonessi (#11 - "Mrs. Joe Guzman) and son John Paul "Jack" Guzman (#9 - one of two children of Joe Guzman). All current members who descend from George Santos (#32) do so via his daughter Erolinda (#34 - first of four children of George Santos), his wife Maria Peregrina Pinos (#33 - wife of George Santos), and, as it now seems, his father Francisco (#43 - "Santos"). Magdalena (Armija) Marshall (#30) has no parent or grandparent on the Kelsey Census, and current members who descend from her do not trace their ancestry through the one then-living child of hers on the Kelsey Census.

<sup>115</sup> BIA staff genealogist's workpapers entitled "Bell and Kid Small" and "Trina."

<sup>116</sup> These include individuals BIA accepts as being implied by Kelsey: #3 Francisco/ Frank Guzman, #5 Jacoba Lasoyo, #16 Angela Colos, #18 Miguel Santos, #19 Maria Celsa Miranda, and #20 Catherine Peralta. A seventh is reasonable: #17 who is likely Joe Garcia.

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### (4) Applications submitted under the 1928 Act

Described more fully under "Judgment Rolls," the petition documents of this record type include photocopies of portions of 18 approved applications, representing 55 persons, who were placed upon the roll of California Indians approved in 1933 for participation in future judgments, as described in the 1928 Act (U.S. Statutes 1928). The 1928 Act required an applicant to be a then-current resident of California and be a descendant of an Indian living in California on June 1, 1852. Approved applicants were placed on the "Census Roll of the Indians of California under the Act of May 18, 1928," which was approved in 1933 (BIA 1933a).

### (5) 1960's Recollections

The fifth type of record cited by the petitioner in reconstructing the Verona Band consists of traditional or secondary source evidence, taking the form of three pages of typed recollections. These appear together and individually in different exhibits of the petition. One page is entitled "Ohlone Indian Cemetery," and bears a date of August 8, 1965. Dario Marine is identified as the informant giving information about his relatives buried in the Ohlone Indian Cemetery in Fremont, including a son, three sisters, two cousins, his mother Aveline Cornate, and his unidentified grandmother.<sup>117</sup> Dario also mentions Chief Tarino.

A second page is entitled "Avelina Cornate family history," and, although undated, may have been drafted concurrently with the "Ohlone Indian Cemetery" insofar as the typeface matches, and the list of Avelina's children includes only the four living in the 1960's (and not the ones mentioned as buried in the Ohlone Indian Cemetery). This document is the source which makes the claim that "Avelina, Susanna[,] and Annie Cornate" were sisters who were raised by Chief Jose Antonio and his wife "Hacova" (or Jacoba) "after their parents had died." This document identifies "Valeriana and Panfilio Cornate" as the parents of Avelina, without indicating whether sisters Susanna and Annie had the same parents. Other relatives' names, and some family history background information, also appear on this page.

The third page of 1960's recollections is entitled "Ohlones of California" (Petitioner Ex. B, app. B; Ex. J, I, app. A; Ex. L, II, section VII-C). The left column of this page lists seventeen individuals, couples, or families with descriptive information about them in the right column. For example, the last two entries read, "Coscamil Yakil...was one of the elders," and "Selsa & Miguel Santos...son named Cosmes Santos." Some are marked with single or double asterisks; however, no legend explains their significance.

The author or authors of this reconstructed list of "Ohlones of California" are not known, so it cannot be determined whether these were first-hand accounts of living

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<sup>117</sup> An accompanying schematic diagram illustrates the the burial clusters as described by Dario, but omits mention of his grandmother (Petitioner Ex. J, I, app. A, and other locations in the petition documentation).

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acquaintances, or second-hand accounts of heresay witnesses. A total of 11 of the 17 entries include persons in the Verona Band proxy. However, there are several persons identified here as "Ohlones" who do not appear in the petitioner's genealogical database (which is not restricted to persons with descendants), and who do not appear in the petitioner's reconstruction of the Verona Band (such as "Catarino & Tascia," "Selsa Peralta," "Anita Flores," "Frank Flores," "Marcellino Padedes," and "elder" "Coscamil Yakil").

### Records Utilized by the BIA

Additional records consulted by the BIA in the review of this petition included, among others, the 1870, 1880, and 1920 Federal Census, the 1972 California Judgment roll, an index to vital records of the state of California, and indexes to Alameda County cemeteries.

*1870 Federal Census* The petitioner's Exhibit B, Appendix B, contained photocopied top portions of two pages from the 1870 Federal Census of Murray Township, Alameda County, showing "Pleasanton" as the post office. One photocopy showed the "white" family of "A. Burnell" (Bernal) enumerated immediately before an "Indian" family in which "Awelin" (age 1 year, male) is hand-noted as being "Eduard Armija." The second photocopy shows the enumeration of 13 "Indians," among whom "Jos., Augusta, and Benito" are hand-noted as denoting "Jose Guzman, Augustia Lasoyo, and Benito Guzman."

The BIA obtained photocopies of the complete census schedule pages, plus one additional page in the same township and post office area which was found to contain another group of individuals recorded as "Indians." No "Indian" designations were seen in a scan of Washington Township schedules. The BIA found 68 Indians grouped on pages hand-numbered as 9-10 (both sides of stamped page number "103") and 34 Indians on page 15 (or "106") of the Murray Township schedules. This total of 102 accounts for nearly all of the 111 Indians reported for Alameda County in 1870 (Census 1890, 528).

Persons identified as Indians were enumerated by single given names, sometimes with an initial following, making correlation with names as learned from baptism and marriage records difficult. Facts further complicating the analysis were that the Indian households did not always begin with an adult, nor did the households reflect single families.

*1880 Federal Census* The petitioner provided photocopies of portions of several pages from this census (e.g., for families of Jose Aleas, Rustico Gonzales, Jose Mateos, Phillip Gonzales), and cited some entries for which photocopies were not provided (e.g., Jose Avencio, Avencio Guzman, Jose Puentes). The BIA obtained photocopies of these, and other, full pages from schedules for both Murray and Washington Townships. In general, those identified as "Indian" appeared in smaller groupings than in the 1870 Census. Some appeared in white households as laborers, or as individual households surrounded by white households.

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A total of 69 persons recorded as "Indian" were noted in a scan of Murray and Washington Township schedules; the official census count of Indians reported in the 1880 Census for all of Alameda County was 103; a total of 25 Indians was reported for the county in 1890, for which year most schedules, including all for California, were lost (Census 1890, 528).

Whereas the 1870 Federal Census recorded Alameda County Indians with single names only, the 1880 Federal Census consistently recorded two names for those recorded as "Indian." Relationships within households were recorded in most instances, which simplified family reconstruction. One exception is a household of 14 Indians in Washington Township which was headed by 70-year-old "Perdo Concayo" (or Concago). In Perdo Concayo's entry, the census enumerator recorded "chief" in the column intended for the recording of relationships, and did not record how the 13 other adults and children in the household were related to him.

*1920 Federal Census* The petitioner did not submit abstracts or photocopies of the 1920 Federal Census to document the identity, residence, or migration patterns of the members of the Verona Band, even though this is the only Federal Census taken during the period of previous acknowledgment of the band. No separate Indian Population schedules were required for this census. However, individuals could be identified as Indian in the race/color column.

All six living adult children of Avelina Marine were found in the 1920 Census: four resided in Alameda County, one in Santa Clara County, and another in Santa Cruz County. Of these, only "Trena Marin" is recorded as "I" for Indian.<sup>118</sup> Although Trina's full sister Victoria (Marine) "Manos" (Munoz) is listed as "white," the description "Indian" is appended to birthplace information recorded for her mother.<sup>119</sup>

Entries were found in Pleasanton Township for Joe Binoco and for Joe Guzman and family, in Murray Township for Lucas Marine,<sup>120</sup> in Washington Township for Dario and Catherine (Peralta) Marine, Victoria (Marine) Munoz, Susanna Nichols, and Madeline (Magdalena) Thompson, and in Eden Township for Trina Marine. Both Catherine (Peralta) Marine and "Madeline" Thompson were recorded as "Indian." The Marin County entry for Chona Andrade (former wife of Eduard Armija) listed her as "Indian."<sup>121</sup>

*1972 California Judgment Roll* The BIA reviewed the California Judgment roll authorized in 1968 and approved in 1972 for selected surnames associated with the

<sup>118</sup> Alameda County, Eden Twp., ED 156, p. 10-B, dwelling 239, family 243.

<sup>119</sup> Alameda County, Washington Twp., ED 209, p. 5-A, dwelling and family #119.

<sup>120</sup> Lucas is listed with a spouse in his Livermore household who does not appear in the petitioner's database (Murray Twp, ED 160, p. 17-A).

<sup>121</sup> Marin County, San Quentin, ED 88, p. 19, line 2.

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petitioning group.<sup>122</sup> A "Lawrence Nichols" (born 1907) with an Alameda County address was found, and his application file was obtained from the National Archives Pacific Sierra Regional branch in San Bruno, California (BIA 1972b). This Lawrence Nichols did not appear on the membership list; however, his claims application contained evidence that he was the surviving child of Avelina's daughter "Bella" (baptized as Elizabeth Pontiana Marin) and Charles Nichols, Jr.<sup>123</sup>

The 1972 California Judgment roll available to BIA for this review is arranged alphabetically by surname, and is in microfiche format. Thus it was not possible to search or sort the list by birth name, by previous roll number, by address, and so forth, for additional studies in the limited time frame of the court's deadline.

*Index to California Vital Records* The California Department of Health Services, Office of Health Information and Research, Vital Statistics Section created searchable indexes to California births (1905-1995) and deaths (1940-1995) which are available on the Internet. The categories of information extracted from birth and death certificates and made part of these indexes included first, middle, and last names, birth date, mother's maiden name, father's last name, gender, and birthplace; the additional categories extracted from death certificates included death place, residence, death date, Social Security number, and age at death. Searches of these indexes could be done through any one category, or any combination of categories. For example, a search could be made for deaths of all females whose mother's maiden name was "Guzman" and who died in Alameda County.

The BIA acknowledgment staff searched these indexes to obtain vital statistics or parentage information to supplement information appearing in the petitioner's genealogical database. For example, the BIA searched and found death record extracts in this index which provided full dates and counties of death for 25 people; the petitioner's genealogical database contained no date or place of death for 17 of those 25 people, contained an approximate year for 4 of those 25 people, and contained full dates of death for another 4 of those 25 people.

Extracts from two records that the BIA acknowledgment staff obtained from the birth index verified the full birth dates provided by the petitioner's genealogical database, but showed different counties of birth in both cases, and a different birth name for one child than that given in the petitioner's genealogical database. The possibly different parent in this case was not the one through whom descent from the Verona Band proxy was claimed, and therefore did not affect analysis under criterion (e).

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<sup>122</sup> However, the date of the roll as it appeared on the microfiche copy available to the BIA acknowledgment staff was January 23, 1973.

<sup>123</sup> The Mission San Jose baptismal register, however, recorded Lawrence Nichols as a female child named Florence in 1907 (Petitioner Ex. A, II, transcription page 2 with accompanying photocopy). Recollections submitted by the petitioner indicate that Lawrence was known to, and interacted with, other members of the Marine family (Petitioner Ex. J, I:76).

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*Alameda County Cemetery Records* Another Internet site which provided the BIA acknowledgment staff additional vital statistics information was created by the Livermore-Amador Genealogical Society. Searchable indexes to seven cemeteries in Dublin, Livermore, and Pleasanton were included at that society's website. Most cemetery record searches conducted by the BIA acknowledgment staff were negative, and some were made to determine the presence of surnames generally (e.g., Bernal, Sunol, Mattos) rather than the presence of individuals specifically.

### Membership Lists

#### *Current Membership List*

The current membership list of the Ohlone/Costanoan Muwekma Tribe used for purposes of this Proposed Finding review was entitled "Membership Roll of Muwekma Ohlone Tribe as of 05/29/98." It was submitted to the BIA as a supplement to the group's petition (Muwekma Tribe 5/29/1998). A membership list containing the same members, but dated one month earlier, was also submitted (Muwekma Tribe 4/10/1998). Neither list was separately certified by all members of the governing body (83.7(e)(2)) but were submitted under a cover letter from the group's chairman. Statements describing each list's preparation were not attached.

The 1998 list included 400 members, including adults and children.<sup>124</sup> This list included each member's name, address, birth date and place, gender, roll number, and information on one or both parents (including name, birth date, and birthplace). Also included were the tribal affiliation ("Muwekma" without exception) and "1928 BIA App #" of the member or of his or her ancestor. The 1998 membership list was followed by a list of seven "Deceased Enrolled Muwekma Ohlone Tribal Members."

#### *Former Membership Lists*

The original petition (received by the BIA on January 25, 1995) did not include a membership list, although it was cited in the narrative's table of contents. The membership list was submitted as a supplement at the request of the BIA (Muwekma Tribe 1/15/1995). This first membership list was dated January 15, 1995, and consisted of 167 members, including adults and children. The same categories of information appear on this previous list as appear on the 1998 membership list.

A "List of Currently Enrolled Muwekma Tribal Members as of January 12, 1998," including 310 members was submitted as a later supplement (Muwekma Tribe

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<sup>124</sup> On September 18, 2000, the petitioner submitted two finding aids to its membership list in which the total number of members is 397 rather than 400 (Petitioner Ex. L, I, sections IV-A and IV-B). While the undated "relinquishment" of membership by three members is reflected in the petitioner's genealogical database, an updated and certified membership list reflecting these changes has not been submitted.

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1/12/1998). The subheading indicated it was a printout from the genealogical database which was used by the petitioner at that time. The categories of information presented included each member's roll number, name, gender, birth date, birthplace, name of father, and name of mother. This list reflected an 85 percent increase in membership since 1995.

The petitioner also provided two lists generated by the American Indian Historical Society. The undated lists were entitled "Listing of Members for the Records of the Ohlone Chapter, American Indian Historical Society" and "Listing of Ohlone Contacts for the Records of the Ohlone Chapter, American Indian Historical Society" (AIHS ca. 1966a and ca. 1966b).

The "Listing of Members for the Records of the Ohlone Chapter, American Indian Historical Society" contained seven names marked as "Ohlone of California," including one apparent spouse who had no demonstrated bloodline connection to the Verona Band (according to the petitioner's genealogical database), one name without tribal affiliation, and one name marked as "Cherokee-Apache." The petitioner estimated this list was created "about 1966" (Petitioner Ex. J, II, skeletal outline, 10).

