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Tribal Government Services - AR

MAY - 1 1985

Mr. William Leonard
American Indian Council
of Mariposa County
P.O. Box 1200
Mariposa, California 95338

Dear Mr. Leonard:

The Branch of Acknowledgment and Research has conducted a preliminary review of the petition for Federal acknowledgment submitted by your group in order to identify obvious deficiencies and significant omissions, as required by the Acknowledgment regulations in 25 CFR 83.9(b). Although the documented petition reads well and reflects substantial research, there are several areas where we feel additional discussion and documentation are necessary to strengthen the petition. The questions and requests for documentation outlined below indicate the areas which we strongly recommend you supplement before the petition is placed on active consideration. In addition, we have attempted to anticipate other information which may speed the evaluation of the petition at the time it is placed on active consideration.

The Spanish settled northern California around 1775, establishing missions and a presidio in San Francisco and then agricultural settlements in the San Jose Valley, Sacramento, Modesto, Merced, etc. Thus, by the turn of the century there was a well established Spanish presence within 80 to 100 miles of the Yosemite Valley. Moreover, the first headman of the Yosemite contacted by non-Spanish American forces, Bautista, not only had a Spanish name but was said to have spoken Spanish. The petition, however, mentions only two sources of Spanish contact with the Yosemite and no Mexican contacts (i.e., between 1822 and 1848). Moreover, the Spanish contacts recorded by Munoz in 1806 and Duran in 1817 are not substantive, according to statements made in the petition. Is it the consensus of your researchers that all Spanish/Mexican sources of contact with the Yosemite Indians have been exhausted; that a careful search into early Spanish/Mexican records would reveal no further ethnographic data about the Indian inhabitants of the Yosemite Valley?

Please submit copies of the documents remaining from the expeditions of Gabriel Moraga and Pedro Munoz during their explorations of 1806, when they were said to have contacted the Southern Sierra Miwok Indians. In addition, we would appreciate your submitting copies of the references or writings regarding the travels and observations made by Jedediah Smith in 1826-27 and those of Joseph Walker in 1833.

Please provide more detail concerning the settlements and populations located outside of the valley; not all of these appear to have been derived from the valley settlements themselves. A separate, systematic summary and map of post-1853 settlement locations would be useful. You may wish to elaborate on the statement in the petition that the group is "always in lineally based core groups among which others could reside." Please

discuss in particular the origins and history of the settlement on the John C. Fremont 1847 grant of lands for Indians about which the petition states "the various Indian families have lived there ever since (1847)."

For the period between 1851 and 1880, please provide a more detailed and specific account of the identification, political processes and community of the Yosemite Indians either in the valley or in nearby areas, distinguishing them from other Southern Sierra Miwok or other Indian groups in the immediate area. What happened after the Yosemite "dispersed" (as mentioned in the petition) in 1853. Is there any evidence available concerning the occupation during the 1851-1880 period of the settlements described by Merriam and others around the turn of the century?

On page 74 of the petition narrative, mention is made of the 1874 ruling by a California court forcing the private landowners in the Yosemite Valley to sell their holdings to the State. What was the specific effect of this decision and subsequent sale of land on the Yosemite Indians resident there at that time?

Several mentions were made at various places in the petition narrative concerning the residents of the Tuolumne Miwok Rancheria. Please describe the historical relationship between members of that rancheria and the petitioner, i.e., how long and to what extent this relationship has existed, and state whether there are any kinship ties between the two entities.

Please provide more detail from ethnographic, interview or documentary sources concerning leadership and political processes of the group from 1930 to 1970, and elaborate on their role (indicated in the petition) as "managers of community affairs in economic and ritual matters," "boundary players," and informal influencers and decision-makers. If possible, expand the history for the decade of the 1960's provided on pages 175 through 177 of the activities of those who later made up the membership of the American Indian Council. What additional identifications of the group can be provided for the years 1945 to 1970? Identifications should be of a group rather than of individuals. Do these identifications include the settlements outside the valley?

More information and documentation concerning the formation of the Yosemite-Mariposa Intertribal Council and the Miwok/Paiute Tourist Development Association would be appreciated. Please indicate which of the group's members were involved in each of these organizations and submit copies of the organizational documents cited in the petition.

To provide more information on the modern community and the recent history of it, please elaborate on the patterns of visiting and informal contact indicated on pages 210 to 212 and any additional information or documentation of formal or informal gatherings, geographic or social distinctions within the tribe or other features of its social organization.

Can more information be provided concerning participation in various California Indian organizations before 1970? Can you provide more information and documentation about the 1978 grant from the "Indian Health Branch" mentioned on page 184 of the petition?

With regard to membership, please describe in detail how the enrollment process for the petition was implemented. The petition contains two membership lists, one arranged alphabetically by the member's surname, the other numerically by his assigned genealogical number. As presented, these rolls are not sufficient since they essentially contain only the member's name and number. A current and complete list of all living members will

be needed. This list should include, for each member, their full name and current residence address, their assigned genealogical number, as well as their complete date of birth or at least the year of their birth.

