

Ohlone/Costanoan-Esselen Nation



Previously acknowledged as
The San Carlos Band of
Mission Indians
The Monterey Band
And also known as
O.C.E.N. or Esselen Nation
P.O. Box 1301
Monterey, CA 93942

www.ohlonecostanoanesselelnation.org.

July 25, 2013

Kevin Washburn
Assistant Secretary – Indian Affairs
MS – 4141 – MIB
1840 C. Street N.W.
Washington, D. C. 20240

Saleki Atsa Assistant Secretary Mr. Kevin Washburn,

The Ohlone/Costanoan-Esselen Nation (OCEN) is currently in the process of reaffirming its status as an American Indian tribe with the Bureau of Indian Affairs through the Federal Acknowledgement Process administered by the Office of Federal Acknowledgment (OFA), petitioner 132. The Ohlone/Costanoan-Esselen Nation leadership submitted our tribal petition and narrative to BAR/OFA on January 25, 1995 during a meeting at the White House in Washington, D.C. The completed petition, which meets all acknowledgement criteria, was hand-delivered to the BAR/OFA in August 1995. **At present, we continue to work towards the goal of reaffirming our previous status as a Federally Recognized Tribe and with this letter certify our intent to continue with our petition filing.**

In 1883 Special Indian Agent Helen Hunt Jackson identified our tribe as the “San Carlos Indians, living near the old San Carlos Mission at Monterey” and she wrote to the Commissioner of Indian Affairs notifying him about placing our tribe along with the Santa Ynez Chumash directly under her jurisdiction [see Heizer, ed 1979 Federal Concern About Conditions of California Indians 1853 to 1913: Eight Documents Ballena Press Publication No. 13, page 88.]

Ohlone/Costanoan-Esselen Nation was never legally terminated by any Act of Congress, Executive Order or Court Decision; in fact the lineages comprising the Ohlone/Costanoan-Esselen Nation’s historic community were formally "recognized" by the United States Government as the "Monterey Band of Monterey County" identified by Special Indian Agent Charles E. Kelsey and others. The Monterey Band, as with other federally recognized tribes of California, was placed under the **jurisdiction** of the Bureau of Indian Affairs in Washington, D.C., under the auspices of the Reno and later, Sacramento Agencies between 1906 to at least 1923. As a result of the discovery in 1905 of the 18 unratified treaties negotiated between the United States and California tribes, and the ensuing Congressional Appropriation Acts of 1906 and 1908 (and later years), the Monterey Band became federally recognized while waiting for purchase of homesite(s). **Our tribe was specifically named in the Bureau of Indian Affairs' special Indian census, as well as by its agents' correspondences and reports. Kelsey’s Indian Census identified Tom Santos Miranda and family (Agnes Inez Garcia and children Thomas Anthony Miranda, Mary Guadalupe Miranda) residing at the Sur Rancheria, Monterey County. OCEN today list 100+ Tribal Members directly descended from Tomas Santos and Agnes Inez Garcia Miranda.**

Although we were formally recognized, due to an administrative error, our tribe was overlooked and neglected under the Congressional Acts to purchase land for landless and homeless California Indian bands and tribes. **The Monterey Band of Monterey did not have any land purchased for our landless community, yet Sacramento Superintendent Dorrington did not include our band among the 135 tribes he administratively dropped in 1927. The tribe dates the federal government's neglect of OCEN/Monterey Band as an acknowledged tribe to this period.** Based upon the repeated requests by our tribal government and Congressman Sam Farr to OFA for a determination of previous Federal Recognition, Mr. Fleming seems fit to ignore these requests and forego previous recognition (25 CFR 83.8). and instead suggests that we request to go on Active Consideration.

It appears that OFA closed the door on any previously recognized requests, after OFA issued positive determinations for Muwekma and Tsnungwe Council in 1996. As in the case of the Samish tribe, OFA can not explain how these tribes legally lost the acknowledged status, especially when the BIA agrees that they were never Terminated by any act of Congress (see HR 4180 passed in 1994).

Without any benefits from the government and with only minimal compensation for the theft of California Indian lands, our families enrolled with the BIA in 1928-1932, 1948-1955 and 1968-1972. For the loss of 8,500,000 acres of land that was to be set aside for Indians as specified in the 18 Treaties of 1851-1852, our people were paid \$150.00 per person in the 1950s. During the course of the 1928-1932 BIA enrollments our tribe specifically identified itself as a distinct political entity as the **Mission Carmel Tribe**; thus distinguishing our community from the other two historic and previously recognized Costanoan tribal bands whom also distinguished themselves as the **Mission San Juan Bautista Tribe** (Amah-Mutsun) and the **Mission San Jose Tribe** (Muwekma).

For the rest of the value of the remaining 64,480,000 acres, our people were paid with interest back to 1852, the sum of \$668.61 in 1972. Our ancestors were here for over 10,000 years and in 1972 the United States admitted that the land was illegally taken from the California Indians, but the only compensation for the theft of our lands was approximately \$700.00 with which to build our futures. The BIA/OFA claims to have recognized our community members as Mission Carmel Indians, but only as individuals, and claims that the 1928 Judgment Rolls did not recognize a collective community. Not trusting the BIA, some of our ancestors refused to file and some individuals sent their checks back requesting land instead.