The list entitled "Listing of Ohlone Contacts for the Records of the Ohlone Chapter, American Indian Historical Society" contained 63 names, including nine spouses who had no demonstrated bloodline connection to the Verona Band, according to the petitioner's genealogical database. The petitioner estimated that this undated list was developed in 1965; however, the BIA calculated the possible date of its creation at between April and September of 1965, based upon the list's inclusion of a child who born in April 1965, and the non-inclusion of children born in September and November (based on birth date information provided in the petitioner's genealogical database) in the last two families listed.

Of the 72 names on the combined lists, 70 trace their ancestry to persons on 6 of the 18 submitted applications for placement on the 1933 California Indian roll. Some of the individuals and one family among the 70 are not represented in the current membership. Current members who descend from Maria Celsa Miranda, Jose Guzman, Francisca Nonessi, John "Jack" Paul Guzman, Catherine Peralta, and Dario Marine are not represented on these two lists.

### *Comparison of Current and Former Membership*

The first membership list of 167 members submitted by the petitioner included four members who descended from one person (Magdalena Armija) on one of the two residence lists used to construct the Verona Band proxy. The other 163 members were descendants of three sisters (Dolores, Ramona, and Victoria Marine) whose two siblings (Dario and Mercedes Marine) appear on the other of the two residence lists.

The second membership list or printout of 310 members, dated January 12, 1998, showed that more descendants of Magdalena Armija, and of Dolores, Ramona, and Victoria

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Marine had joined. In addition, there were members appearing on this list who descended from several Verona Band proxy individuals not represented by the first membership list. The Verona Band proxy individuals whose descendants first appeared as members of the petitioning group with this list were Maria Erolinda Santos, George Santos, Maria Peregrina Pinos, Francisco Santos, Dario Marine, Catherine Peralta, Maria Celsa Miranda, "Jack Guzman," Joe Guzman, and Francisca Nonessi.

The identical membership lists of April 10, 1998, and May 29, 1998, identified 400 members. The Verona Band proxy individuals whose descendants first appeared as members of the petitioning group with the April 10, 1998, list were Mercedes Marine and her son Albert Marine Arellano (both of the 1910 Indian schedule).

### *Descent from the Verona Band proxy*

In summary, 13 of the 53 individuals in the Verona Band proxy are represented by current members of the petitioning group. Ten of those 13 individuals appeared on the 1905-1906 Kelsey Census, and 5 appeared on the Indian Population schedule of the 1910 Federal Census of "Indian town," with 2 appearing on both.

The 10 individuals on the Kelsey Census do not represent 10 different families. In Pleasanton, Joe Guzman, Mrs. Joe Guzman (Francisca Nonessi) and their son (John "Jack" Paul Guzman) represent one family. Joe Guzman's granddaughter (Catherine Peralta) through an earlier wife resided with Joe's former mother-in-law (Maria Celsa Miranda, then Mrs. Miguel Santos). In Niles, Mrs. Marshall (Magdalena Armija) headed her own family, and her half-first cousin Mrs. George Santos (Maria Peregrina Pinos) appeared with her husband (George Santos) and child (Maria Erolinda Santos) with father-in-law (Francisco Santos) nearby. By the time of the 1910 Federal Census, Catherine Peralta had married Dario Marine, and later still Dario's niece would marry "Jack" Guzman.

Of the current 400 members of the petitioning group, 191 are direct descendants of 13 (of 53) individuals in the Verona Band proxy. This represents 48 percent of the current membership (191 of 400). The other 209 current members (or 52 percent) are direct descendants of three Marines born before 1900 who had two Marine siblings on the Indian Population schedule of the 1910 Federal Census of "Indian town."<sup>125</sup>

In terms of family representation, 281 current members have Marine ancestry; 265 of these members (descendants of siblings Dolores, Ramona, Mercedes, and Victoria Marine) have no other Verona Band proxy individual in their ancestry. However, the other 16 of these 281 members do have Verona Band proxy individuals in their ancestry as a result of the intermarriages described. That is, 12 members with Marine ancestry

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<sup>125</sup> Adjusting for the three 1998 members who have since relinquished their membership does not affect the percentages: 397 total members of whom 190 (48 percent) are direct descendants and 207 (52 percent) are collateral descendants.

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also descend from Catherine Peralta (as well as Joe Guzman and Maria Celsa Miranda) and another 4 also descend from "Jack" Guzman (as well as Joe Guzman and Francisca Nonessi). A total of 19 current members are direct descendants of Magdalena Armija, and 100 are descendants of Maria Peregrina Pinos (through her daughter Maria Erolinda Santos), both present on the Kelsey Census.

A presentation of membership totals by specific ancestor and by the date of the membership list on which the members first appeared is appended to this report as Appendix D. However, an abbreviated representation of the totals follows in Table 2. This table shows the number of members who descend from ancestors on the Kelsey Census, from ancestors on the 1910 Indian Population schedule, or from ancestors who were siblings of the two Marines on the 1910 Indian Population schedule. Those totals are arranged by the date of the membership list on which the members first appear.

TABLE 2

**MEMBERSHIP BY DATE AND BY ANCESTOR**

Basis upon which claimed ancestor is in Verona Band Proxy ↓	1/15/1995 membership list	1/12/1998* membership list additions	5/29/1998 membership list additions	Total members by ancestry
1905/6 Kelsey Census	4	118	13	135
1910 Indian Schedule			56	56
Siblings of two Marines in 1910 Indian Schedule	163	24	22	209
Total members by date of membership list	167	142	91	400

\* As described earlier, this printout of the group's membership does not include addresses for the members lists, and therefore is not considered an official membership list as defined by the regulations at 83.7(e)(2). However, it does present the group's view of its own members at that time.

**Potential for Membership Growth**

*Relatives of current members* A BIA technical assistance review letter to the petitioner asked if some "descendants of the Muwekma" were not part of the petitioning group (BIA 10/10/1996). The petitioner responded,

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The Muwekma descendants of the families of the Verona Band (that has be [sic] reconstructed prior to 1927; see Statement 1 above) comprise the actual membership of the Muwekma Tribe today, with the exception of two families Philip Galvan and his immediate family and Ruth Orta (Trinidad Marine Ruano's daughter) and her family, who were formally notified by certified mail and have thus far declined to enroll. All of the other known surviving lineages have already enrolled or are in the process of enrolling (Petitioner Ex. J, I:96).

However, the petitioner's genealogical database includes many descendants who are siblings, children, or grandchildren of current members but who are not found on the most current membership list. It is not clear whether these are the individuals who are in the "process of enrolling" or have declined membership. In either case, they represent potential future growth in the membership. For example, the petitioner's genealogical database includes 127 descendants born in the last 50 years alone who are not noted as deceased and who do not have membership roll numbers.<sup>126</sup>

*Relatives of those declining membership* The petitioner advised that Trinidad (Marine) Ruano's daughter Ruth Orta and family declined to enroll; however, Trinidad had five other children who married and produced children of their own, as indicated in the petitioner's genealogical database, none of whom appear in the current membership. Excluding Ruth Orta's children, there are 14 other grandchildren of Trina's, all born between 1951 and 1968, who may have children and possibly grandchildren of their own. It is not possible to calculate the number of potential members represented by Trina's branch of the family on the basis of submitted documentation.

*Descendants of Verona Band proxy members already represented* The discovery of Lawrence Nichols in the 1972 California Judgment Roll raised the question of whether there exist other qualifying descendants of the Verona Band proxy, and what their numbers might be. The 1972 California Judgment Roll listed a Henry Marshall who, by virtue of his name and birth date of December 11, 1900, appears to be Magdalena Armija's son (see his baptism data in Exhibit A, Volume II, transcription page 4 with accompanying photocopy). This Henry Marshall, a Henry Marshall Jr., and three other Marshalls all applied as relatives of an unnamed individual who was listed on the 1955 roll.<sup>127</sup> Here, too, it is not clear whether the additional four 1972 Marshalls are Henry Marshall's descendants; as such, they and their current family members would represent potential members. The petitioner notes that one of Henry's grandchildren "has a Muwekma Tribal application" (Petitioner 2001, C:31).

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<sup>126</sup> Breakdown of non-members by birth year ranges is: 1951-1960 = 51; 1961-1970 = 46; 1971-1980 = 15; 1981-1990 = 5; 1991 - submission = 10. The database contains 25 individuals for whom the petitioner has entered "No" under "Enrolled;" one has no birth date, the others range in birth from 1940 to 1998.

<sup>127</sup> See 1972 California Judgment Roll #38458, #38495, #38496, #38546, #38555. The identity of the referenced relative appearing on the 1955 roll as #32139 was not researched for this review.

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Also, Joe or Jose Guzman (#7 on the Kelsey Census) had 10 children by 3 wives, yet the 16 current members who descend from him represent only two of his children. If descendants of his other children were to come forward and document their descent, the petitioner's membership requirements would appear to be met, even though such descendants may not have participated with the petitioner's membership throughout the 20<sup>th</sup> century. Similarly, the petitioner's research shows George Santos and his wife (#32 and #33 on the Kelsey Census) had seven children, yet the current members who descend from that couple all trace to one child (Maria Erolinda).

*Descendants of Verona Band proxy members not currently represented* The last source to be discussed for potential membership growth would be the individuals considered members of the Verona Band who are not currently represented. The BIA views that total as 40 (of 53), whereas the petitioner would view that total as 39. The petitioner stated that no descendants of 36 of these 39 "unrepresented" persons were known to the group; for 18 of the 36, the petitioner specified that no "direct living descendants" were known (Petitioner 2001, C:4-12). The petitioner stated that descendants of two others have applications pending, and that grandchildren of one other were last located in the 1970's (Petitioner 2001, C:17, 23, 27).

### **Criterion (f)**

The petitioner claims in 2001 that "No members of the Muwekma Tribe are currently enrolled in other federally recognized tribes" (Petitioner 2001, 26). The petitioner further states, "Enrollment practices of the MOIT [the petitioner] include checking for possible dual enrollment on the part of the applicant" (Petitioner 2001, A:50). However, the evidentiary basis for the petitioner's 2001 claim is unclear, since the sample application form furnished by the petitioner does not require the prospective member to provide a written statement disavowing or relinquishing enrollment elsewhere. Therefore, the accuracy of the petitioner's claim cannot be determined on the basis of submitted evidence.

One of the seven documented lines of descent submitted by the petitioner included a Marine whose wife (both now deceased, according to the petitioner) was enrolled in a federally recognized tribe; three of their four children are not presently members of the petitioner. Their fourth child is a current member, and has children and grandchildren of his own who are also current members of the petitioning group. The 1972 California Indian application filled out by that fourth child lists the 1852 tribal affiliation of his mother's ancestors, rather than of his father's ancestors (Petitioner Ex. L addendum, tab 6). However, there is no indication in the evidence submitted that this fourth child or his progeny are enrolled with a federally recognized tribe.

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### Criterion (g)

#### Congressional Termination

Congress passed termination legislation pertaining to California tribes and rancherias in 1958 and 1964. The 1958 Act (72 Stat. 619) explicitly listed specific rancherias that could be terminated, while the 1964 Act (78 Stat. 390) provided a general grant of authority to terminate California tribes or rancherias. The petitioning group was not specifically listed in the 1958 Act. None of a series of reports by the Bureau of Indian Affairs (BIA) on termination in California mentioned the petitioning group as having been terminated under the authority of the 1964 Act. The BIA published notices of termination in the *Federal Register*, but a thorough review of the indexes to the *Federal Register* between 1958 and 1993 did not find any such notice for the petitioning group (BAR 9/23/1999).

Muwekma: Proposed Finding - Appendix: 1905-1906 Kelsey Census

Appendix A

1905-1906 Kelsey Census  
 Schedule showing non-reservation Indians in Northern California  
 by C. E. Kelsey

Alameda County

Name	Indians		Mixed bloods	
	Heads of families	Number	Heads of families	Number
Miwok Stock				
<u>Pleasanton</u>				
Without land				
Ben Gooseman & wife				
2 children				
grandmother	1	5		
Billy Peralta	1	1		
* Joe Gooseman & 2 children	1	3		
Martin Gooseman	1	1		
* Mrs. Joe Gooseman & child	1	1 [sic]		
Trinidad Gonzales				
1 adopted child				
Old Pablo	1	3		
Angela Colos & grandson	1	2		
* McGill Santos & wife				
*  1 grand-child	1	3		
Marthelina	1	1		
Jose Maria & wife	1	2		
Cosmos Santo	1	1		
Rafaella Padedis	1	1		
Manuel Pastor & wife				
1 child	1	3		
Joe Wenoco	1	1		
<u>Niles</u>				
Without land				
* Marthelina Marshall				
1 child	1	2		
* George Santos & wife				
*  4 children	1	6		
Crhysanto [sic] Amigo	1	1		
* Santos				
Tharesa & 1 child	1	3		
Kid Small			1	1
Bell	1	1		
Without land	18 [sic]	42	1	1

\* = direct descendants in current membership as claimed by petitioner and/or as reasonably verified by BIA

Source: Kelsey 1906

**Muwekma: Proposed Finding - Appendix: 1910 Indian Schedule**

**Appendix B**

**Indian Population, 1910 Federal Census  
Indian town, Pleasanton Township, Alameda Co., California**

Name	Relationship to head of household	Sex	Color/ race	Age	Single, married, widowed, divorced	Place of birth
Colos, Angel	head	F	Ind	77	Wd	California
Garcia, Joe	nephew	M	Ind	20	[Wd crossed out?]	California
Antonio?, Ocavio	head	F	Ind	60	Wd	California
* Peralta, Catherine	boarder	F	Ind	19	s	California
* Marin, Merced	boarder	F	Ind	15	s	California
Peralta, Beatrice	boarder	F	Ind	1 4/12	s	California
Gooseman, Frank	boarder	M	Ind	12	s	California
* Marie, D.	boarder	M	Ind	22	s	California
Kazoos, Jose M.	head	M	Ind	70	s	California
Scott, A.	boarder	M	W	51	wd	California
Santos, McGill	head	M	Ind	60	Md. [for] 40 [years]	California
* Selsa	wife	F	Ind	60	Md. [for] 40 [years]	California
Flores, Jennie	granddaughter	F	Ind	12	s	California
* Marin, Albert	boarder	M	Ind	1 6/12	s	California
Inigo, Phoebe	head	F	Ind	32	s	California
Spinosa, Scareus	head	M	Ind	32	s	Mexico
Alsilas, Granad	head	F	Ind	54	s	California
Rayes, Jose	head	M	Ind	47	s	California

\* = direct descendants in current membership as claimed by petitioner and as reasonably verified by BIA

Source: 1910 Federal Census, Indian Population Schedule, NARA T-624, roll 72, ED 152, p. 19-A, taken May 14, 1910.