We note that a large portion of the young people, who were born between the 1950's and the present time and who are identified in the confidential appendix entitled "Genealogical Chart of Members of the American Indian Council of Mariposa County," were not included on either the alphabetical or the numerical list that were submitted with the petition. The regulations specify that a group submit "a list of all known current members of the group . . ." (see Subsection 83.7(e) of 25 CFR). Such a list is a statement by the group that what has been submitted is an accurate representation of the group's total membership. If the young people who have not been included are considered members of the group, albeit non-voting members, they should be included on the group's membership roll for acknowledgment purposes. All members should, of course, consider themselves to be members since membership in a tribe is a bilateral, political relationship which derives its legal significance and is dependent upon an interaction between the individual and the tribal community.

We cannot over emphasize the importance of submitting a complete membership roll. If recognized, the list submitted for acknowledgment purposes will become the group's base roll for Bureau purposes and, as such, will be binding on the group for some time to come except for minor corrections.

On page 261, in response to criterion 83.7(d), the petition states "A copy of the current By-Laws of the American Indian Council of Mariposa County is attached in Appendix IID, as are the amended criteria for membership." Is the document referred to as the group's "current By-Laws," in fact the document entitled "Bylaws of the American Indian Council of Mariposa County" which is labeled "Draft 1971?" If so, please provide a copy of the minutes of the meeting at which this document was adopted as well as a list of the members who were present and voting or other evidence concerning their adoption. The "amended criteria for membership" referred to as being in Appendix IID were omitted. A copy of the amendment will be needed, as well as minutes of the meeting at which the amendment was adopted and a list of members who were present and voting on its adoption, if these records exist.

Section 3 of Article IV of the 1971 Draft of the group's governing document refers to Associate members. Please submit a complete list of associate members and describe their function in the organization.

Please provide a list of the group's current leaders/officers and a certification of the petition signed by these individuals. This requirement is spelled out in the policy letter of May 16, 1979, a copy which is enclosed. This policy letter can also be found in the "Rules, Regulations and Guidelines for Federal Acknowledgment as an American Indian Tribe" distributed by our office.

In addition, please provide samples of minutes of the American Indian Council of Mariposa County from its founding until the present. We suggest three from each year, including any general membership meetings as well as regular board meetings. Also, please submit a copy of the incorporation papers of the organization.

There are many important documents and rolls cited in the petition that were not included. Of the rolls cited as exhibits on page 294, items II.1.e through II.1.h were not received. The appendix to this letter lists these rolls and other materials cited in

the petition which have been selected because of their importance and because they are not readily available to the Branch. Please provide copies of all the materials cited.

Should you have any questions regarding this letter, or should you need additional clarification regarding the petition evaluation process, write to the Bureau of Indian Affairs, South Interior Building-Room 32, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, Attention: Branch of Acknowledgment and Research. The Acknowledgment staff can be reached by telephone at (202) 343-3568.

Sincerely,

Hazel E. Elbert

Deputy Director, Office of Indian Services

Enclosure

APPENDIX

All newspaper clippings to 1930

AICMC (American Indian Council of Mariposa County)

- 1971 Proposed criteria for Regular Membership, American Indian Council of Mariposa County, Inc. and Application for Regular Membership.

Anonymous

- 1933 Census of the Indians Living in Yosemite Valley, Yosemite National Park Research Library.
- 1935 Indian Village Census, November 19, Yosemite National Park.
- 1973d Yosemite Park Plans "Indian Field Days," The Sierra Star, Oakhurst, July 26.
- 1973f Author Encourages Development of Indian Cultural Center. Mariposa Gazette, November 15.
- 1973g Rhoan Family Carries on Tradition of Acorn Meal Bread. Mariposa Gazette, November 15.
- 1975 Group Urges Preservation of Yosemite Park's Beauty. San Diego Union, May 2.
- 1982 George Rhoan Succumbs at 77. Mariposa Gazette, April 29.

Bates, Craig

- 1975 The History of the Indian People of Mariposa County. Unpublished manuscript in CSRI files.

Bates, Craig D.

- 1982a A Historical View of Southern Sierra Miwok Dance and Ceremony. Ms. in files of the author, bound with Giffort 1915.

Beatty, M. E.

- n.d. Story in unidentified newspaper, year unknown. Information from Chas Leidig, first white boy born in Yosemite Valley. Yosemite National Research Library (relevant portions only).

Bingamon, John A., Dist. Park

- 1956 Indian Village Census, Jan. 20. Yosemite National Park Research Library.
- 1966 The Ahwahneechees: A Story of the Yosemite Indians. Lodi, CA: End Kian Publishing Co. (relevant portions only).

Binnewies, Chief Ranger Robert O., Yosemite National Park

- 1981 Letter to Les James, Chairman, American Indian Council of Mariposa County, Jan. 28. Yosemite National Park Research Library.

Bunnell, Lafayette Houghton, M.D.

- 1911 Discovery of the Yosemite. Golden, Colorado: Outbooks. (Reprinted from Discovery of the Yosemite and the Indian War of 1841 which led to that event, first published in 1880 (relevant portions only).

