Indian Affairs - Office of Public Affairs

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(WASHINGTON, D.C.) – Assistant Secretary - Indian Affairs Neal McCaleb today issued a proposed finding to decline to acknowledge the Ohlone/Costanoan Muwekma Tribe, also known as the "Muwekma Tribe," the 400-member group based in San Jose, Calif. The Assistant Secretary found that the petitioner did not meet three of the seven mandatory criteria for Federal acknowledgement under 25 CFR Part 83, thereby automatically resulting in a proposed negative finding.

The Muwekma had filed a petition under the Bureau of Indian Affairs administrative process for Federal acknowledgment. Under the regulations, the petitioner has the burden to provide evidence under the seven criteria. In reviewing the evidence, Bureau experts found that the petitioner did not meet three of the criteria.

The first criterion requires that outsiders such as government officials, researchers, newspaper reporters and others would have identified them as an Indian entity on a continuous basis. No documents identified the petitioner as an Indian entity between 1927 and 1985 -- the year the Muwekma founded their current organization.

The second criterion requires the petitioner demonstrate that it lives in a social community. The evidence did not to show that the group constituted a community with a broad base of participation among members on varied issues. According to the petitioner's own evidence, a majority of members were not part of the group before 1995.

The third criterion requires the petitioner to show named political leaders and that it has political influence over its members. The petitioner's evidence did not to show that it had maintained group decision-making processes from 1927 to the present. No political activities or leaders were specified between 1927 and 1985. Since 1985, however, some members were involved in archeological monitoring and public displays of heritage, but little evidence was shown that decisions were made or problems solved using group processes that involved the membership as a whole.

However, the petitioner did meet four criteria: it submitted a governing document; submitted evidence that all of its members descend from individuals on residential censuses of Indian settlements near Pleasanton, Calif., between 1905 and 1910, or descend from siblings of those residents; its members are not enrolled with federally recognized tribes; and the group or its members have not been terminated by congressional act. Today's proposed finding was made following a January 16, 2001, U.S. District Court decision ordering the Bureau to issue a proposed finding in the case by today. The Muwekma brought the suit to speed up the government's processing of their petition. The public and interested parties may now submit comments until October 29, 2001, to the Assistant Secretary – Indian Affairs, Attention: Branch of Acknowledgement and Research, 1849 C Street, N.W., MS-4660-MIB, Washington, D.C. 20240. After the Muwekma have had an opportunity to respond to the finding and public comments, the Bureau will issue a final determination by March 11, 2002.

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