**Muwekma: Proposed Finding - Appendix: Verona Band Proxy**

**Appendix C**

**Verona Band Proxy**  
the portion reconstructed from residence lists  
(1905-1906 Kelsey Census and the Indian Schedule of 1910 Census)

Number of Individuals:		Petitioner's findings:			
Petitioner/BIA	Individual	KC#	KC residence	1910 residence	
1	1	Antonio, Jacoba	#5	Pleasanton	Pleasanton
2	2	Armija, Isabelle (Villanen) <sup>1</sup>	#42	Niles	
3	3	Armija, Joseph Christanto	#38	Niles	
*	4	Armija, Magdalena	#30	Niles	
	5	Armija, Maria Rosa <sup>2</sup>	#41	Niles	
*	6	Arellano, Albert "Marin"	- -		Pleasanton
7	7	Bautista, Ciriaca/Josefa (Nonessi)	#23	Pleasanton	
8	8	Bautista, Jose Maria Pastor	#22	Pleasanton	
9	9	Colos, Maria de los Angeles	#16	Pleasanton	Pleasanton
10	10	Espinosa, Candelaria	#12	Pleasanton	
11	11	Espinosa, Jesus "Spinosa"			Pleasanton
12	12	Garcia, Joe / [Colos grandson]	#17	Pleasanton	Pleasanton
13	13	Gonzales, Trinidad <sup>3</sup>	#13	Pleasanton	
14	14	Guzman, Ben	#1	Pleasanton	
*	15	Guzman, Francisca (Nonessi)	#11	Pleasanton	
16	16	Guzman, Francisco	#4	Pleasanton	Pleasanton
*	17	Guzman, John "Jack"	#9	Pleasanton	
*	18	Guzman, Jose	#7	Pleasanton	
19	19	Guzman, Lucas	#3	Pleasanton	
20	20	Guzman, Maria	#8	Pleasanton	
21	21	Guzman, Martin	#10	Pleasanton	
22	22	Guzman, Theresa (Davis)	#2	Pleasanton	
23	23	Inigo, Phoebe			Pleasanton
24	24	Marine, Beatrice "Peralta"	- -		Pleasanton
*	25	Marine, Catherine (Peralta)	#20	Pleasanton	Pleasanton
*	26	Marine, Dario			Pleasanton
*	27	Marine, Merced			Pleasanton
28	28	Marine, Trinidad <sup>4</sup>	#14	Pleasanton	

<sup>1</sup> Not disputed, but may be Isabella Stokes/Olivares (daughter of Margarita Armija) who married Joseph Nichols. The petitioner suggests this elsewhere in petition (Petitioner 1995, 32; Ex. B, 84; Ex. J, v. II:2 "Skeletal Outline").

<sup>2</sup> Disputed; Maria Rosa Armija (born 1901) cannot be the "mixed blood" head of household "Kid Small" on the Kelsey Census (KC#41). "Kid Small" may have been Jose Aleas (born 1893; father "Incognito" on baptism), who was also a child of Margarita Armija.

<sup>3</sup> Disputed presence on 1910 Indian schedule; see footnote 5.

<sup>4</sup> Disputed. The petitioner identifies the unnamed full-blood male or female "adopted child" in Trinidad Gonzales' household as Trinidad Marine based upon an interpretation of secondary source material identifying "Trina's" godparents as "Trineda & Petra Ruiz" (in "Ohlones of California"); however, neither a photocopy nor a transcription of Trinidad Marine's baptismal record listing her godparents was provided, although it is cited as if seen (Petitioner Ex. C, v. I, tab "Armija/Marine," source #206, "#6/1902, Mission San Jose, Baptism Register").

**Muwekma: Proposed Finding - Appendix: Verona Band Proxy**

Number of Individuals:		Petitioner's findings:		
Petitioner/BIA	Individual	KC#	KC residence	1910 residence
29	29	Marshall, Henry	#31	Niles
30	30	Nichols, Andre	#40	Niles
31	31	Paredes, Raphaela	#25	Pleasanton
32	32	Pastor, Emmanuel	#26	Pleasanton
33	33	Pastor, Gloria (Quadros)	#27	Pleasanton
34	34	Pastor, Maria Adelina	#28	Pleasanton
35	35	Peralta, Guillermo "Billy"	#6	Pleasanton
36	36	Peralta?, old Pablo	#15	Pleasanton
37	37	Pinos, Margarita	#21	Pleasanton
38	38	Reyes, Jose "Rayes"		Pleasanton
39	39	Santos, Cosme Daniel	#24	Pleasanton
*	40	Santos, Erolinda	#34	Niles
*	41	Santos, George	#32	Niles
	42	Santos, Joanne	#36	Niles
	43	Santos, Joseph	#37	Niles
	44	Santos, Leandra	#35	Niles
*	45	Santos, Maria Celsa (Miranda)	#19	Pleasanton
	46	Santos, Miguel / McGill	#18	Pleasanton
*	47	Santos, Peregrina (Pinos)	#33	Niles
	48	Suarez/Santos, Tharesa	#39	Niles
	49	Wenoco, Jose	#29	Pleasanton
	50	Kazoos/Jesus, Jose Maria		Pleasanton
	51	Flores, Jennie		Pleasanton
	52	Alsilas, Grenad <sup>5</sup>		Pleasanton
*	53	"Santos"[, Francisco] <sup>6</sup>	#43	Niles
		Scott, A. [non-Indian]		Pleasanton

Excluding the one non-Indian, the petitioner viewed the total number of individuals on the combined Kelsey Census and 1910 Census Indian schedule as 51, and the BIA viewed the total number of individuals as 53 (the BIA added "Santos" from the Kelsey Census, and viewed Trinidad Gonzales KC#13 and "Granad Alsilas" of 1910 to be two individuals rather than one).

**Legend:**

- - = not born at this time
- \* = direct descendants in current membership as claimed by petitioner and/or as reasonably verified by BIA

**Descent:** 191 of 400 members (48%) descend from this proxy of the Verona Band;  
 209 of 400 members (52%) descend from siblings of Dario and Mercedes Marine;  
 265 of 400 members (66%) trace ancestry to a Marine with no other ancestor on this list.

**Source:** Branch of Acknowledgment and Research

<sup>5</sup> Petitioner claims "Grenad Alsilas" (age 54, female) on the 1910 Indian schedule is identical to Trinidad Gonzales (KC#13; no age or gender), but there is insufficient evidence to support this claim.

<sup>6</sup> Another possibility is that #43 "Santos" on the Kelsey Census with wife Tharesa and one child represents "Santos Jacob Suares" born 1884 to Francisco and "Maria Jesus Isabella," found in the Mission San Jose baptismal records.

**Muwekma: Proposed Finding - Appendix: Membership Distribution**

**Appendix D**

**Distribution of Membership by Ancestor(s)**

This chart shows the total number of members arranged by (1) the ancestor from whom they descend, and (2) the date of the membership list on which they first appeared. The "KC Numerals" are numerals assigned to each person on the Kelsey Census by the petitioner. The one exception is #43 [Francisco] Santos, whose appearance on the Kelsey Census, and assigned numeral, were determined by the BIA. Dario and Mercedes Marine were not on the Kelsey Census, and thus have no numerals here. Their names were on the 1910 Indian Schedule. The ancestors are grouped into families without further definition of their interrelationships here.

<u>Verona Band Proxy</u> KC Numeral and Name	1/15/1995 list	1/12/1998 list	5/29/1998 list	Total Current Members
#7 Joe Guzman } #11 Francisca Nonessi } #9 "Jack" Guzman }		1	3	4
#19 Maria Celsa Santos } #20 Catherine Peralta } --- Dario Marine }		12		12
#30 Magdalena Armija	4	11	4	19
#43 Francisco Santos } #32 George Santos } #33 Maria Peregrina Piños } #34 Maria Erolinda Santos }		94	6	100
--- Mercedes Marine } --- Albert Marine Arellano }			56	56
<b><u>Siblings of the two Marines</u></b> <b><u>on the Verona Band Proxy</u></b>				
Dolores Marine	12	4		16
Ramona Marine	76	11		87
Victoria Marine	62	9	22	93
Dolores + Victoria	13			13
<b>Totals</b>	<b>167</b>	<b>142</b>	<b>91</b>	<b>400</b>

**Muwekma: Proposed Finding - Appendix: Petitioner's Documents**

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**Appendix E**

**Petitioner's Documents**

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1801	Mission Dolores Baptism Records	Ex. A, II, tab: Dolores	
1808	Mission Dolores Marriage Register	Ex. A, II, tab: Dolores	
1816-1856	Mission Santa Clara Marriage Records	Ex. A, II, tab: Santa Clara Marr	
1860	1860 Census, Centreville P.O. (1 p.)	Ex. B, Appendix B	
1864	baptism notes (Avelina), handwritten by pastor	Ex. H, I, Appendix D	
1870	1870 Census, Pleasanton P.O. (2 p.)	Ex. B, Appendix B	
1880	1880 Census, Alameda Co., p.517A	Ex. A, I, tab: 1880/1900 Census	
1880	1880 Census, Centerville township (1 p.)	Ex. B, Appendix B	
1880	1880 Census, Murray township (2 p.)	Ex. B, Appendix B	
1893	baptism notes (Marine), handwritten by rector	Ex. H, I, Appendix D	
1895	Report of CIA, pp.20-23	Ex. H, II, Appendix E	
1899.09.02	Died at the age of 120 years	Ex. H, I, Appendix A	Livermore Herald
1899.11.11	Drunken brawl	Ex. H, I, Appendix A	Livermore Herald
1900	1900 Census, Alameda Co., E.D. 332, 403	Ex. A, I, tab: 1880/1900 Census	
1900	1900 Census, Murray township (1 p.)	Ex. B, Appendix B	
1900	1900 Census, Murray township (1 p.)	Ex. H, I, Appendix B	
1900	1900 Census, Murray township	Ex. J, II, Appendix A, n.05	NA mf
1900	1900 Census, Murray township (1 p.)	Ex. L, II, Section VII-A	
1900	1900 Census, Washington township (2 p.)	Ex. B, Appendix B	
1900	1900 Census, Washington township (2 p.)	Ex. H, I, Appendix B	
1900	1900 Census, Washington township	Ex. J, II, Appendix A, n.06	NA mf
1900	1900 Census, Washington township (2 p.)	Ex. L, II, Section VII-A	
1900.03.10	In a drunken row at the Indian rancheria	Ex. H, I, Appendix A	Livermore Herald
1900.11.24	Another of the drunken brawls	Ex. H, I, Appendix A	Livermore Herald
1901.03.24	baptism notes	Ex. H, I, Appendix A	SFCAD
1901.10.19	Indian orgie ends in attempted murder	Ex. J, II, Appendix A, n.09	Livermore Herald
1902.02.15	Stabbed by an Indian	Ex. H, I, Appendix A	Livermore Herald
1902.12.29	baptism notes	Ex. H, I, Appendix A	Livermore Herald
1903.06.21	baptism registration	Ex. J, II, Appendix A, n.10	SFCAD
1904.01.21	Memorial of Northern California Indian Association	Ex. J, II, Appendix A	
		Ex. A, I, tab: Kelsey	Heizer 1975, 95-100, 106

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

Date	Document	Exhibit	Source
1904.01.21	Memorial of Northern California Indian Association	Ex. B, Appendix B	Heizer 1975, 95, 99-100, 106
1904.01.21	Memorial of Northern California Indian Association	Ex. H, I, Appendix B	Heizer 1975, 95-109
1904.01.21	Memorial of Northern California Indian Association	Ex. H, II, Appendix E	S.Doc. 131, 58 Cong., 2 sess.
1904.10.01	Oldest inhabitant passes away	Ex. H, I, Appendix A	Livermore Herald
1905-1906	Agent Kelsey, Schedule, Alameda County	Ex. A, I, tab: Kelsey	RG 75, CCF Calif. Sp. 034
1905-1906	Agent Kelsey, Schedule, Summary	Ex. B, Appendix A	RG 75, CCF Calif. Sp. 034
1905-1906	Agent Kelsey, Schedule	Ex. H, I, Appendix B	RG 75, CCF Calif. Sp. 034
1905-1906	Agent Kelsey, Schedule of Sutter, Amador, El Dorado	Ex. H, I, Appendix B	Heizer
1905-1906	Agent Kelsey, Schedule	Ex. J, II, Appendix A, n.13	RG 75, CCF Calif. Sp. 034
1905-1906	Agent Kelsey, Schedule	Ex. L, I, Section I	RG 75, CCF Calif. Sp. 034
1907.08.18	Agent Kelsey, Schedule, Alameda County baptism notes	Ex. J, II, Appendix A, n.17	SFCAD
1907.09.08	baptism notes	Ex. J, II, Appendix A, n.18	SFCAD
1909	Chief Finance Division, Memorandum	Ex. B, Appendix A	
1910	1910 Census, Pleasanton township (1 p.)	Ex. B, Appendix B	
1910	1910 Census, Pleasanton township (1 p.)	Ex. H, I, Appendix B	
1910	1910 Census, Pleasanton township	Ex. L, I, Section II	
1910	1910 Census, Washington township (1 p.)	Ex. B, Appendix B	
1910	1910 Census, Washington township (1 p.)	Ex. H, I, Appendix B	
1910.11.19	1910 Census, Washongton township (1 p.)	Ex. H, I, Appendix C	
1912.04.13	Kroeber, Chumash and Costanoan Languages (5 p.)	Ex. H, I, Appendix D	U.C. Pub. AA&E, 9(2)
1912.04.13	baptism notes (Sanchez), handwritten by rector	Ex. J, II, Appendix A, n.23	
1912.04.13	baptism notes	Ex. J, II, Appendix D	
1912.04.24	Certificate of Baptism	Ex. H, I, Appendix D	
1912.08.25	baptism notes	Ex. J, II, Appendix A, n.24	
1913	Indian Map of California	Ex. A, I, tab: Kelsey	
1913	Indian Map of California	Ex. B, Appendix A	RG 75, CCF Calif. Sp. 032
1913	Indian Map of California	Ex. B, p.i	
1913	Indian Map of California	Ex. H, I, Appendix B	
1913.02.23	baptism notes	Ex. J, II, Appendix A, n.25	St. Augustine Church, Pleasanton
1913.09.22	Rep. Raker to CIA Sells	Ex. B, Appendix A	RG 75, CCF Calif. Sp. 032
1913.09.22	Rep. Raker to CIA Sells	Ex. H, I, Appendix B	NA