- During, Henry R., Assistant Chief, Ranger, Yosemite National Park
 1952 Memorandum to Chief Ranger, Census, January 17. Yosemite National Park Research Library.
- 1953 Genealogical Chart, Yosemite Indians. Yosemite National Park Research Library.
- Eastman, Gustave M., Ranger, Yosemite National Park
 1932 Special Report Research Library. 92 - Indian Census. Yosemite National Park Library.
- Ernst, Park Forester Emil F.
 1943 Preliminary Report on the Study of the Meadows of Yosemite Valley for Superintendent Frank A. Kittredge, Yosemite National Park. Yosemite National Park Research Library.
- Ewing, Frank B.
 1944 Indian Village Census, Nov. 28. Yosemite National Park Research Library.
- Falla, Estella
 1911 An Indian Thanksgiving. Manuscript in files of Yosemite National Park Research Library.
- Godfrey, Elizabeth
 1941 Yosemite Indians. Yosemite Natural History Association in cooperation with the National Park Service (3rd edition, 1973) (relevant portions only).
- Hubbard, Doug
 1960 Transcript of Interview with Jack Leidig and William Mayhall, May 12. Yosemite National Park Research Library.
- Hudson, John W., M.D.
 Ca. Ethnographic notes on Miwok and Mono. Archives, Field Museum, Chicago;
 1901- copy in CSRI files.
- Hutchings, Cozy
 n.d. Memoirs. Manuscript in Yosemite National Park Research Library.
- James, Leslie (Les), Chairman, American Indian Council of Mariposa County
 1980a Testimony . . . before the Appropriations Subcommittee on Interior and Related Agencies, May 14. AICMC files.
- Kelsey, C. E.
 1971 Census of Non-Reservation California Indians, 1905-1906. Archaeological Research Facility, Department of Anthropology, University of California, Berkeley (Relevant portions).
- Leidig, Jack, Yosemite Pioneer
 1960 Interview. Transcript of Interview of Leidig by Doug Hubbard, May 12. Yosemite National Park Research Library.
- McSwain, Robert G., Director, Indian Health Service, California Program Office
 1982 Letter to Les James, Chairman, AIC, Oct. 13. AICMC files.

- Martin, Katherine A., Field Nurse, Field Service, Office of Indian Affairs, Sacramento, California.
 1931a Letter to C.G. Thomson, Superintendent Yosemite National Park, June 1. Yosemite National Park Research Library.
- Merriam, C. Hart
 1917a Yosemite Geographic Names. Manuscript in File II, 1917, Bancroft Library?
- Merriam, Lawrence D., Superintendent, YNP
 1953 Memo to Director, National Park Service, July 2. Yosemite National Park Research Library.
- Moe, Lester M.
 1952 Indian Village Census, Jan. 28. Yosemite National Park Research Library.
- Munoz, Jeanne
 1974 California Indians of the Fresno River Reservation: A Preliminary Report. In Archaeological Researches in the Hidden Valley Reservoir Area in Madera County, California in 1974. Compiled and edited by Franklin Fenenga. Report prepared by California State University, Long Beach for US Department of Interior, National Park Services (Portions not previously submitted).
- Presnall, C.C.
 1930 Indian Piture Writing in Yosemite. Yosemite Nature News. Sept. 20, Oct 14.
 1931 Acorn Dance is Re-enacted by Valley Braves. Unidentified newspaper, October 10. Copy in Yosemite National Park Research Library files.
- Preston John C., Superintendent, Yosemite National Park
 1953 Memorandum to Files, Feb. 26. Yosemite National Park Research Library.
 1953 Yosemite Indian Village Housing Policy. Yosemite National Park Research Library.
 1953 Memorandum to Regional Director, Region Four, National Park Service, Feb. 27. Yosemite National Park Research Library.
- Rockville, John G., Field Representative in Charge, Sacramento Indian Agency, Office of Indian Affairs, U.S. Department of the Interior
 1942 Letter to Superintendent Kittredge, Yosemite National Pak, Sept. 5. Yosemite National Park Research Library.
- Rose, Gene
 1974 Powwow: Indians Dedicate New Culture Center. Fresno Bee, June 3.
- Sedergren, Oscar A., Chief Ranger, Yosemite National Park
 1953a Indian Village Census, January 20. Yosemite National Park Research Library.
- Wegner, J.H., Ranger, Yosemite National Park
 1930 Indian Census. Yosemite National Park Library.

Wilson, Oliver

1940 Wilson Family Geneology. Ms. in archives of Nicholas Brocchini.

Wosky, J.M. and C. A. Farwell

1938 Memorandum for the Superintendent, Indian Census, Oct. 6. Yosemite National Park Library.

Yeager, Derr, D., Regional Naturalist, National Park Service

1948 Memorandum for the Regional Director, Region Four, July 19. Box 8, Yosemite National Park Research Library.

cc: ~~Surname~~:440:440B:Mailroom:
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cc: Congressman Tony Coelho
Lowell Bean