Our direct ancestors served as linguistic and cultural consultants to Alexander Taylor (1856), Alfred Kroeber (1902-1910), C. Hart Merriam (1902-1922) and John P. Harrington, Field Ethnologist for the Smithsonian Museum's Bureau of American Ethnology (1939-1930), as well as other linguists and anthropologists.

As you already know, **since its inception in 1978, the Federal Acknowledgment Process has acknowledged or resolved less than 20 tribes by Congress or other means; yet, they have received letters of intent from 352 groups.** In some cases, such as the Cowlitz, Samish, Chinook and others, it has taken 20 to 25 years to negotiate this arduous process, ultimately leading for many to the denial of their status as Indian tribes. The Muwekma Ohlone of the San Francisco Bay Area has fought for their reaffirmation for more than 30 years, and everyone knows based upon the published Final Determination, that OFA did not review Muwekma's entire petition stating that there was no need to review documents before 1927 or after 1985, and then OFA had the nerve to revoke Muwekma's previously recognized status during the Final Determination. This constitutes bureaucratic fraud, deceit and incompetence. Furthermore, the Acknowledgment process (25 CFR Part 83) has been rendered invisible to the American public.

Indian Country Newsmagazine prints "The Federal recognition process is a travesty, but who can fix it?" At the Oversight Hearing on Federal Recognition: Political and Legal Relationship between Government hearings stated goal was "to examine the process of recognizing tribes through the Administrative and Congressional Processes. The panelists describe the "BIA's Federal Acknowledgment Process as broken, long, expensive, burdensome, intrusive, unfair, arbitrary and capricious, less than transparent, unpredictable and subject to undue political influence and manipulation." The BIA's requires that a tribe have continuity, our ancestors continued contact through weddings, baptisms, funerals and other events but were forced from our homelands, hiding in the mountains or identifying at times as Mexican. Our people did not abandon our tribal relations as a tribe; we were forced to hide our relationships. During this time California paid \$2.5 million dollars for the scalps of California Indians at \$5 dollars each, no wonder why our ancestors and other Indians hid their identity. The Federal Acknowledgment Process is fatally flawed and is designed to further disenfranchise legitimate and previously federally recognized tribes especially those previously recognized tribes and bands of California.

Nonetheless, our people, our tribe continues to thrive by revitalizing our tribal government, community and heritage. We actively participate in waking our language which has slept for over 70 years due to the forced removal of children to schools where punishment was quick for speaking our words. We are working on the Esselen language through brochures, coloring books, prayers and ceremony.

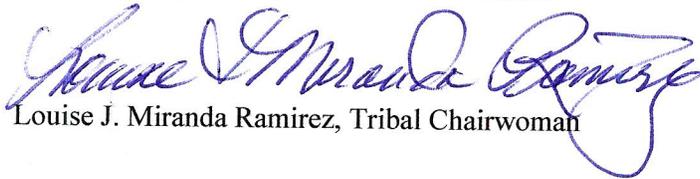
At tribal events we return the arts of basket weaving, clapper sticks, tule boats and mats making, and abalone jewelry shaping. We teach our children the importance of respect for elders and truth. We work to teach our history so that our young people will know who they are and where they come from. We teach everyone the importance of being together as a people and working together. We recognize that we are here because of our ancestors who came before us and gave us life and direction. Today and always we will continue to fight for the rights to land, acknowledgement by the cities disturbing our ancestral burial grounds in the name of progress and the federal acknowledgment that our *Las Ewshai*, our ancestors were denied. As an historic tribe that is politically acknowledged within our aboriginal homeland we have worked to educate the local community regarding our history by participating with schools, organizations and political parties. These actions should be included as part of the requirement for meeting the criteria of an historic tribe seeking reaffirmation by the federal government.

Our men and women have served in the United States Armed Forces. Even before we became citizens in 1924, our men served overseas in World War I. During World War II, our men served once again overseas in both the Pacific and European Theaters. Our people have served in Korea and Vietnam, Iraq and some serve in the Armed Forces today. At our events and website we honor our warriors (men and women in uniform) with a display of photographs.

For over ten thousand years, the Esselen, Monterey Costanoan, Carmeleno, Rumsen, Achastan, Guatcharron and Chalon Indians have lived in the Monterey Bay area without interruption. Despite missionization, government changes, broken treaties, devastation to our culture, and loss of land, we have survived. All of these people and tribal areas are united as **Ohlone/Costanoan-Esselen Nation**.

Today OCEN has 700 enrolled tribal members all with genealogy proven to our 13 core lineages. We established a formal Tribal Government, Tribal Constitution and Bylaws. We have a Non-Profit Organization, whose sole purpose is to support the OCEN people. We request that as a previously federally recognized historic tribe, you with your authority as Assistant Secretary acknowledge our request for Federal Reaffirmation as an Acknowledge tribe.

Nimasianexelpasaleki, OCEN Tribal Council:



Louise J. Miranda Ramirez, Tribal Chairwoman

Christianne Najera, Vice-Chairwoman
Alexandria Casares, Councilmember
Joseph Kavanagh, Councilmember
Alfonso Rodriguez, Councilmember

Pauline L. Arias, Councilmember
Chesney Grant, Councilmember
Delphina Penrod, Councilmember
Sheryl Varien, Interim Councilmember