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

Date	Document	Exhibit	Source
1913.09.22	Rep. Raker to Secretary Lane	Ex. B, Appendix A	RG 75, CCF Calif. Sp. 032
1913.09.22	Rep. Raker to Secretary Lane	Ex. H, I, Appendix B	NA
1913.09.25	Ast. CIA Hauke to Agent Kelsey	Ex. B, Appendix A	RG 75, CCF Calif. Sp. 032
1913.09.25	Ast. CIA Hauke to Agent Kelsey	Ex. H, I, Appendix B	NA
1913.09.25	Ast. CIA Hauke to Rep. Raker	Ex. B, Appendix A	RG 75, CCF Calif. Sp. 032
1913.09.25	Ast. CIA Hauke to Rep. Raker	Ex. H, I, Appendix B	NA
1913.09.29	Supt., Carlisle Indian School, to Rep. Raker	Ex. B, Appendix A	RG 75, CCF Calif. Sp. 032
1913.09.29	Supt., Carlisle Indian School, to Rep. Raker	Ex. H, I, Appendix B	NA
1913.10.01	Rep. Raker to CIA Sells	Ex. B, Appendix A	RG 75, CCF Calif. Sp. 032
1913.10.01	Rep. Raker to CIA Sells	Ex. H, I, Appendix B	NA
1913.10.03	Ast. CIA Hauke to Rep. Raker	Ex. B, Appendix A	RG 75, CCF Calif. Sp. 032
1913.10.03	Ast. CIA Hauke to Rep. Raker	Ex. H, I, Appendix B	NA
1913.10.04	Agent Kelsey to CIA, with map	Ex. B, Appendix A	RG 75, CCF Calif. Sp. 032
1913.10.04	Agent Kelsey to CIA	Ex. H, I, Appendix B	NA
1913.10.16	Rep. Raker to Ast. CIA Hauke	Ex. B, Appendix A	RG 75, CCF Calif. Sp. 032
1913.10.16	Rep. Raker to Ast. CIA Hauke	Ex. H, I, Appendix B	NA
1913.10.27	Ast. CIA Hauke to Rep. Raker	Ex. B, Appendix A	RG 75, CCF Calif. Sp. 032
1913.10.27	Ast. CIA Hauke to Rep. Raker	Ex. H, I, Appendix B	NA
1914.12.07	Agent Asbury to CIA	Ex. B, Appendix A	[Allotments Retention File]
1914.12.07	Agent Asbury to CIA	Ex. H, I, Appendix B	RG 75, CCF Roseburg 310, file 108465-14
1915.05.21	Ast. CIA [Hauke] to Agent Terrell	Ex. B, Appendix A	RG 75, CCF Roseburg 310
1915.06.29	Memorandum	Ex. B, Appendix A	RG 75, CCF Roseburg 310
1915.06.29	Memorandum Concerning Homeless Indians	Ex. B, Appendix A	RG 75, CCF Roseburg 310
1915.06.29	Memorandum Concerning Homeless Indians	Ex. H, I, Appendix B	NA
1915.07.12	Ast. CIA Meritt to Secretary	Ex. B, Appendix A	[Allotments Retention File]
1915.07.12	Ast. CIA Meritt to Secretary	Ex. H, I, Appendix B	NA
1915.11.01	CIA Sells to Rep. Raker	Ex. B, Appendix A	RG 75, CCF Roseburg 310, file 108465-14
1916.01.04	Report to CIA re: Verona-Sacramento River-Indians	Ex. H, I, Appendix B	RG 75, CCF Roseburg 310, file 108465-14
1916.01.25	Agent Terrell to CIA Sells	Ex. B, Appendix A	RG 75, CCF Roseburg 310, file 108465-14
1916.01.25	Agent Terrell to CIA Sells	Ex. H, I, Appendix B	RG 75, CCF Roseburg 310, file 108465-14

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

Date	Document	Exhibit	Source
1916.01.25	Murray to Agent Terrell	Ex. H, I, Appendix B	NA
1916.01.29	Agent Terrell, Statement	Ex. B, Appendix A	RG 75, CCF Roseburg 310
1916.01.29	Agent Terrell, Statement	Ex. H, I, Appendix B	NA
1916.02.10	[Terrell] to Murray	Ex. H, I, Appendix B	SFCAD
1916.02.16	baptism notes	Ex. J, II, Appendix A, n.29	NA
1916.04.13	Agent to McAllaster	Ex. H, I, Appendix B	RG 75, CCF Roseburg 310, file 108465-14
1916.04.15	Agent Terrell to CIA Sells	Ex. B, Appendix A	RG 75, CCF Roseburg 310, file 108465-14
1916.08.19	Hauke to Agent Terrell	Ex. B, Appendix A	RG 75, CCF Roseburg 310, file 108465-14
1916.10.03	Agent Terrell to CIA	Ex. B, Appendix A	NA
1916.11.18	Special Comr. to CIA	Ex. H, I, Appendix B	NA
1916.12.30	Special Comr. to Murray	Ex. H, I, Appendix B	NA
1917.03.09	Hauke to Secretary	Ex. B, Appendix A	NA
1917.07.01	[Terrell] to CIA	Ex. H, I, Appendix B	NA
1917.08.10	CIA Sells to Secretary	Ex. H, II, Appendix E	RG 48, CCF 5-1 Roseburg
1917.09.09	Agent Terrell to CIA	Ex. B, Appendix A	[RG 75, CCF Roseburg 310, file 108465-14]
1917.11.10	Ast. CIA Meritt to Agent Terrell	Ex. B, Appendix A	RG 75, CCF Roseburg 310
1917.12.03	[Terrell] to CIA	Ex. H, I, Appendix B	NA
1918.01.12	Chief Clerk Hauke to Inspector Terrell	Ex. H, I, Appendix B	NA
1918.11.15	Pohland to Supt. Miller	Ex. B, Appendix A	RG 75, CCF Roseburg 310
1920.05.28	Inspector Terrell to Murray	Ex. H, I, Appendix B	NA
1920.05.28	[Agent Terrell] to CIA	Ex. H, I, Appendix B	NA
1920.06.05	Agent Terrell to McAllaster	Ex. B, Appendix A	NA
1921 ca.	Application for orphan aid	Ex. H, I, Appendix D	Archives, Mission San Jose
1921.07.07	Application for state orphan aid	Ex. J, II, Appendix A, n.32	NA San Bruno, folder #29595
1923	Annual Report 1923, Reno Agency (2 p.)	Ex. A, I, tab: BIA 1923 & 1927	RG 75, Reno Agency, box 6
1923	Annual Report 1923, Reno Agency	Ex. B, Appendix A	RG 75, Reno Agency
1923	Annual Report 1923, Reno Indian Agency	Ex. H, I, Appendix B	NA San Bruno, Reno Agency, box 6
1923	Annual Report 1923, Reno Agency	Ex. J, II, Appendix A, n.34	RG 75, Reno Agency
1924.07.22	Bechtell to Sister	Ex. H, I, Appendix D	NA San Bruno, Reno Agency, box 6
1925.07.04	Harrington, notes (5p.)	Ex. H, I, Appendix C	RG 75, Reno Agency

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<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1926	Gifford, Miwok Cults (6 p.)	Ex. H, I, Appendix C	U.C. Pub. AA&E, 18(3)
1927	Gifford, Southern Maidu Religious Ceremonies (9 p.)	Ex. H, I, Appendix C	NA
1927.01.08	Ast. CIA Meritt to Supt. Dorrington	Ex. H, I, Appendix B	NA
1927.01.20	Supt. Dorrington to CIA	Ex. H, I, Appendix B	NA
1927.05.26	Ast. CIA Meritt to Supt. Dorrington	Ex. H, I, Appendix B	[RG 75, CCF]
1927.06.23	Letter to CIA (1st p. only)	Ex. A, I, tab: BIA 1923 & 1927	
1927.06.23	Supt. Dorrington to CIA (27 p.)	Ex. B, Appendix A	
1927.06.23	Supt. Dorrington to CIA (27 p.)	Ex. H, I, Appendix B	NA San Bruno, Reno Agency, corres.
1927.06.23	Supt. Dorrington to CIA (cover page)	Ex. J, II, Appendix A, n.36	
1929.09.27	County Charities Dept. to [Marini]	Ex. H, I, Appendix D	
1929.10.12	Harrington, notes (13p. + cover)	Ex. H, I, Appendix C	
1929.10.20	Map, from Harrington notes	Ex. B, Appendix C	
1929.11.15	County Charities Dept. to Sanchez	Ex. H, I, Appendix D	
1929.11.27	Application, Indians of California (#10297), 6 p.	Ex. A, I, tab: 1928 Applications	
1929.11.27	Application, Indians of California (#10297), 6 p	Ex. L, II, Section VII-B	
1930.01.11	Affidavit	Ex. J, II, Appendix A, n.42	NA San Bruno, mf I-32
1930.01.11	Application, Indians of California (#10296), 6 p.	Ex. A, I, tab: 1928 Applications	
1930.01.11	Application, Indians of California (#10296), 1 p.	Ex. H, I, Appendix B	
1930.01.11	Application, Indians of California (#10296), 1 p.	Ex. H, I, Appendix D	
1930.01.11	Application, Indians of California (#10296), 6 p	Ex. L, II, Section VII-B	
1930.01.11	Application, Indians of California (#10298), 6 p.	Ex. A, I, tab: 1928 Applications	
1930.01.11	Application, Indians of California (#10298), 2 p.	Ex. H, I, Appendix D	
1930.01.11	Application, Indians of California (#10298), 2 p.	Ex. H, I, Appendix C	
1930.01.11	Application, Indians of California (#10298), 6 p	Ex. L, II, Section VII-B	
1930.02.04	Application, Indians of California (#10300), 5 p.	Ex. A, I, tab: 1928 Applications	NA San Bruno, mf I-32
1930.02.04	Application, Indians of California (#10300), 2 p.	Ex. J, II, Appendix A, n.44a	NA San Bruno, mf I-32
1930.10.07	Affidavit	Ex. J, II, Appendix A, n.43	NA San Bruno, mf I-32
1930.10.07	Affidavit	Ex. J, II, Appendix A, n.44c	
1930.10.07	Application, Indians of California (#10301), 6 p.	Ex. A, I, tab: 1928 Applications	
1930.10.07	Application, Indians of California (#10301), 1 p.	Ex. H, I, Appendix B	

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Date	Document	Exhibit	Source
1930.10.07	Application, Indians of California (#10301), 2 p.	Ex. J, II, Appendix A, n.28a	NA San Bruno, mf I-32
1930.10.07	Application, Indians of California (#10301), 6 p	Ex. L, II, Section VII-B	
1930.10.08	Application, Indians of California (#08419), 6 p.	Ex. A, I, tab: 1928 Applications	
1931.10.11	Application, Indians of California (#10293), 6 p.	Ex. A, I, tab: 1928 Applications	
1931.10.11	Application, Indians of California (#10293), 2 p.	Ex. H, I, Appendix B	
1931.10.11	Application, Indians of California (#10293), 2 p.	Ex. H, I, Appendix C	
1931.10.11	Application, Indians of California (#10293), 6 p	Ex. L, II, Section VII-B	
1931.10.11	Application, Indians of California (#10293), 6 p.	Ex. A, I, tab: 1928 Applications	
1931.10.11	Application, Indians of California (#10294), 6 p.	Ex. A, I, tab: 1928 Applications	
1931.10.18	Application, Indians of California (#10299), 6 p.	Ex. J, II, Appendix A, n.48	NA San Bruno, mf I-32
1931.10.18	Affidavit	Ex. A, I, tab: 1928 Applications	
1932.03.17	Application, Indians of California (#10677), 5 p.	Ex. H, I, Appendix D	
1932.03.17	Application, Indians of California (#10677), 1 p.	Ex. J, II, Appendix A, n.55	NA San Bruno, mf I-32
1932.03.18	Affidavit	Ex. J, II, Appendix A, n.56	NA San Bruno, mf I-32
1932.03.18	Affidavit	Ex. A, I, tab: 1928 Applications	
1932.03.18	Application, Indians of California (#10675), 6 p.	Ex. H, I, Appendix B	
1932.03.18	Application, Indians of California (#10675), 4 p.	Ex. H, I, Appendix C	
1932.03.18	Application, Indians of California (#10675), 4 p.	Ex. H, I, Appendix D	
1932.03.18	Application, Indians of California (#10675), 2 p.	Ex. L, II, Section VII-B	
1932.03.18	Application, Indians of California (#10675), 6 p	Ex. A, I, tab: 1928 Applications	
1932.03.18	Application, Indians of California (#10676), 6 p.	Ex. H, I, Appendix B	
1932.03.18	Application, Indians of California (#10676), 2 p.	Ex. H, I, Appendix D	
1932.03.18	Application, Indians of California (#10676), 2 p.	Ex. L, II, Section VII-B	
1932.03.18	Application, Indians of California (#10676), 6 p	Ex. A, I, tab: 1928 Applications	
1932.03.18	Application, Indians of California (#10678), 5 p.	Ex. L, II, Section VII-B	
1932.03.18	Application, Indians of California (#10679), 5 p	Ex. A, I, tab: 1928 Applications	
1932.03.18	Application, Indians of California (#10680), 5 p.	Ex. H, I, Appendix D	
1932.03.18	Application, Indians of California (#10680), 4 p.	Ex. J, II, Appendix A, n.57	NA San Bruno, mf I-32
1932.03.18	Application, Indians of California (#10680), 2 p.	Ex. A, I, tab: 1928 Applications	
1932.03.18	Application, Indians of California (#10681), 5 p.	Ex. A, I, tab: 1928 Applications	
1932.03.18	Application, Indians of California (#10681), 1 p.		

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<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1932.03.18	Application, Indians of California (#10681), 2 p.	Ex. H, I, Appendix D	
1932.03.18	Application, Indians of California (#10682), 5 p.	Ex. A, I, tab. 1928 Applications	
1932.03.18	Application, Indians of California (#10682), 1 p.	Ex. H, I, Appendix D	
1932.10.11	Affidavit	Ex. J, II, Appendix A, n.58	NA San Bruno, mf I-32
1932.10.11	Application, Indians of California (#10637), 7 p.	Ex. A, I, tab. 1928 Applications	
1932.10.11	Application, Indians of California (#10637), 2 p.	Ex. H, I, Appendix B	
1933	Roll, 1933 (15 p.)	Ex. H, I, Appendix B	
1936.02.17	Galvan to Baker	Ex. B, Appendix B	
1936.02.17	Galvan to Baker	Ex. H, I, Appendix D	
1936.02.21	Supt. Nash to Galvan	Ex. B, Appendix B	
1936.02.21	Supt. Nash to Galvan	Ex. H, I, Appendix D	
1940.01.18	Espy to Supt. Nash	Ex. B, Appendix B	
1940.01.18	Espy to Supt. Nash	Ex. H, I, Appendix D	
1940.01.23	Supt. Nash to Willis	Ex. B, Appendix B	
1940.01.23	Supt. Nash to Willis	Ex. H, I, Appendix D	
1945.02.03	Wauhab to Whom This May Concern	Ex. J, II, Appendix A, n.66	NA San Bruno, folder #20025
1947.05	Membership card, Bay Area California Indian Council	Ex. H, I, Appendix D	
1949.05.25	BIA to Marino	Ex. J, II, Appendix A, n.70	NA San Bruno, Sacramento A.O.
1950	History of Washington Township	Ex. H, I, Appendix A	
1950.02.10	Ruano to DOI	Ex. J, II, Appendix A, n.67	NA San Bruno, Sacramento A.O.
1951.05.21	Garcia to King	Ex. J, II, Appendix A, n.25c	NA San Bruno, Sacramento A.O.
1953.10.19	Harris to BIA	Ex. J, II, Appendix A, n.73a	NA San Bruno, Sacramento A.O.
1954.02.03	BIA to Harris	Ex. J, II, Appendix A, n.73b	
1954.05.18	BIA to Carranza, re Guzman	Ex. J, II, Appendix A, n.33	NA San Bruno, Sacramento A.O.
1955.05.06	Marshall letter	Ex. J, II, Appendix A, n.74	NA San Bruno, Sacramento A.O.
1955.05.06	Marshall to Dear Sir	Ex. L, II, Section VII-B	
1955.09.06	BIA to Boatright	Ex. L, II, Section VII-B	
1957	Map of aboriginal Alameda and Contra Costa	Ex. H, I, Appendix C	
1964.07.15	Reese to Costo	Ex. J, I, Appendix A	Cook 1957
1965	Ohlone Indian Cemetery, handwritten notes	Ex. B, Appendix B	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1965	Ohlone Indian Cemetery, notes	Ex. H, I, Appendix D	
1965.03.17	Gov. Brown to Costo	Ex. J, I, Appendix A	
1965.03.17	Gov. Brown to Costo	Ex. J, II, Appendix A, n.75	U.C. Riverside, Costo Collection
1965.03.29	Costo to McCauley	Ex. J, I, Appendix A	
1965.05.17	Costo to Riddle	Ex. J, I, Appendix A	
1965.05.25	Galvan <i>et al.</i> to Costo	Ex. J, I, Appendix A	
1965.05.30	Costo to Dear Friends	Ex. J, I, Appendix A	
1965.05.31	Costo to Eyselee	Ex. J, I, Appendix A	
1965.06.21	Costo to Galvan	Ex. J, I, Appendix A	
1965.06.25	AIHS, resolution	Ex. J, I, Appendix A	
1965.07.02	Galvan to Schendelmaier	Ex. J, I, Appendix A	
1965.07.14	Galvan to Rupert & Jeannette	Ex. J, I, Appendix A	
1965.08.08	Indian Woman Link to Past	Ex. J, I, Appendix A	
1965.08.08	Indian Woman Link to Past	Ex. J, I, Appendix A	
1965.08.08	Ohlone Indian Cemetery	Ex. J, II, Appendix A, n.83	U.C. Riverside, Costo Collection
1965.08.08	Ohlone Indian Cemetery	Ex. J, I, Appendix A	
1965.08.08	Ohlone Indian Cemetery	Ex. J, II, Appendix A, n.84	U.C. Riverside, Costo Collection
1965.08.08	Ohlone Indian Cemetery	Ex. L, II, Section VII-C	U.C. Riverside, Costo Collection
1965.12.09	Costo to Wasson	Ex. J, I, Appendix A	
1966	Indian Historian n.d. [c.1966] (1 p.)	Ex. H, I, Appendix D	
1966.01.30	Ruano to Area Director	Ex. J, II, Appendix A, n.77	NA San Bruno, folder #20025
1966.05.17	Gordon to AIHS	Ex. J, I, Appendix A	
1966.05.20	Costo to Gordon	Ex. J, I, Appendix A	
1966.07.19	Statement of an Ohlone Indian	Ex. J, I, Appendix A	
1966.07.19	Statement of an Ohlone Indian	Ex. J, II, Appendix A, n.35	U.C. Riverside, Costo Collection
1966.07.23	Costo to CIA Bennett	Ex. J, I, Appendix A	
1966.07.23	Costo to Rep. Edwards	Ex. J, I, Appendix A	
1966.07.23	Costo to Sen. Kuchel	Ex. J, I, Appendix A	
1966.07.29	Rep. Edwards to Vieux	Ex. J, I, Appendix A	
1966.07.29	Rep. Edwards to Vieux	Ex. J, II, Appendix A, n.87	U.C. Riverside, Costo Collection
1966.08.09	NPS to Rep. Edwards	Ex. J, I, Appendix A	

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Date	Document	Exhibit	Source
1966.08.11	Rep. Edwards to Costo	Ex. J, I, Appendix A	
1967	Indian Historian 4:2 (3 p.)	Ex. H, I, Appendix D	
1967	Indian Historian 4:3 (4 p.)	Ex. H, I, Appendix D	
1967.01	Indian Historian 4:1 (4 p.)	Ex. H, I, Appendix D	
1967.12	Indian Historian 1:1 (3 p.)	Ex. H, I, Appendix D	
1967.12.	Merriam, Ethnographic Notes (3 p.)	Ex. H, I, Appendix C	Merriam 1967
1968	American Indian Historical Society (2 p.)	Ex. H, I, Appendix D	
1968	Galvan, The Ohlone Story	Ex. H, I, Appendix D	
1968	Galvan, The Ohlone Story	Ex. J, I, Appendix A	Indian Historian 1:2
1968	Ohlone Historic Site Nears Complete	Ex. H, I, Appendix D	Indian Historian 1:2
1969 ca.	Cook letter, page 4	Ex. J, I, Appendix A	Indian Historian 1:3
1969.01.10	Application to share in judgment funds	Ex. J, II, Appendix A, n.98	NA San Bruno, folder #28554
1969.01.27	Application to share in judgment funds	Ex. J, II, Appendix A, n.95	NA San Bruno, folder #29595
1969.04.30	Application to share in judgment funds	Ex. J, II, Appendix A, n.91	NA San Bruno, folder #12555
1969.07.15	Application to share in judgment funds	Ex. J, II, Appendix A, n.93	NA San Bruno, folder #18235
1969.07.23	Application to share in judgment funds	Ex. J, II, Appendix A, n.92	NA San Bruno, folder #19340
1969.07.25	Ruano to Area Director Finale	Ex. J, II, Appendix A, n.61	NA San Bruno, folder #20025
1969.08.07	Costo to Cook	Ex. J, I, Appendix A	
1969.08.11	Application to share in judgment funds	Ex. J, II, Appendix A, n.106	NA San Bruno, folder #29595
1969.08.26	Application to share in judgment funds	Ex. J, II, Appendix A, n.96	NA San Bruno, folder #25227
1969.08.31	Guzman to Dear Sir	Ex. J, II, Appendix A, n.37a	NA San Bruno, folder #27871
1969.09.06	Guzman to Dear Sir	Ex. J, II, Appendix A, n.37c	NA San Bruno, folder #27871
1969.09.12	Application to share in judgment funds	Ex. J, II, Appendix A, n.100	NA San Bruno, folder #27871
1969.09.16	Galvan, affidavit	Ex. J, II, Appendix A, n.21	NA San Bruno, folder #3780
1970.01	Ohlone Indians to President of the U.S.	Ex. J, I, Appendix A	
1970.01.05	An Open Letter	Ex. J, I, Appendix A	
1970.07.08	Costo to Galvan	Ex. J, I, Appendix A	
1970.10.23	Ruano to Sahmaunt	Ex. J, II, Appendix A, n.101	NA San Bruno, folder #20025
1971.01.05	Application to share in judgment funds	Ex. J, II, Appendix A, n.105	NA San Bruno, folder #20025
1971.03.08	Costo to Galvan	Ex. J, I, Appendix A	

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<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1971.03.13	Galvan to Costo	Ex. J, I, Appendix A	
1971.03.17	Costo to Galvan	Ex. J, I, Appendix A	
1971.04.02	AIHS, minutes	Ex. J, I, Appendix A	
1971.04.02	AIHS, minutes	Ex. J, II, Appendix A, n.103	U.C. Riverside, Costo Collection
1971.06.12	Ohlone Indian Cemetery, resolution	Ex. H, I, Appendix D	
1971.06.12	Ohlone Indian Cemetery, resolution	Ex. J, I, Appendix A	Indian Historian 4:2 (1971)
1971.06.17	Articles of Incorporation	Ex. H, I, Appendix D	
1971.06.17	California, Franchise Tax Board	Ex. H, I, Appendix D	
1971.07 ca.	Cemetery in E. Bay Given to Indians	Ex. J, I, Appendix A	
1971.07 ca.	Cemetery in E. Bay Given to Indians	Ex. J, II, Appendix A, n.81	U.C. Riverside, Costo Collection
1971.08.25	Costo to Riddell	Ex. J, I, Appendix A	
1971.08.25	Costo to Riddell	Ex. J, II, Appendix A, n.104	U.C. Riverside, Costo Collection
1971.08.25	Jeannette to Galvan	Ex. J, I, Appendix A	
1972.07.31	San Jose Mercury (title page)	Ex. H, I, Appendix D	
1972.08.06	Before the Bulldozer	Ex. H, I, Appendix D	
1973	Early Days in the Livermore-Amador Valley	Ex. H, I, Appendix A	
1973.03.18	Ruano to Dear Sir	Ex. J, II, Appendix A, n.107	
1976	Indian Historian 9:3 (2 p.)	Ex. H, I, Appendix D	San Jose Mercury
1977.02.24	Exhibit with Report re: Funding in the Sacramento Area	Ex. H, I, Appendix B	NA San Bruno, folder #20025
1977.02.24	Report, ex.: Indians of California	Ex. H, I, Appendix B	
1982.03.05	Baptismal certificate	Ex. H, I, Appendix D	
1982.12	Descendant of Ohlone Indian dies	Ex. H, I, Appendix D	
1983.01.13	Olsen to Rev. Norkett	Ex. H, I, Appendix D	
1983.01.13	Olsen to Rev. Norkett	Ex. J, I, Appendix A	
1983.02.20	Orta to Rev. Norkett	Ex. B, Appendix B	
1983.03.25	Unknown to Rev. Biasiol	Ex. H, I, Appendix D	
1983.03.25	Unknown to Rev. Biasiol	Ex. J, I, Appendix A	
1984.11.19	Cambra to Gov. Deukmejian	Ex. K, III	
1984.11.28	Berry to Gov. Deukmejian	Ex. K, III	
1985.01.31	Supt. LaFromoise to Whom it May Concern (2 p.)	Ex. H, I, Appendix D	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1985.04.29	Marsh to Lofgren	Ex. K, III	
1985.07.25	Gray to Lofgren	Ex. K, III	
1985.09.13	Indians want to check for remains	Ex. K, III	San Jose Mercury News
1985.09.14	Dispute in dispute	Ex. K, III	
1985.09.17	Indians protest San Jose project	Ex. K, III	San Francisco Chronicle
1985.09.18	Ohlones get more say on archaeologists	Ex. K, III	San Jose Mercury News
1985.09.24	Indian dispute with S.J. settled	Ex. K, III	San Jose Mercury News
1985.10.08	Burials threatened, Indian says	Ex. K, III	San Jose Mercury News
1985.11.30	First Annual Youth Pow Wow	Ex. J, I, Appendix A	
1985.12.06	Indians renew traditions	Ex. J, I, Appendix A	
1986	Howe, Phoebe Apperson Hearst	Ex. J, I, Appendix A	
1986.03.13	Indians to ask for grand jury investigation	Ex. H, I, Appendix A	Spartan Daily
1986.03.13	Indians to ask for grand jury investigation	Ex. J, I, Appendix A	
1987.05.25	Native American Heritage Commission, inventory form	Ex. K, III	
1987.05.25	Native American Heritage Commission, inventory form	Ex. B, Appendix B	
1987.06	Final report ... Union City, CA	Ex. H, I, Appendix D	
1988	Bones may be reburied soon	Ex. K, III	
1988	Ohlone Families Consulting Services	Ex. K, III	
1988.03.14	MPT to Cambra	Ex. K, III	
1988.03.17	BIA to Cambra	Ex. H, I, Appendix D	
1988.03.17	BIA to Cambra	Ex. J, II, Appendix B	
1988.03.17	BIA to Cambra	Ex. K, III	
1988.04.01	Cambra to Morrison	Ex. K, III	
1988.04.30	Cambra to Native American Heritage Commissioners	Ex. J, I, Appendix A	
1988.05.03	CA Deputy Attorney General to Baird	Ex. J, I, Appendix A	
1988.10.19	City of Santa Clara, agenda	Ex. K, III	
1988.11.25	Benefit Dance announcement	Ex. K, III	
1989	Woman fights to preserve Ohlone heritage	Ex. K, III	
1989.03.04	Pow-Wow	Ex. J, I, Appendix A	
1989.03.04	Pow-Wow announcement	Ex. K, III	
			Petitioner's office

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1989.03.12	Family Days announcement	Ex. J, II, Appendix B	Petitioner's office
1989.03.12	Family Days announcement	Ex. K, III	
1989.03.27	Warburton to Cambra	Ex. K, III	
1989.03.28	Sen. Inouye to tribal chairman	Ex. H, II, Appendix E	Petitioner's office
1989.04.04	Santa Clara County Supervisors, resolution	Ex. H, I, Appendix D	
1989.04.04	Santa Clara County Supervisors, resolution	Ex. J, II, Appendix B	Petitioner's office
1989.04.04	Santa Clara County Supervisors, resolution	Ex. K, III	
1989.04.18	East Bay Regional Park District, resolution	Ex. J, II, Appendix B	Petitioner's office
1989.04.18	East Bay Regional Park District, resolution	Ex. K, III	
1989.04.25	BIA to Cambra	Ex. H, II, Appendix E	Petitioner's office
1989.04.28	U.S. Senate, witness list	Ex. H, II, Appendix E	
1989.05.01	Resolution	Ex. H, II, Appendix E	Petitioner's office
1989.06.03	Family Days announcement	Ex. J, II, Appendix B	
1989.06.22	Stanford agrees to return Indian skeletal remains	Ex. K, III	Los Angeles Times San Jose Mercury News
1989.06.22	Stanford OKs return of Ohlone Indian remains	Ex. K, III	
1989.06.22	Stanford to had over Indian bones for burial	Ex. K, III	San Francisco Examiner Washington Post New York Times
1989.06.22	Stanford to return bones of Indians	Ex. K, III	
1989.06.23	University to return ancestral bones to tribe	Ex. K, III	San Francisco Chronicle
1989.06.24	Stanford will return Indian bones	Ex. K, III	
1989.07.01	Peninsula Indians say reburial....	Ex. K, III	San Francisco Chronicle
1989.07.02	Bones of contention in Stanford dispute	Ex. K, III	
1989.07.21	Angle of repose	Ex. K, III	San Francisco Chronicle
1989.08.08	Putting ancestors to rest	Ex. K, III	
1989.09.03	Day to Rosse	Ex. K, III	San Francisco Chronicle
1989.10.10	Native Americans to discuss ancestral bones	Ex. K, III	
1989.10.10-	American Indian Religious Freedom notice	Ex. K, III	Petitioner's office
1989.11.13	Interview with Edgar Buttner	Ex. H, I, Appendix A	
1989.11.29	LaVelle to Cambra	Ex. J, II, Appendix B	Petitioner's office
1989.11.29	LaVelle to Cambra	Ex. K, III	
1989.12.19	MICA newsletter, 1:1	Ex. K, III, tab: Newsletters	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1990	Ohlone bones returned but discord continues	Ex. K, III	San Francisco Chronicle
1990	Stanford returns bones for burial	Ex. K, III	
1990	Theme house strives for inclusion	Ex. K, III	
1990	Third National Conference on Women of Color	Ex. K, III	Petitioner's office
1990.02.05	M.I.C.A. board meeting minutes	Ex. K, III	
1990.03	Newsletter 1:1	Ex. J, I, Appendix A	
1990.03.12	Cambra to Ruff	Ex. J, II, Appendix B	Petitioner's office
1990.03.12	Cambra to Ruff	Ex. K, III	
1990.03.26	Ruff to Cambra	Ex. J, II, Appendix B	
1990.03.26	Ruff to Cambra	Ex. K, III	Palo Alto Times
1990.04.08	Lathrop now Muwekma-Tah-Ruk	Ex. K, III, tab 1995	
1990.04.10	Ohlones oppose reburial	Ex. K, III	
1990.04.10	Ohlones oppose reburial	Ex. K, III	Peninsula Times
1990.04.23	Ohlones split over tribal remains	Ex. K, III	
1990.04.30	Stanford University, mediation agreement	Ex. J, II, Appendix B	San Jose Mercury News
1990.04.30	Stanford University, mediation agreement	Ex. K, III	
1990.05.01	Stanford gives relics to Ohlones	Ex. K, III	Petitioner's office
1990.05.01	Stanford returns remains, artifacts	Ex. K, III	
1990.05.02	Indian remains given to Ohlones	Ex. K, III	San Jose Mercury News
1990.05.13	American Indians seek end to tribal termination	Ex. K, III	
1990.09.24	Breakthrough study of Indian burial site	Ex. H, I, Appendix C	Peninsula Times
1991	Interviews with Tom Smith and Maria Copa (3 p.)	Ex. K, III	
1991	Ohlone Indian remains to be returned to earth	Ex. K, III	Campus Report
1991.02.25	SJSU, Policy Concerning Care, Curation....	Ex. K, III	
1991.03.01	Cambra, Proposal to Gov. Wilson's Office	Ex. J, II, Appendix B	San Francisco Chronicle
1991.03.01	Cambra, Proposal to Gov. Wilson's Office	Ex. K, III	
1991.03.07	Walsh to Cambra	Ex. K, III	Kelly 1991
1991.04.10	Golf course foes vow to save ... ancient village	Ex. J, I, Appendix A	
1991.04.10	Golf course foes vow to save ... ancient village	Ex. K, III	Petitioner's office
1991.04.10	Ohlone heritage vs. golf course	Ex. J, I, Appendix A	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1991.04.10	Ohlone heritage vs. golf course	Ex. K, III	
1991.04.29	Two Ohlones claim their tribe's leadership	Ex. K, III	
1991.05.01	Parker to Cambra	Ex. K, III	
1991.07.08	Cambra to Labrie	Ex. K, III	
1991.07.12	Native remains' fate challenged	Ex. K, III	Daily Californian
1991.08.19	Ohlone Indian remains will be reburied	Ex. K, III	
1991.09.09	Miners learn to appreciate early culture	Ex. K, III	Hollister Free Lance
1991.10.02	Rep. Miller to Cambra	Ex. K, III	
1991.10.10	LaBrie to Cambra	Ex. H, II, Appendix E	
1991.10.10	LaBrie to Cambra	Ex. J, II, Appendix B	Petitioner's office
1991.12.13	Sherman to Taylor	Ex. K, III	
1991.12.13	Sherman to Taylor	Ex. J, II, Appendix B	Petitioner's office
1991.12.16	Streeter to Chambra [sic]	Ex. K, III	
1992	Cinco de Mayo Souvenir Magazine	Ex. K, III	
1992	Media Advisory	Ex. K, III	
1992	Stand Up ... Native American Monument	Ex. K, III	
1992	Mayor of San Jose, proclamation	Ex. K, III	
1992.02.07	Cambra to Student Alliance	Ex. K, III	
1992.02.20-	Indigenous California Women, notice	Ex. K, III	
1992.03.04	A park to honor Indians	Ex. K, III	San Francisco Chronicle
1992.03.09	Castro to Cambra	Ex. K, III	
1992.03.12	Cambra to Kennedy	Ex. K, III	
1992.03.13	Bean to Cambra	Ex. K, III	
1992.03.18	S.J. women who made a difference	Ex. K, III	
1992.04.06	International Indian Treaty Council, statement	Ex. H, I, Appendix D	San Jose Mercury News
1992.04.06	International Indian Treaty Council	Ex. K, III	
1992.04.10	The Ohlone, exhibit announcements	Ex. K, III	
1992.04.21	Bean to Cambra, w. attachments	Ex. J, II, Appendix B	
1992.04.21	Bean to Cambra	Ex. K, III	Petitioner's office
1992.04.27	Anthony to Cambra	Ex. K, III	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1992.04.29	Cinco de Mayo notice	Ex. K, III	Stanford Daily
1992.05.19	Letter to editor, re Presidio	Ex. K, III	
1992.05.20	Cambra to Means	Ex. K, III	
1992.06.05	Gordon to Cambra	Ex. K, III	
1992.06.07	Native and African Americans combine forces	Ex. K, III	
1992.06.09	Community Consultation Initiative, summary	Ex. K, III	
1992.06.16	Newport to participants	Ex. K, III	
1992.06.20	Indians want to build Presidio culture center	Ex. K, III	
1992.07	The First Californians 1:1 (title page)	Ex. H, I, Appendix D	
1992.07	The First Californians 1:1 (cover page)	Ex. J, II, Appendix B	
1992.07.08	County of Santa Clara, memo	Ex. J, II, Appendix B	Petitioner's office Petitioner's office
1992.07.08	County of Santa Clara, memo	Ex. K, III	
1992.07.09	Ohlones to use Columbus Day celebrations	Ex. K, III	San Jose Mercury News
1992.07.13	California Indian Consultation Meeting	Ex. K, III	
1992.07.13	Cambra to Stockholm	Ex. K, III	
1992.07.13	Consultation Meetings, minutes	Ex. K, III	
1992.07.14	Rep. Panetta to Cambra	Ex. K, III	
1992.07.15	Indian tribes seek piece of U.S. pie	Ex. K, III	
1992.07.15	Resolution, of consultation conference	Ex. K, III	
1992.07.15	State's tribes struggle for federal recognition	Ex. K, III	
1992.07.20	San Francisco Supervisors, resolution	Ex. H, I, Appendix D	
1992.07.20	San Francisco Supervisors, resolution	Ex. K, III	
1992.07.21	County of Santa Clara, agreement for services	Ex. J, II, Appendix B	Petitioner's office
1992.07.21	County of Santa Clara, agreement for services	Ex. K, III	
1992.07.24	Slow death	Ex. K, III	San Jose Mercury News
1992.07.27	Cambra to Cranston	Ex. K, III	
1992.08.03	Cambra et al. to CALTRANS	Ex. J, II, Appendix B	Petitioner's office
1992.08.03	Cambra et al. to CALTRANS	Ex. K, III	
1992.08.03	Cambra to Inouye	Ex. K, III	San Francisco Independent
1992.08.16	Ohlones claim H.P. shipyard	Ex. K, III	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1992.09.10	Human Rights Commission, resolution	Ex. H, I, Appendix D	
1992.09.10	Human Rights Commission, resolution	Ex. K, III	
1992.09.22	Mayor Hancock to members and descendants	Ex. K, III	
1992.10.06	San Jose State, announcement	Ex. J, II, Appendix B	Petitioner's office
1992.10.06	San Jose State, announcement	Ex. K, III	
1992.10.09	Indian Treaty Conference, resolution	Ex. K, III	
1992.10.12	Seven Deers to Cambra	Ex. K, III	
1992.10.31	Costanoan Affiliated Tribes, agenda	Ex. K, III	
1992.10.31	Minutes, tribal council	Ex. K, III	
1992.11.12	Mayor Hancock to Cambra	Ex. K, III	
1992.11.13	Announcement	Ex. J, II, Appendix B	Petitioner's office
1992.11.13	Indian America Series, notice	Ex. K, III	
1992.11.14	C.E. Smith Museum, conference notice	Ex. J, II, Appendix B	
1992.11.14	C.E. Smith Museum, conference notice	Ex. K, III	
1992.12.09	BIA Area Director to tribal representatives	Ex. H, II, Appendix E	
1992.12.21	BIA Area Director to tribal representatives	Ex. H, II, Appendix E	
1992.12.21	BIA Area Director to AS-IA	Ex. H, II, Appendix E	
1992.12.22	Franco to Cambra	Ex. J, II, Appendix B	Petitioner's office
1992.12.22	Franco to Cambra	Ex. K, III, tab 1993	
1992.12.22	Franco to Cambra	Ex. K, III	
1993.02.11	Franco to Cambra	Ex. K, III	San Jose Mercury News
1993.03.03	If housing wins...	Ex. K, III	
1993.03.05	Gonzalez to Cambra	Ex. K, III	
1993.03.06	Minutes, tribal council	Ex. K, III	
1993.03.06	Muwekma Council meeting, agenda	Ex. K, III	
1993.03.12	South Bay Indigenous Quincentennial, notice	Ex. K, III	
1993.03.31	Ohlone tribe constructs ancestral village	Ex. K, III	
1993.07.03	Ohlone exhibit to be on display	Ex. K, III	San Jose Mercury News
1993.07.09	Sen. Feinstein to Cambra	Ex. K, III	
1993.07.12	Knies to Cambra	Ex. K, III	
1993.08.05	Aoki to Cambra	Ex. J, II, Appendix B	Petitioner's office

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1993.08.05	Aoki to Cambra	Ex. K, III	
1993.08.13	California Indian Conference, sign-in	Ex. K, III	
1993.08.13	Nihipali to Cambra	Ex. K, III	
1993.08.14	State's Indians want closed bases	Ex. K, III	San Jose Mercury News
1993.09.22	Mayor Hancock to all members and descendants	Ex. H, I, Appendix D	
1993.11.02	County of Santa Clara, contract amendment	Ex. J, II, Appendix B	Petitioner's office
1993.11.02	County of Santa Clara, contract amendment	Ex. K, III	
1993.12.08	Vic Mayor Alvarado to Cambra	Ex. J, II, Appendix B	Petitioner's office
1993.12.08	Vice Mayor Alvarado to Cambra	Ex. K, III	
1994	Gala Celebration, notice	Ex. K, III	
1994	Lindquist to ?	Ex. K, III	
1994.01.31	U.S. Army COE to Cambra	Ex. J, II, Appendix B	Petitioner's office
1994.01.31	U.S. Army COE to Cambra	Ex. K, III	
1994.02.14	California Secretary of State, resolution	Ex. H, I, Appendix D	
1994.02.14	Secretary of State, resolution	Ex. K, III	
1994.02.17	Association of the U.S. Army, resolution	Ex. H, I, Appendix D	
1994.02.17	Association of the U.S. Army, resolution	Ex. K, III	
1994.04.02	Annual Meeting, attendance list	Ex. K, III	
1994.04.02	Minutes of annual meeting	Ex. K, III	
1994.04.02	Muwekma Tribal Meeting, announcement	Ex. K, III	
1994.05.07-	Cultural Preservation Workshop, notice	Ex. J, II, Appendix B	Petitioner's office
1994.05.10	Cultural Preservation Workshop, notice	Ex. K, III	
1994.05.13	Mayor of San Jose, proclamation	Ex. H, I, Appendix D	
1994.05.13	Muwekma/Ohlone creation story	Ex. K, III, tab: 1990	
1994.05.13	To commemorate the history of San Jose	Ex. K, III	
1994.05.18	Rios to Cambra	Ex. K, III	
1994.05.23	BAR to Cambra	Ex. H, II, Appendix E	
1994.06.06	Cambra to Magdalena	Ex. J, II, Appendix B	Petitioner's office
1994.06.06	Cambra to Magdalena	Ex. K, III	
1994.07.25	Levin to Cambra	Ex. K, III	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1994.08.10	Dobin to Cambra	Ex. J, II, Appendix B	Petitioner's office
1994.08.10	Dobin to Cambra	Ex. K, III	
1994.08.28	Okorie to Mandela	Ex. K, III	
1994.09.04	Winter to Cambra	Ex. K, III	Petitioner's office
1994.09.15	Cambra to Quintero	Ex. K, III	
1994.09.19	City of San Jose, memorandum	Ex. J, II, Appendix B	
1994.09.19	City of San Jose, memorandum	Ex. K, III	Petitioner's office
1994.09.23	Karas to Cambra	Ex. K, III	
1994.09.27	Most to Cambra	Ex. K, III	
1994.09.29	Most to Cambra	Ex. K, III	Petitioner's office
1994.09.30	Gala Celebration, program	Ex. J, II, Appendix B	
1994.09.30	Gala Celebration, program	Ex. K, III	
1994.09.30	Pow-Wow, announcement	Ex. K, III	Petitioner's office
1994.10.08	Ohlone Park Mural, photos	Ex. K, III	
1994.10.11	Monterey County Supervisors, resolution	Ex. H, I, Appendix D	
1994.10.11	Monterey County Supervisors, resolution	Ex. K, III	Petitioner's office
1994.10.18	Rep. Rose to Cambra	Ex. H, II, Appendix E	
1994.10.18	Rep. Rose to Cambra	Ex. J, II, Appendix B	
1994.10.18	Rep. Rose to Cambra	Ex. K, III	Petitioner's office
1994.10.19	Turnage to Cambra	Ex. K, III	
1994.10.28	White House meeting, photo	Ex. K, III	
1994.11	Sonoma State Univ., report, pp.66-72	Ex. H, I, Appendix D	Petitioner's office
1994.11.10	National Conference of Christians & Jews, memo	Ex. H, I, Appendix D	
1994.12.09	Notice of Public Hearing	Ex. J, II, Appendix B	
1994.12.09	Notice of Public Hearing	Ex. K, III	Petitioner's office
1994.12.21	Alianza News article (2 p.)	Ex. H, I, Appendix D	
1995	Sample enrollment application	Ex. A, I, tab: Enrollment	
1995.01.11	Davenport to Cambra	Ex. K, III	Petitioner's office
1995.01.15	Membership Roll	Ex. A, I, tab: Enrollment	
1995.01.25	Bibliography (pp.35-87)	Petition	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

Date	Document	Exhibit	Source
1995.01.25	Constitution (pp.88-95)	Petition	
1995.01.25	Map, Costanoan Tribal Groups	Petition, p.i	
1995.01.25	Petition/Narrative (pp.1-34)	Petition	
1995.02.16	President Clinton to Cambra	Ex. H, II, Appendix E	Petitioner's office
1995.02.16	President Clinton to Cambra	Ex. J, II, Appendix B	
1995.02.16	President Clinton to Cambra	Ex. K, III	
1995.02.17	Notice of Public Hearing	Ex. K, III	
1995.03.23	Rosemary's War	Ex. K, III	
1995.04.06	BIA to Cambra	Ex. H, II, Appendix E	
1995.04.26	Cobarruviaz to BAR	Ex. K, III	
1995.04.28	Reception for BAR representatives, notice	Ex. K, III	
1995.04.28	Walsh to BAR	Ex. K, III	
1995.06.02	Lederer to Cambra	Ex. J, II, Appendix B	Petitioner's office
1995.06.02	Lederer to Cambra	Ex. K, III	
1995.06.03	Council meeting, photos	Ex. K, III	
1995.06.03	Council Meeting, agenda	Ex. K, III	
1995.06.03	Minutes, tribal council	Ex. K, III	
1995.06.03	Sign-in sheet	Ex. K, III	
1995.06.15	Mission Santa Clara Baptism Records	Ex. A, II, tab: Santa Clara Bat	
1995.06.26	Mission San Jose Baptisms	Ex. A, II, tab: San Jose Baptism	
1995.06.26	Mission San Jose Marriages	Ex. A, II, tab: San Jose Marriage	
1995.07.06	Genealogical info, six family lines	Ex. A, I, tab: Descendancy Chart	
1995.07.12	Enrollment database	Disk (Mu-enrol.ged)	
1995.08.01	Magdaleno to Cambra	Ex. H, II, Appendix E	Petitioner's office
1995.08.01	Magdaleno to Cambra	Ex. J, II, Appendix B	
1995.08.01	Magdaleno to Cambra	Ex. K, III	
1995.08.21	BIA Files 1909-1927 on Verona Band (pp.85-194)	Ex. B, Appendix A	RG 75, Roseburg & Calif. Sp.
1995.08.21	Introduction (pp.1-5)	Ex. B, p.1-5	
1995.08.21	Lineages of the Verona Band (pp.6-84)	Ex. B, p.6-84	
1995.08.24	ACCIP to unacknowledged tribal leaders	Ex. H, II, Appendix E	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>	
1995.08.24	Magdaleno to unacknowledged tribal leaders	Ex. J, II, Appendix B	Petitioner's office	
1995.08.24	Magdaleno to unacknowledged tribal leaders	Ex. K, III		
1995.09.18	BAR to Cambra	Ex. H, II, Appendix E		
1995.10.10	Rep. Lofgren to AS-IA Deer	Ex. H, II, Appendix E		
1995.10.11	Family origins database	Disk		
1995.10.11	Genealogical info, seven family lines	Ex. C, II		
1995.10.11	Genealogical info, three family lines	Ex. C, I		
1995.10.11	Petition/Narrative, rev'd (42 p.)	Petition		
1995.10.13	AS-IA, register of attendees	Ex. H, II, Appendix E		
1995.12.16	Annual meeting, photos	Ex. K, III		
1995.12.16	Annual membership meeting, announcement	Ex. K, III		
1995.12.16	Attendance list	Ex. K, III		
1995.12.16	Muwekma, Membership Meeting agenda	Ex. J, II, Appendix B		Petitioner's office
1996.01.22	BAR to Cambra	Ex. H, II, Appendix E		
1996.02.22	Cambra to Roth	Ex. H, II, Appendix E		Petitioner's office
1996.02.22	Saulque, ACCIP, to AS-IA Deer	Ex. H, II, Appendix E		
1996.02.22	Saulque, ACCIP, to AS-IA Deer	Ex. H, II, Appendix E	Petitioner's office	
1996.02.22	Saulque, ACCIP, to AS-IA Deer	Ex. J, II, Appendix B		
1996.03	Slagle, Response to Requests	Ex. K, III		
1996.03.12	Cambra to BAR (wo. encl.)	Ex. F		
1996.03.14	BIA to Magdaleno	Ex. H, II, Appendix E		
1996.03.15	Perez to Native American Heritage Commission	Ex. H, II, Appendix E		
1996.03.18	Myers, NAHC, to Perez	Ex. K, III		
1996.03.29	Santa Clara Univ., Memorandum of Agreement	Ex. K, III		
1996.03.29	Santa Clara Univ., Memorandum of Agreement	Ex. J, II, Appendix B		
1996.04	Slagle, Unfinished Justice (title & contents pages)	Ex. K, III		
1996.04	Slagle, Unfinished Justice II (cover & contents)	Ex. K, III	Petitioner's office	
1996.04.01	Cambra to Saulque, ACCIP	Ex. J, II, Appendix B		
1996.04.01	Cambra to Saulque, ACCIP	Ex. K, III		
1996.04.05	Ramirez to Cambra	Ex. J, II, Appendix B		

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1996.04.05	Ramirez to Cambra	Ex. K, III	
1996.04.05	Saulque, ACCIP, to BAR	Ex. J, II, Appendix B	Petitioner's office
1996.04.05	Saulque, ACCIP, to BAR	Ex. K, III	
1996.04.22	Perez to Native American Heritage Commission	Ex. K, III	
1996.05.24	BIA to Cambra	Ex. H, II, Appendix E	
1996.06	Obituary, Robert Corral	Ex. H, I, Appendix D	
1996.07	Muwekma Ohlone Times 1:1	Ex. K, III, tab: Newsletters	
1996.07.11	Santa Clara Univ. to Mayor Nadler	Ex. J, II, Appendix B	Petitioner's office
1996.07.11	Santa Clara Univ. to Mayor Nadler	Ex. K, III	
1996.07.29	Meeting with Rep. Lofgren, photos	Ex. K, III	
1996.08.01	Cambra to Rep. Lofgren	Ex. K, III	
1996.08.12	Rep. Lofgren to AS-IA Deer	Ex. J, II, Appendix B	Petitioner's office
1996.08.12	Rep. Lofgren to AS-IA Deer	Ex. K, III	
1996.08.20	App. A: Historical and Genealogical Information	Ex. E	
1996.08.20	Archaeological Investigations at <i>Kaphan Umux</i>	Ex. E	
1996.08.20	Chp. 12: Ethnohistory of Santa Clara Valley	Ex. E	
1996.08.24	Dolores Sanchez, 84, tribal elder	Ex. H, I, Appendix D	San Jose Mercury News
1996.08.24	Dolores Sanchez, 84, tribal elder	Ex. K, III	San Jose Mercury News
1996.09	Archaeological Investigations, Chp. 12-13	Ex. H, II, Appendix G	
1996.09.03	BIA to Rep. Lofgren	Ex. H, II, Appendix E	
1996.09.03	BIA to Rep. Lofgren	Ex. J, II, Appendix B	Petitioner's office
1996.09.03	BIA to Rep. Lofgren	Ex. K, III	
1996.09.09	Cambra to AS-IA Deer (9 p.)	Ex. J, II, Appendix B	Petitioner's office
1996.09.09	Cambra to AS-IA Deer (9 p.)	Ex. K, III	
1996.09.14	Resolution	Ex. J, II, Appendix B	Petitioner's office
1996.09.14	Resolution	Ex. K, III	
1996.09.19	City Year to Cambra	Ex. K, III	
1996.09.27	Tamien Mural Project (cover?)	Ex. J, II, Appendix B	Petitioner's office
1996.09.27	Tamien Mural Project	Ex. K, III	
1996.10.10	BIA to Cambra (T.A. letter)	Ex. H, II, Appendix E	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

Date	Document	Exhibit	Source
1996.10.11	Stanford University, invitation	Ex. H, I, Appendix D	
1996.11.14	Muwekma's Response	Ex. H, I	
1996.12	City of Palo Alto, Memorandum of Agreement	Ex. K, III, tab 1997	Petitioner's office
1996.12.06	Cambra to American Indian Alliance	Ex. J, II, Appendix B	
1996.12.06	Cambra to American Indian Alliance	Ex. K, III	
1996.12.13	Grannell to Rosemary	Ex. J, II, Appendix B	Petitioner's office
1996.12.13	Grannell to Rosemary	Ex. K, III	
1996.12.15	Special meeting to discuss 40 acre site	Ex. K, III	
1997.01.10	Jones to Cambra	Ex. K, III	
1997.01.11	Attendance list	Ex. K, III	
1997.01.11	Council meeting, photos	Ex. K, III	
1997.01.11	Minutes of tribal council	Ex. K, III	
1997.01.22	City of Palo Alto to Cambra, w. agreement	Ex. J, II, Appendix B	Petitioner's office
1997.01.22	Jacobs to Cambra	Ex. K, III	
1997.02	News From The Muwekma 1:1	Ex. K, III, tab: Newsletters	
1997.02.20	Honoring Diversity, notice	Ex. K, III	
1997.03.28	Introduction (pp.1-5)	Ex. B rev'd, p.1-5	
1997.03.28	Lineages of the Verona Band (pp.6-99)	Ex. B rev'd, p.6-99	
1997.03.28	Maps, 1797-1932	Ex. I, Sec.3	
1997.03.28	Maps, Costanoan Tribal Groups	Ex. I, Sec.4	
1997.03.28	Maps Showing Residential Locations	Ex. I, Sec.2	
1997.03.28	Summary Distribution of Muwekma Tribal Members	Ex. I, Sec.1	
1997.04.12	Alameda Reburial Ceremony, notice	Ex. K, III	
1997.04.12	Resolution	Ex. J, II, Appendix B	Petitioner's office
1997.04.24	McNulty to Perez	Ex. K, III	
1997.04.30	Perez to McNulty (5 p.)	Ex. K, III	
1997.05	News From The Muwekma 1:3	Ex. K, III, tab: Newsletters	
1997.06	News From The Muwekma 1:4	Ex. K, III, tab: Newsletters	
1997.07	News From The Muwekma 1:5	Ex. K, III, tab: Newsletters	
1997.07.12	Annual meeting, notice	Ex. K, III	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
1997.07.12	Annual meeting, photos	Ex. K, III	
1997.07.12	Attendance list	Ex. K, III	
1997.07.12	Minutes of council meeting	Ex. K, III	
1997.07.18	Eagle Ridge Native American Burial Agreement	Ex. J, II, Appendix B	Petitioner's office
1997.07.18	Eagle Ridge Native American Burial Agreement	Ex. K, III	
1997.07.25	Cross to Cambra	Ex. J, II, Appendix B	Petitioner's office
1997.07.25	Cross to Cambra	Ex. K, III	
1997.07.28	Larson to All Participants	Ex. J, II, Appendix B	Petitioner's office
1997.07.28	Larson to All Participants	Ex. K, III	
1997.08	News From The Muwekma 1:6	Ex. K, III, tab: Newsletters	
1997.08.17	Aloha Festival, photos	Ex. K, III	
1997.08.23	Magdaleno to unacknowledged tribes	Ex. K, III	
1997.08.25	Leventhal to Whom it May Concern	Ex. K, III	
1997.09	Reburial ceremony, photos	Ex. K, III	
1997.09.04	Cassidy to Cambra	Ex. K, III	
1997.09.11	Campbell Union School Dist., certificate	Ex. K, III	
1997.09.20	Previous Recognition Workshop, sign-in sheet	Ex. K, III	
1997.09.26	Darrah to Cambra	Ex. J, II, Appendix B	Petitioner's office
1997.09.26	Darrah to Cambra	Ex. K, III	
1997.09.27	Muwekma Ohlone Tribal Workshop, notice	Ex. J, II, Appendix B	Petitioner's office
1997.09.27	Sign-in sheet	Ex. K, III	
1997.09.27	Tribal Workshop, notice	Ex. K, III	
1997.10	News From The Muwekma 1:7	Ex. K, III, tab: Newsletters	
1997.10.24	Field Trip to Jasper Ridge, notice	Ex. K, III	
1997.11	News From The Muwekma 1:8	Ex. K, III, tab: Newsletters	
1997.11.05	Leventhal to United Indian Nations	Ex. K, III	
1997.11.08	Resolution	Ex. J, II, Appendix B	Petitioner's office
1997.11.08	Resolution	Ex. K, III	
1997.12	News From The Muwekma 2:1	Ex. K, III, tab: Newsletters	
1997.12.08	Cambra to AS-IA Gover	Ex. J, II, Appendix B	Petitioner's office

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

Date	Document	Exhibit	Source
1997.12.08	Camra to AS-IA Gover	Ex. K, III	
1998.01	Reponse to T.A. letters (103 p.)	Ex. J, I	
1998.01	Statements 1-15 (pp.1-103)	Ex. J, I	
1998.01.01	Linker to Mr. and Mrs. Galvan	Ex. K, III	
1998.01.15	1987 to Present Timeline	Ex. J, II, sec.4	
1998.01.15	Additional Responses to [T.A.] Questions	Ex. J, II, sec.2	
1998.01.15	Core Family Analysis	Ex. J, II, sec.1	
1998.01.15	membership list (3 p.)	Ex. J, II, sec.1	
1998.01.15	Skeletal Timeline	Ex. J, II, sec.3	
1998.02	News From The Muwekma 2:2	Ex. K, III, tab: Newsletters	
1998.02.04	Leventhal to Russ	Ex. K, III	
1998.02.07	Camra to Linker	Ex. K, III	
1998.02.20	Sanchez to Walker	Ex. K, III	
1998.03.11	Dunning to Rodrigues	Ex. K, III	
1998.03.13	Leventhal to Long	Ex. K, III	
1998.03.15	Attendance list	Ex. K, III	
1998.03.15	Council meeting, agenda	Ex. K, III	
1998.03.15	Council meeting, photos	Ex. K, III	
1998.04.18	Constitution	Ex. K, folder (no label)	
1998.04.18	Council meeting, agenda	Ex. K, III	
1998.04.18	Council meeting, photos	Ex. K, III	
1998.04.18	Minutes of council meeting	Ex. K, III	
1998.04.29	NPS to Camra	Ex. K, III	
1998.05.04	Chaix to Camra	Ex. K, III	
1998.05.05	Summary of meeting with NPS	Ex. K, III	
1998.05.06	Enrollment ordinance	Ex. K, folder (no label)	
1998.05.06	Rodriguez to Camra	Ex. K, III	
1998.06.02	1984 to Present Timeline (18 p.)	Ex. K, III	
1998.06.02	Core Families Analysis (pp.2-11)	Ex. K, II	
1998.06.02	Database Report #1	Ex. K, II	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

Date	Document	Exhibit	Source
1998.06.02	Database Report #2		
1998.06.02	Kinship lists for core families	Ex. K, II	
1998.06.02	Kinship lists for deceased members	Ex. K, folder 6A	
1998.06.02	Kinship lists, roll #001-015	Ex. K, folder 6	
1998.06.02	Kinship lists, roll #016-030	Ex. K, folder #001-015	
1998.06.02	Kinship lists, roll #031-045	Ex. K, folder #016-030	
1998.06.02	Kinship lists, roll #046-060	Ex. K, folder #031-045	
1998.06.02	Kinship lists, roll #061-075	Ex. K, folder #046-060	
1998.06.02	Kinship lists, roll #076-090	Ex. K, folder #061-075	
1998.06.02	Kinship lists, roll #091-105	Ex. K, folder #076-090	
1998.06.02	Kinship lists, roll #107-122	Ex. K, folder #091-105	
1998.06.02	Kinship lists, roll #123-137	Ex. K, folder #107-122	
1998.06.02	Kinship lists, roll #138-152	Ex. K, folder #123-137	
1998.06.02	Kinship lists, roll #153-167	Ex. K, folder #138-152	
1998.06.02	Kinship lists, roll #168-183	Ex. K, folder #153-167	
1998.06.02	Kinship lists, roll #184-198	Ex. K, folder #168-183	
1998.06.02	Kinship lists, roll #199-214	Ex. K, folder #184-198	
1998.06.02	Kinship lists, roll #215-229	Ex. K, folder #199-214	
1998.06.02	Kinship lists, roll #230-244	Ex. K, folder #215-229	
1998.06.02	Kinship lists, roll #245-259	Ex. K, folder #230-244	
1998.06.02	Kinship lists, roll #260-275	Ex. K, folder #245-259	
1998.06.02	Kinship lists, roll #276-290	Ex. K, folder #260-275	
1998.06.02	Kinship lists, roll #291-305	Ex. K, folder #276-290	
1998.06.02	Kinship lists, roll #306-320	Ex. K, folder #291-305	
1998.06.02	Kinship lists, roll #321-335	Ex. K, folder #306-320	
1998.06.02	Kinship lists, roll #336-350	Ex. K, folder #321-335	
1998.06.02	Kinship lists, roll #351-365	Ex. K, folder #336-350	
1998.06.02	Kinship lists, roll #366-380	Ex. K, folder #351-365	
1998.06.02	Kinship lists, roll #381-395	Ex. K, folder #366-380	
1998.06.02	Kinship lists, roll #396-405	Ex. K, folder #381-395	
1998.06.02		Ex. K, folder #396-405	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

Date	Document	Exhibit	Source
1998.06.02	List of funeral parties	Ex. K, folder 5	
1998.06.02	List of households, alphabetical	Ex. K, folder: Supplement	
1998.06.02	List of recorded marriages	Ex. K, folder 4	
1998.06.02	List of wedding parties	Ex. K, folder 4	
1998.06.02	Maps of households (#1-40)	Ex. K, folder: Supplement	
1998.06.02	Membership list	Ex. K, II	
1998.06.02	Membership roll	Ex. K, folder 6B	
1998.06.02	Report: Baptisms and Godparenting, by decade	Ex. K, folder 3	
1998.06.02	Report: Godparenting	Ex. K, folder 2	
1998.06.02	Report: Social Networking Patterns (2 vols.)	Ex. K, folder 1	
1998.06.02	Responses to Questions (pp.12-15)	Ex. K, II	
1998.06.02	Table of contents	Ex. K, folder: Contents	
1998.06.02	Video: funeral of Lopez	Ex. K, IV	
2000.09.22	Ancestor Charts, #001-156	Ex. L, I, Section V	
2000.09.22	Ancestor Charts, #157-405	Ex. L, II, Section V (cont.)	
2000.09.22	Coding references and notes, re database	Ex. L, I, Section V	
2000.09.22	Descendancy chart for Liberato Culpese	Ex. L, I, Section III	
2000.09.22	Membership roll, by surname	Ex. L, I, Section IV-B	
2000.09.22	Membership roll, by roll number	Ex. L, I, Section IV-A	
2000.09.22	Numbering Key and Identifying Facts	Ex. L, I, Section I	
2000.09.22	Numbering Key and Identifying Facts	Ex. L, I, Section II	
2000.09.22	Reference code and color coding legend	Ex. L, I, Section V	
2000.09.22	Resource address list	Ex. L, II, Section VI	
2000.09.22	Transcription and Numbering Key	Ex. L, I, Section I	
2000.09.22	Transcription and Numbering Key	Ex. L, I, Section II	
2000.10.10	Six Documented Lineages (7 sections)	Ex. L, add., Section VIII	
2001.02.12	Cambra to BAR (27 p.)	Letter 2/9/2001	
2001.02.12	Overview of Evidence for 25 CFR 83.7	Letter 2/9/2001, Attachment A	
2001.02.12	Index and Dates of Petition Documentation	Letter 2/9/2001, Attachment B	
2001.02.12	Synthesis of Petition Materials	Letter 2/9/2001, Attachment C	

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
n.d.	A Plan for the Mission San Jose	Ex. J, I, Appendix A	
n.d.	AHHS, Ohlone Indian Cemetery	Ex. J, I, Appendix A	
n.d.	Articles of Incorporation, draft	Ex. J, I, Appendix A	
n.d.	Burying the past....	Ex. K, III, tab 1996	
n.d.	Campbell Union School District, certificate	Ex. J, II, Appendix B	Petitioner's office
n.d.	Census of Indians in Sacramento County	Ex. H, I, Appendix B	
n.d.	Cornate family history, notes	Ex. B, Appendix B	
n.d.	Cornate family history, notes	Ex. H, I, Appendix D	
n.d.	Cornate family history	Ex. J, I, Appendix A	
n.d.	Cornate family history	Ex. J, II, Appendix A, n.11	U.C. Riverside, Costo Collection
n.d.	Cornate family history, notes	Ex. L, II, Section VII-C	U.C. Riverside, Costo Collection
n.d.	Costo to Martinez	Ex. H, I, Appendix D	
n.d.	Dept. of Energy to Cambra	Ex. J, II, Appendix B	Petitioner's office
n.d.	Dept. of Energy to Myers, NAHC	Ex. J, II, Appendix B	Petitioner's office
n.d.	Dept. of Energy to Cambra	Ex. K, III, tab 1996	
n.d.	Dept. of Energy to Myers	Ex. K, III, tab 1996	
n.d.	Descendancy charts	Ex. H, II, Appendix F	
n.d.	Enrollment ordinance	Ex. A, I, tab: Enrollment	
n.d.	Family history form, Ohlone Band of Miwuk	Ex. J, I, Appendix A	
n.d.	Family Locations at Ohlone Indian Cemetery	Ex. J, I, Appendix A	
n.d.	Femont Golf Course Opposed	Ex. K, III, tab: 1991	
n.d.	Heizer, Introduction to Kelsey's Census	Ex. H, I, Appendix B	
n.d.	Honoring Diversity announcement	Ex. J, II, Appendix B	Petitioner's office
n.d.	Indians delay S.J. street project	Ex. K, III	
n.d.	Letter to Dear Philip	Ex. J, I, Appendix A	
n.d.	Listing of Members	Ex. J, I, Appendix A	
n.d.	Listing of Members of the Ohlone Chapter	Ex. J, II, Appendix A, n.86	U.C. Riverside, Costo Collection
n.d.	Listing of Members	Ex. L, II, Section VII-C	
n.d.	Listing of Ohlone contacts	Ex. J, I, Appendix A	
n.d.	Listing of Ohlone Contacts	Ex. J, II, Appendix A, n.85	U.C. Riverside, Costo Collection

**Muwekma: Proposed Finding - Appendix: Petitioner's documents**

<b>Date</b>	<b>Document</b>	<b>Exhibit</b>	<b>Source</b>
n.d.	Listing of Ohlone Contacts	Ex. L, II, Section VII-C	
n.d.	Map, Alameda County	Ex. B, Appendix C	
n.d.	Map, Costanoan Tribal Groups	Ex. B, Appendix C	Milliken 1994
n.d.	Map, Mission of San Jose	Ex. B, Appendix C	Bennyhoff 1977
n.d.	Map of "Muwekma Lineages"	Ex. A, I	
n.d.	Map, road map	Ex. B, Appendix C	
n.d.	Map, road map	Ex. H, I, Appendix B	
n.d.	Map, San Leandro to San Lorenzo Creek	Ex. B, Appendix C	
n.d.	Maps (pp.215-)	Ex. B, Appendix C	
n.d.	Maria Dolores Sanchez	Ex. K, III, tab 1996	
n.d.	Ohlones of California, handwritten notes	Ex. B, Appendix B	
n.d.	Ohlones of California	Ex. J, I, Appendix A	
n.d.	Ohlones of California	Ex. L, II, Section VII-C	U.C. Riverside, Costo Collection
n.d.	Ohlones trace roots back to Mission	Ex. K, III	
n.d.	SJUSD aims to create Muwekma center	Ex. K, III, tab 1997	
n.d.	Special meeting to discuss 40 acre site	Ex. J, II, Appendix B	Petitioner's office
n.d.	Supporting Historical Documents (pp.196-215)	Ex. B, Appendix B	
n.d.	Video: Back from Extinction	Ex. G	

Proposed Finding  
on the  
OHLONE/COSTANOAN MUWEKMA TRIBE

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**Sources Cited**

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ca. 1966a Listing of Members, Ohlone Chapter, n.d. [ca. 1966?]. Ex. J, v. I, app. A, and Ex. J, v. II, app. A, n.86.

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4/2/ 1971 Excerpt of minutes *re:* The Ohlone Indian Cemetery, Apr. 2, 1971. Rupert Costo Collection, University of California, Riverside. Ex. J, v. I, app. A, and Ex. J, v. II, app. A, n.103.

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9/30/ 1994 Flyer announcing 10<sup>th</sup> American Indian Music Festival and Pow-wow, September 10, 1994. Ex. K, v. III, tab 1994.

**Anonymous**

ca. 1971 Letter to "Dear Philip" [Galvan], n.d [ca. Mar.-June 1971]. Ex. J, v. I, app. A.

3/25/ 1983 Letter to Virgilio Biasiol O.F.M., Director, Santa Barbara Archive Library, March 25, 1983. Ex. J, v. I, app. A.

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4/27/ 1992 Letter to Rosemary Cambra, April 27, 1992. Ex. K, v. III, tab 1992.

*The Argus*

4/29/91 Two Ohlones claim their tribe's leadership, April 29, 1991. Ex. K, v. III, tab 1991.

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6/12/ 1971 Resolution of Board of Directors on Ohlone Indian Cemetery, June 12, 1971. [In *Indian Historian* 1971.] Ex. H, v. I, app. D, and Ex. J, v. I, app. A.

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7/13/ 1992 Resolution, July 13, 1992. Ex. K, v. III, tab 1992.

### Cambra, Rosemary

11/19/ 1984 Letter to Governor George Deukmejian, Nov. 19, 1984. Ex. K, v. III, tab 1984-1987.

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*See:* U.S. Bureau of the Census
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